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STATEMENT BY THE HONORABLE WAYNE T. GILCHREST CHAIRMAN, SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

AT THE HEARING ON H. R. 3320: AMERICAN AQUACULTURE AND FISHERY RESOURCES
PROTECTION ACT: JUNE 24, 2004.

Good morning, today, the Subcommittee will hear testimony on H.R. 3320, the American Aquaculture and Fishery Resources Protection Act, introduced by Representative Mike Eoss. In the letter requesting a hearing on this bill, the author refers to the growing problem of double-crested cormorants and their adverse economic impact on aquaculture facilities.

Currently, the U.S. Fish and Wildlife Service is the federal authority responsible for implementing the Migratory Bird Treaty Act of 1918. Depredation permits for birds covered under the Act are approved by the U.S. Fish and Wildlife Service, often through the National Environmental Policy Act of 1969 process, either through an environmental assessment or an environmental impact statement. The Fish and Wildlife Service is the agency with the scientific expertise and historic oversight over fish and wildlife conservation and management issues at the national level.

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service implements depredation permits authorized through the U.S. Fish and Wildlife Service for nuisance bird species covered under the MBTA, including cormorants. The USDA is also responsible for regulating aquaculture facilities.

HR. 3320 will make a number of significant changes in the management of not only cormorants but all migratory birds. This bill would exempt all migratory bird activities from the National Environmental Policy Act of 1969, despite the fact that the Department of Agriculture has not sought such a change. This bill also removes the Fish and Wildlife Service from any future management of migratory birds and replaces them with the USDA Animal and Plant Health Inspection Service.

The Fish and Wildlife Service has been managing migratory birds for nearly a century, while APHIS lacks the expertise, experience and financial resources to adequately manage cormorants or any of the other 800 species protected under the Migratory Bird Treaty Act of 1918. Its expertise, in this issue, is limited to the control of nuisance birds when the impact of such control on the national population of protected species has been assessed by the USFWS.

While the national population of this native colonial waterbird has substantially increased, the U.S. Fish and Wildlife Service has proactively implemented regulations to manage it. In October of last year, the Service promulgated a new rule that not only allows the lethal taking of cormorants, without a federal permit, but also allows federal officials to conduct winter roost control to prevent cormorant depredation at commercial aquaculture farms. My understanding is that this rule was the direct result of nearly four years of careful scientific analysis, 21 public hearings, thousands of comments and the development of a comprehensive environmental impact statement.

I am looking forward to hearing testimony about this bill, and in particular the problem it addresses and the weaknesses within the current MBTA depredation permit process. I am eager to learn how this bill will eliminate those weaknesses.

I am now pleased to recognize the Ranking Democratic Member of the Subcommittee, the gentleman from New Jersey, Congressman Frank Pallone.