



Southern California Chapter

The Wildlife Society

June 7, 2021

Public Comments Processing
Attn: FWS–HQ–MB–2018–0090
U.S. Fish and Wildlife Service
MS: JAO/3W
5275 Leesburg Pike
Falls Church, VA 22041–3803

Subject: Comments on the Regulations Governing Take of Migratory Birds; Proposed Rule (FWS-HQ-MB-2018-0090)

Thank you for the opportunity to submit new comments regarding the Final Rule on “Regulations Governing Take of Migratory Birds”. The Southern California Chapter of The Wildlife Society (TWS) supports the United States Fish and Wildlife Service (Service) proposal to revoke the January 7 Rule and publish an amended Record of Decision selecting Alternative B. As presented in our submitted comments for the Draft Environmental Impact Statement (DEIS) and Final Rule Delay of Effective Date, it was inappropriate for the Service to select Alternative A, the most environmentally damaging alternative. We applaud the decision to revoke the January 7 Rule in favor of selecting Alternative B, the environmentally preferable alternative.

Implementation of the January 7 Rule would codify a significant weakening of the Migratory Bird Treaty Act (MBTA), in direct contrast to the intent and letter of the law, the associated treaties, the Service’s mission, and the public’s support for conservation of bird resources. The current proposed rule to revoke this decision is the first step in meeting this need. The analysis presented by the Service in the DEIS lays out a strong argument for revoking the rule, identifying the environmental costs of removing incidental take protections from the MBTA while laying out the benefits of promulgating incidental take protections. Please also reference submitted comments on the DEIS and Final Rule from the Southern California Chapter of the Wildlife Society for our analysis of the environmental and political costs and benefits of the alternatives.

This letter is being submitted 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, law enforcement, and students devoted to the sustainable conservation of wildlife and wildlife habitat in the western United States. The Wildlife Society (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 "Regulations Governing Take of Migratory Birds" Final Rule.

We appreciate the opportunity to offer comments on behalf of the membership of the Southern California Chapter of the Wildlife Society. Following issuance of the amended Notice of Decision selecting Alternative B, we encourage the U.S. Department of Interior to complete the assessment of the alternative described in Section 2.4.1 of the DEIS as Alternative C which included the development of a permitting system. We believe this is the best long-term solution to protecting bird populations while achieving the Service's goal of improving consistency in enforcement of the MBTA. We look forward to continuing our involvement in the process of protecting birds.

Sincerely,



Lisa Fields
President-Elect
Chair, Conservation Affairs Committee