



THE WILDLIFE SOCIETY

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27 March 2012

Chairman John Fleming
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
House Natural Resources Committee
416 Cannon House Office Building
Washington, DC 20515

Honorable Gregorio Killili Camacho Sablan
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
House Natural Resources Committee
425 Cannon House Office Building
Washington, DC 20515

Dear Honorable Members,

The Wildlife Society urges you to oppose the Cormorant Management and Natural Resources Protection Act (HR 3074). This Act is a duplicative effort to the current Environmental Assessment to developed revised regulations governing the management of double-crested cormorants (DCCO, *Phalacrocorax auritus*) open for public comment by the US Fish and Wildlife Service (FWS) and is ineffective at addressing the concerns by stakeholders in relation to DCCO damage management – an objective of the current FWS revised guidelines.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association of over 11,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

Population numbers for DCCOs in both the northern Great Lakes Region and the southeastern United States have substantially increased since the 1970s due to a number of contributing factors including increased federal protections under the Migratory Bird Treaty Act (MBTA), expansion of the aquaculture industry, and elimination of DDT. Once viewed as a conservation success, DCCO numbers have exceeded carrying capacity in some areas of the country resulting in increased occurrences of human-wildlife conflict and impacts to fisheries, particularly in the Great Lakes region. In response to these rapidly increasing populations, FWS adopted two depredation orders, The Aquaculture Depredation Order (1998) and the Public Resource Depredation Order (2003), to assist with control at aquaculture facilities and to protect additional resources such as wildlife, fish and their habitats. Further, FWS issues permits to individuals and agencies to resolve conflicts with DCCOs related to human health and safety and to prevent damages to private property on a case by case basis.

The FWS has a responsibility to oversee and regulate activities taken under both depredation orders and individual depredation permits to ensure the long-term sustainability of DCCOs throughout their range. Additionally, FWS regularly communicates with states and action agencies to minimize management conflicts and to reduce impacts of depredation activities on other migratory birds or non-target species. The FWS recognizes that the current regulations governing management of DCCOs are not perfect and with both depredation orders expiring in 2014 the FWS has a desire to retrofit the current regulations to improve management.

On 8 November 2011 FWS released a *Request for Comments of Migratory Bird Permits; Double-Crested Cormorant Management in the United States* [Docket No. FWS-R9-MB-2011-0033; 91200-1231-9BPP]. The request for public comment aims to “guide the preparation of a Supplemental Environmental Impact Statement or Environmental Assessment on the development of revised regulations governing the management of double-crested cormorants.” Within this notice the following preliminary objectives have been identified:

- (1) to meet FWS’ legal obligations under the MBTA, Bald and Golden Eagle Protection Act, Endangered Species Act, and other Federal laws;
- (2) To minimize conflicts related to DCCO impacts and resultant management actions; and
- (3) To minimize costs of implementing regulations.

In addition to these fundamental objectives, each management alternative will be measured against the following criteria to determine if the fundamental objectives can be met:

- (1) Maintain sustainable DCCO populations;
- (2) Minimize negative impacts to other migratory birds and threatened and endangered species;
- (3) Maximize the ability to manage DCCO conflicts;
- (4) Maximize the social acceptance of DCCO management actions;
- (5) Minimize the cost of implementation by action agencies; and
- (6) Minimize the cost of FWS oversight.

The request for public comment is extremely thorough and aims to achieve objectives above and beyond what has been outlined in HR 3074. Through this request the FWS recognizes increasing impacts from DCCOs and a desire to balance minimization of negative impacts to non-target species while maximizing the ability to manage DCCO conflicts. The revised regulations also strive to balance implementation costs to action agencies and states and oversight costs to FWS – a critical element for consideration during times of fiscal constraint.

The Wildlife Society feels that not only is HR 3074 duplicative to FWS current revision process, it falls short of achieving the desired management objectives, addressing stakeholder concerns, and risks undermining a process designed to maximize public input into the regulatory process. We urge you to reject this legislation and support the current revision process being pursued by FWS. Furthermore, if additional concerns are voiced during the Subcommittee hearing, we encourage those members to work directly with FWS to ensure that their concerns are considered during the final revision of the regulations.

Thank you for considering the views of wildlife professionals. If you need any additional information or have any questions, please contact TWS Assistant Director of Government Affairs Terra Rentz (terra@wildlife.org, 301-987-9770 x309).

Sincerely,

A handwritten signature in black ink that reads "Paul R. Krausman". The signature is written in a cursive style with a long horizontal flourish at the end.

Paul R. Krausman, CWB
President