



California-Nevada Chapter
American Fisheries Society
P. O. Box 7265, Davis, CA, 95617-2653
<https://afs-calneva.org> afs.calneva@gmail.com



September 4, 2020

Public Comments Processing

Attn: **FWS-HQ-ES-2020-0047**

U.S. Fish & Wildlife Service, MS: PRB(3W)

5275 Leesburg Pike, Falls Church, VA 22041-3803.

Transmitted via the Federal eRulemaking Portal

Dear United States Fish and Wildlife Service and National Marine Fisheries Service:

We appreciate the opportunity to comment on the referenced rule making regarding the Endangered Species Act. Given the U.S. Supreme Court ruling, we concur that it is important to include a definition of habitat in the regulations for the Endangered Species Act (ESA).

Section 2(b) of the ESA states: “The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved ...”. Many ESA petitions and listings have identified the loss of useable habitat or access to habitat as the reasons for the decline in species. Therefore, we believe it is important that any definition of habitat within the ESA regulations needs to be broad and flexible enough to account for a wide variety of situations. Such situations may include a species expansion into habitats not currently utilized, through processes such as, but not limited to, colonization from source populations, response to climate change, habitat restoration, and species reintroductions.

We are suggesting using the verb “utilize” instead of “depend” or “use.” The use of “attributes” appears appropriate. We propose the following definition for your consideration:

Habitat: The physical space that individuals of a species utilize or could utilize during various life stages to carry out one or more life processes. These physical spaces have the biological and ecological attributes capable of sustaining the species in one or more life stages. This may include a space in which a species formerly occurred or where it has the potential to occur, and could carry out its life processes in the future. The presence of a species is not required.

The California-Nevada Chapter of the American Fisheries Society was founded in 1966 and includes over 400 fisheries and aquatic science professionals from federal, state, and tribal agencies, colleges and universities, and diverse private employers. Our Chapter is actively engaged in fisheries and conservation activities throughout California and Nevada to advance our profession and the cause of fisheries conservation and management.

Sincerely,

Rob Titus, PhD, President
California-Nevada Chapter
American Fisheries Society