

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

**STATEMENT OF
REPRESENTATIVE JOHN M. McHUGH
House Committee on Resources' Subcommittee on Fisheries Conservation,
Wildlife and Oceans
May 11, 2000**

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to speak to you today concerning my legislation, H.R. 3118, as well as the larger question of the problems being caused by the unregulated cormorant population and the need for an effective nationwide management strategy.

The timing of this hearing is impeccable, Mr. Chairman. Just last night in Watertown, New York, in my New York 24th Congressional District, the U.S. Fish and Wildlife Service held another in a series of scoping sessions taking place across the nation as part of the development of an environmental impact statement and national management plan for the double-crested cormorant. And tonight, there will be another session in Syracuse, New York.

Let me state at the outset: The problems caused by the exploding double-crested cormorant population are not restricted to parts of my New York 24th Congressional District. The presence of Representatives Peterson and Dickey and their testimonies attest to the problems they and their respective constituents face in Minnesota and Arkansas. What was once the case many years ago when the double-crested cormorant was near extinction is no longer. Rather, the pendulum has swung dramatically to the other extreme: the bird has rebounded with a vengeance and is out of control. In fact, with each passing day it becomes ever more apparent that the double-crested cormorant is a problem calling for a nationwide solution. As my colleagues will testify, the circumstances may vary, but the end result is the same: environmental damage, economic loss and angry and frustrated taxpayers.

In this regard, I welcome the Fish and Wildlife Service's decision to proceed with the development of an environmental impact statement and national management plan for the bird. That having been said, why go forward with H.R. 3118? Quite simply, Mr. Chairman, the legislation I introduced with Representative Peterson from Minnesota was a shot across the Fish and Wildlife Service's bow. It was -- and remains -- a plea for the agency to finally take action on a bird wreaking havoc on large parts of the nation.

How did I arrive at this point? For almost a decade, a handful of my constituents have been fighting a frustrating battle with the Fish and Wildlife Service and, until recently, the State's Department of Environmental Conservation (DEC), in an attempt to draw attention to the devastation being caused by the cormorant to the sport fishery in the eastern Lake Ontario basin. Primarily fishing guides and small businessmen and women whose livelihoods are tied to the sport fishing industry in one of the prime recreational fishing spots in the country, they were witness to the insidious onslaught of this flying eating

machine. On the other side of my 24th Congressional District, on Lake Champlain, the cormorant is rapidly becoming an object of concern. While certainly not of the magnitude found in eastern Lake Ontario, their numbers are increasing and concerns are growing.

After my election to Congress in 1992, I joined this struggle. Year after year we attempted to convince the powers that be that there was a problem being caused by the exploding cormorant population. And year after year our pleas fell on deaf ears. Yes, there were the usual platitudes from government officials and the boilerplate responses to our inquiries. But, in the final analysis, nothing was done and nothing changed with the exception of one factor: each year brought more and more cormorants to the eastern Lake Ontario basin, and each year the fishing guides noted another drop in their catches.

In fact, as a result of the depletion of the smallmouth bass population in the eastern Lake Ontario basin, the State DEC is proposing to delay the opening of next year's bass fishing season by one week in an effort to help restore the fish population. This would not warrant much attention except for the fact the State's proposal is directed only at the eastern Lake Ontario/St. Lawrence River basin; bass season can commence elsewhere in the state at the normal time, the third week in June. The economic losses from this decision could be staggering to a region so dependent upon the tourism/recreation industry of which sport fishing is a major factor. And what is causing this depletion of the smallmouth bass population? I am sure there may be several factors, but flying high above them all is the double-crested cormorant and its voracious appetite. And do not for a moment think that the smallmouth bass population will recover overnight. After a concerted decade-long assault by the cormorant, even with a management plan, the sport fishery recovery will take time. In fact, I fear some components of the North Country economy dependent upon the sport fishing industry have suffered fatal wounds.

