

**Testimony of Tom Cooper, Chief, Midwest Region Migratory Bird Program,  
U.S. Fish and Wildlife Service, Department of the Interior  
before the House Committee on Natural Resources  
on “Examining Effects of Mismanagement of the Cormorant in the Great Lakes Region”**

**June 11, 2018**

Chairman Westerman, Ranking Member McEachin and Members of the Committee, thank you for the opportunity to appear before you today. I am Tom Cooper, Chief of the Migratory Bird Program for the Midwest Region of the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department).

The double-crested cormorant is a goose-sized diving waterbird native to North America that preys primarily on fish, and is protected under the Migratory Bird Treaty Act (MBTA). Under the MBTA, the Service implements treaties between the United States and four countries (Canada, Mexico, Russia, and Japan) for the protection of shared migratory birds. These four treaties and the subsequent MBTA were enacted in response to the severe decline of many of our shared migratory bird populations due to overharvesting, particularly for the commercial feather and restaurant trade, around the turn of the 20<sup>th</sup> century.

Similar to many other bird populations at that time, the double-crested cormorant’s range and numbers decreased precipitously in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. With some exceptions, cormorant populations have rebounded significantly to a current estimated Central and Eastern United States and Canada population of more than 730,000 individual birds. This increase in double-crested cormorant population has led to an increase in human-cormorant conflicts, including with aquaculture farmers and anglers. The MBTA grants the Service the ability to authorize the lethal control (known as “take”) of problem birds through tools such as individual depredation permits and broader depredation orders.

As a matter of policy, the Department has traditionally supported cormorant control measures, including depredation orders where appropriate, for the take of problem birds. In 1999 and again in 2003, the Service issued regulations to provide relief from cormorant-human conflicts through depredation orders, which allowed for the take of cormorants. However, in May 2016, the U.S. District Court for the District of Columbia remanded the Service’s 2014 Environmental Assessment (EA) and vacated two depredation orders for double-crested cormorants until the Service prepared an adequate EA or Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). The Court ruled that the Service did not update its previous analysis and did not take a “hard look” at the effect of the depredation orders on cormorants and other affected resources (i.e. fish populations) or examine other management alternatives.

The Department strongly supports reinstating methods to lethally control problem birds where evidence supports the need for management. To that end, on November 15, 2017, consistent with the Court's direction, the Service finalized an EA that provides for the issuance of individual depredation permits to lethally control cormorants for health and human safety risks, to minimize damage to aquaculture facilities, reduce impacts to federally-listed threatened or endangered species, and minimize damage to property, while ensuring the long-term health of the cormorant population.

That EA did not address potential damage to free-swimming wild fish due to a lack of readily available scientific information on the impacts to fish populations and commercial and recreational fishing. However, the Service is working with state fish and wildlife agencies, tribes and other stakeholders to review the science and available data to better understand those impacts. This process is expected to take less than one year. It will include identifying the monitoring needs necessary to address the issue and gathering better scientific information that could be used in the NEPA review and decision-making process.

As part of our collaboration with the State of Michigan, other affected states, academic institutions, and various key stakeholders, the Service plans to hold 4-5 regional scoping and information gathering roundtables to inventory and collect the existing data and scientific information that may be available. We will use that information to inform possible future management actions and the associated NEPA review.

Concurrently with our state-level engagement, we have been working closely with the Committee, Chairman Westerman's office, Rep. Bergman's office, and other interested congressional offices by providing briefings and status updates, and answering questions that have arisen during this process. We appreciate their engagement and patience while we complete the scientific assessment of the effects of cormorants on free-swimming wild fish and examine lethal control options for cormorant populations.

Until this evaluation and potential NEPA review process is complete, the Department supports legislation authorizing the take of problem birds through a temporary, short-term reinstatement of the depredation orders found at CFR 21.47 and 21.48, while ensuring that the long-term health of cormorant populations will be properly considered through a complete scientific review and rulemaking. The Department supports the bill introduced by Congressman Bergman (H.R. 4429) as well as the bill introduced by Chairman Westerman and Congressman Crawford (H.R. 368) to address this issue, and we would like to continue working with those Members and the Committee to draft language to fully accomplish that objective.

Chairman Westerman and Ranking Member McEachin, I appreciate the opportunity to testify on behalf of the Department on this issue and look forward to answering any questions that you might have. Thank you.