



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
POLICY

July 20, 2020

Dr. Eric L. Kershner
Chief, Branch of Conservation, Permits, and Regulations
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: MB
Falls Church, Virginia 220451-3803

Dear Dr. Kershner:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the U.S. Environmental Protection Agency has reviewed the U.S. Fish and Wildlife Service's draft Environmental Impact Statement (EIS) for the *Regulations Governing Take of Migratory Birds* (CEQ 20200117).

The purpose of this action is to provide an official regulatory definition of the scope of the Migratory Bird Treaty Act (MBTA) as it relates to incidental take of migratory birds to improve consistency in enforcement of the MBTA's prohibitions across the country. The preferred alternative is to develop a regulation in 50 CFR part 10 that defines the scope of the MBTA to exclude incidental take.

We appreciate the opportunity to review this draft EIS and have no comments on the proposed action. We look forward to reviewing the final EIS related to this action. My point of contact for this review is Jonathan Simpson and he can be reached at simpson.jonathan@epa.gov.

Sincerely,

Robert Tomiak
Director
Office of Federal Activities