

Congressman Dan Newhouse Introduces H.J.Res.60 – A Bill to Block USFWS’ Compensatory Mitigation Policy Utilizing the Congressional Review Act

On December 27, 2016, the U.S. Fish & Wildlife Service (USFWS) released its final Endangered Species Act (ESA) Compensatory Mitigation Policy (CMP). The final CMP is the result of an overreaching memorandum issued by President Obama in November 2015, which established policies that are a significant departure from existing practices regarding compensatory mitigation. This misguided policy memorandum functions as a new regulation and would hinder economic development. USFWS’ final CMP violates the ESA, unilaterally rewrites environmental laws originally passed by Congress, and limits private-sector, voluntary involvement in developing compensatory mitigation plans. Further, it exceeds USFWS’ statutory authority by adopting mitigation goals of “net conservation gain” and “no net loss,” which are not grounded in federal statute. The final CMP fundamentally changes USFWS’ compensatory mitigation requirements, creates substantive new obligations, and expands the jurisdiction of USFWS through interpretations of numerous statutes. This policy will negatively impact industries and activities such as agriculture, forestry, mining, natural resource development, energy production, conservation projects, as well as building and road construction. This overreaching policy will create significant regulatory confusion and hinder job creation and economic growth.

“The U.S. Fish & Wildlife Service’s misguided Compensatory Mitigation Policy stems from an overbroad memorandum issued by President Obama and creates regulatory uncertainty as well as the serious potential of harming economic development,” said **Representative Dan Newhouse**. *“I am sponsoring this legislation to block burdensome rules and maintain legal requirements as written by Congress. My bill would head off this unilateral attempt of the executive branch to stretch its jurisdiction using an unprecedented legal interpretation that was not the intent of Congress.”*

Cosponsors: Reps. Andy Biggs (AZ), Kevin Cramer (ND), Paul Gosar (AZ), Dan Newhouse (WA), Steven Pearce (NM), Amua Amata Coleman Radewagen (AS).

Endorsed by: American Indian Infrastructure Association; Americans for Limited Government; American Petroleum Institute; Arizona Cattlemen's Association; Arizona Cattle Feeders' Association; Arizona Farm Bureau Federation; Arizona Liberty; Arizona Mining Association; AZ BASS Nation; Arizona Pork Council; Bass Federation-AZ; Concerned Citizens for America –Arizona Chapter; La Paz County Stockmen's Association; National Endangered Species Act Reform Coalition; National Water Resources Association; New Mexico Cattle Growers’ Association; New Mexico Federal Lands Council; New Mexico Wool Growers, Inc.; Southern Arizona Cattlemen’s Protective Association; Sulphur Springs Valley Electric Cooperative; Water Resource Institute; Western Energy Alliance; Yavapai Cattle Growers' Association; Yavapai County Board of Supervisors; Montana State Senator Jason Small; Arizona State Representative David Cook.