



Southern California Chapter

The Wildlife Society

November 10, 2020

U.S. Army Corps of Engineers
Attn: CECW-CO-R
441 G Street NW
Washington, DC 20314-1000

RE: Public Comment Period Regarding Proposal to Reissue and Modify Nationwide Permits (Docket Number COE-2020-0002 and/or RIN 0710-AA84)

Thank you for the opportunity to submit comments regarding the proposal to reissue and modify the Army Corps of Engineers Nationwide Permits. We respectfully request that no action be taken to change the existing language for General Condition 19 *Migratory Birds and Bald and Golden Eagles*:

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

The Solicitor's Opinion M-37050 was vacated on August 11, 2020 in Federal District Court (*Nat. Res. Defense Council, et al. v. U.S. Dep't. of the Interior*). Therefore, the Solicitor's Opinion should not be referenced or included in the Nationwide Permit General Conditions and the Army Corps of Engineers should continue to require applications to address all take of migratory birds - both incidental and affirmative.

I am writing on behalf of the Southern California Chapter of The Wildlife Society (wildlife.org/socal), which includes San Diego, Imperial, Orange, San Bernardino, Riverside, Los Angeles, and Ventura Counties and represents professional wildlife managers, biologists, ecologists, botanists, and students devoted to the sustainable conservation of wildlife and

wildlife habitat in the western United States. The Wildlife Society (TWS; wildlife.org) is an international non-profit scientific and educational association, representing over 15,000 wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to ensure that wildlife and habitats are conserved through management actions that take into careful consideration relevant scientific information.

TWS and our membership work to ensure that science plays an active role in policy and regulatory decision-making processes, and this letter's comments provide our expert opinion about the proposal to reissue and modify Nationwide Permits. The Southern California Chapter of The Wildlife Society thanks you for the opportunity to submit comments. Please feel free to contact me (consaffairs.southernatws@gmail.com) should you have any follow up questions regarding these comments.

Sincerely,



Lisa Fields
Conservation Affairs Committee Chair, Southern California Chapter
The Wildlife Society