Further adding to the urgency for an effective cormorant management strategy are recent findings based on studies done on Little Galloo Island, one of the largest cormorant nesting colonies in Lake Ontario, and certainly the largest on the American side of the border, of potentially harmful levels of toxic chemicals, to include PCBs (polychlorinated biphenyls), DDE (a residual of the chemical DDT) and mercury from their guano and carcasses. So, in addition to depleting the sport fishery of the eastern basin, there is now evidence the cormorants are a direct threat to human health and the surrounding environment.

Finally, in 1998, the State DEC saw the light and, in cooperation with the U.S. Geological Survey's Biological Resources Division, initiated a comprehensive diet study of the bird in the eastern Lake Ontario basin. The results were surprising to some, but not to those of us who have been involved in this battle over the years. In short, the State's research concluded that double-crested cormorant predation on smallmouth bass and other warm water fish in the eastern basin of Lake Ontario is excessive. DEC was further able to demonstrate that angling quality for smallmouth bass had deteriorated in the eastern basin while it remained unchanged or improved in other areas of Lake Ontario that were outside the feeding range of eastern basin double-crested cormorants.

Throughout this debate, the Fish and Wildlife Service has consistently maintained that until a bonafide scientific study was presented demonstrating a link between cormorant feeding habits and fish depredation, it was reluctant to take any action to address the threat posed by the birds. The Service's Northeast Region office's deputy director called the DEC study "very important and useful." The deputy director further stated that the studies were the "first provided to the agency suggesting any significant effects in open waters of cormorant predation on a sportfish species." With the release of the report, the Fish and Wildlife Service was compelled to act - to a point.

With this documentation, the Fish and Wildlife Service permitted the State to initiate an oiling campaign on the island serving as the largest nesting colony in the eastern Lake Ontario basin. But, once again, when presented with a request by the State to implement an aggressive management program, the Fish and Wildlife Service demurred.

So, with this as a backdrop and in the absence of any indication the Service was serious about addressing the cormorant problem, Rep. Peterson and I decided to forge ahead in the drafting and introduction of this legislation. Quite simply, our intention was -- and is -- to send a message to the Fish and Wildlife Service: We are committed to bringing this problem under control - with or without their assistance.

I am sure there are those who ask if our legislation is still pertinent in the face of the Service's decision to proceed with the preparation of an environmental impact statement and national management plan. Based on my past experience with the Fish and Wildlife Service, I can only say: I'll believe it when I see it. In the meantime, H.R. 3118 is shocking in its simplicity: it merely directs the Secretary of the Interior to issue regulations authorizing states to establish hunting seasons for double-crested cormorants.

Yet, this bill, as well as the concept of implementing any type of an aggressive management strategy, has sparked a wave of opposition and I am called an "extremist." But for year after year as the cormorants proceeded to decimate the sport fishery in eastern Lake Ontario, I don't recall hearing any outcry from these same groups about the environmental damage being caused by the cormorant and the economic woes befalling my constituents and the economies they support. If I may be permitted to paraphrase and borrow from former

British Prime Minister Margaret Thatcher, when her political adversaries accused her of being "reactionary", she is said to have responded, "Well, there's a lot to react against!" To those who believe this legislation is "extreme," I can only say this: There's a lot to be extreme about!

While there are those involved in this issue across the nation who subscribe to a management philosophy best embodied by the t-shirt slogan of "kill'em all and let God sort them out," I only ask that the pendulum be moved back to the center and a balance reached between man and bird. Given the current cormorant population, that balance can only be achieved by a realistic, robust management strategy.

And until there exists a viable and robust management strategy, I intend to pursue measures to control the double-crested cormorant with diligence. H.R. 3118 is but one arrow in our quiver.

I urge the Subcommittee exercise its oversight authority of the Department of the Interior to ensure that the Fish and Wildlife Service implement a realistic and robust cormorant management strategy at the earliest opportunity.

Thank you.

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