

Submitted Electronically via eRulemaking Portal

The is a Comment on the **Fish and Wildlife Service (FWS)** Proposed Rule: **Migratory Bird Permits: Management of Conflicts Associated with Double-Crested Cormorants (Phalacrocorax auritus) Throughout the United States**

For related information, [Open Docket Folder](#)

Comment

The attached letter is submitted on behalf of the Central Flyway Council in response to the Federal Register Docket # FWS-HQ-MB-2019-0103-1411.

Attachments (1)

[Central Flyway_DCCO Permit FR Letter_7-20-2020_final_executed](#)

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Central Flyway Council

Alberta Kansas Nebraska North Dakota Oklahoma South Dakota Wyoming
Colorado Montana New Mexico Northwest Territories Saskatchewan Texas



<https://centralflyway.org>

July 14, 2020

Public Comments Processing
Attn: FWS–HQ–MB–2019–0103
U.S. Fish and Wildlife Service
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5275 Leesburg Pike
Falls Church, VA 22041–3803

RE: Federal Register Notice of Proposed Rule: Migratory Bird Permits - Management of Conflicts Associated with Double-Crested Cormorants Throughout the United States

To Whom It May Concern:

This letter conveys comments from the Central Flyway Council regarding the draft proposed rule and the draft Environmental Impact Statement (DEIS) to address the management of conflicts associated with Double-crested Cormorants (*Phalacrocorax auritus*; DCCO) throughout the United States published in the Federal Register on 5 June 2020 (Docket No. FWS–HQ–MB–2019–0103; FF09M29000–201–FXMB1232090000; RIN 1018–BE67). We appreciate the earlier opportunities to provide our input into the draft environmental review and rulemaking proposal, and we believe that many of our concerns and suggestions have been considered. We support this draft proposed rule that would create a new permit for state wildlife agencies and federally recognized tribes because it will provide greater flexibility to address conflicts between DCCO and fisheries resources.

We have considered all of the alternatives that were evaluated in the DEIS. Each of the four action alternatives provides some level of opportunity to address conflicts between DCCO and fisheries resources; however, our preferred alternative is Alternative A, which is also the proposed rule, that would create a new permit specific to state wildlife agencies and federally recognized tribes. We believe that this will provide greater flexibility to the fish and wildlife management community to address a wide range of conflicts associated with DCCO, and it will focus efforts to control conflicts in the geographic areas where these conflicts are most serious.

The Central Flyway Council is a coalition of 10 states, two Canadian provinces and one Canadian territory that works in conjunction with the federal government to manage migratory birds and their habitats throughout a large sector of North America. Conservation programs for migratory birds, particularly waterfowl, in mid-America are delivered by Central Flyway Council states in cooperation with federal agencies and nongovernmental partners. Recreational use of migratory birds, including waterfowl, is enjoyed by more than 27 million people and generates more than \$19.5 billion annually of total economic output in the United States.

We must emphasize, however, our continued position that this permit must be optional for states and tribes because states and tribes do not have the same financial and personnel resources to implement equally the range of actions that could be addressed through a permit. States and tribes must continue to have access to the option of applying for specific depredation permits if that is a better solution for them. With that said, we fully support that the proposed new permit will be available to all states, regardless of their past inclusion or participation in the former depredation orders. Additionally, we recommend authorization of 5-year state and tribal permits with annual reporting requirements to provide the U.S. Fish and Wildlife Service (Service) with timely data regarding take, while reducing the Service's staff time needed to process annual permit renewals.

The new permit would address conflicts related to wild and publicly stocked fish by state agencies or tribes; human health and safety; state- or tribal-owned property and assets; and threatened and endangered species (listed under the Endangered Species Act of 1973, as amended, or identified in state- or tribal-specific legislation as threatened or endangered). We recommend the final language also include conflicts related to Species of Greatest Conservation Need as identified in State Wildlife Action Plans.

We have several comments specific to portions of the DEIS that we believe need correction or clarification. Table 7. attempts to summarize angler interest in popular sport fish resources; however, these data are rough estimates often based upon an incomplete geographic assessment. The numbers for walleye, sauger, salmon and steelhead appear to be based only on the Great Lakes Region and therefore, underestimate the importance of these resources to the angling public. Similarly, Table 8. provides a summary only of the fish produced within the national hatchery system and does not account for production in state and private hatcheries. Our concern is that this underestimates the importance of other hatchery facilities and the seriousness of DCCO depredation therein.

With respect to monitoring, we are supportive of the proposed numerical limits of take assigned to each of the DCCO populations, and we recommend that the four administrative flyways provide recommendations to the Service on reasonable take allocation among states and flyways. The flyway process also can be used to notify the Service of which states within each flyway will be participating in the new permit. We believe that these proposed population-level limits are sufficiently conservative that they will not adversely impact the sustainability of each DCCO population, and therefore the effort needed to monitor the impact of the new permit on DCCO should be minor. We would oppose the development of an extensive, DCCO-specific monitoring program because we believe it would be an unnecessary use of resources. Increasing the reporting requirements and intensive monitoring of DCCO populations would be difficult for many state wildlife agencies, given limited personnel and budget constraints. We recommend annual reporting of the control activities conducted under each permit, similar to what was required in the past, and a periodic DCCO population assessment at a decadal interval, which should be sufficient for a long-lived species with relatively robust productivity. We encourage you to explore the efficacy of existing monitoring programs, such as the Breeding Bird Survey and the Christmas Bird Count network, as well as the global eBird database, to provide a reliable index of cormorant population trends at the regional scale between periodic population assessments. The network of Christmas Bird Counts in particular is extensive across the

southern quarter of the United States where the majority of DCCO winter, and hundreds of thousands of DCCO are observed annually during these surveys. We also recommend that the Service summarize take activities and provide this information to the four administrative flyways annually.

The Central Flyway has been invested in the issues surrounding DCCO conflicts with other fish and wildlife resources for many decades, which culminated in the development of the 2013 document titled *Review and Recommendations for Double-crested Cormorant Management in the Central Flyway*. We believe the basic strategies identified by the Central Flyway in the 2013 document are still valid in 2020, and the proposed new permit for States and Tribes is consistent with these and the document's overall vision:

"The vision for DCCO management in the Central Flyway is a system that provides state wildlife agencies reasonable access to tools that successfully address specific impacts of DCCOs to natural resources ... The goal is to minimize negative ecological, economic, and social impacts attributed to increased Double-crested Cormorant abundance in the Central Flyway, while assuring that DCCOs continue to be self-sustaining. This document was prepared largely as a result of conflicts with fisheries resources and is not intended to justify elimination of all DCCO colonies or population reduction of DCCOs. Each situation should be evaluated responsibly to weigh the benefits of DCCO removal with the ecological and aesthetic values of wildlife species."

The Central Flyway Council appreciates the opportunity to provide these comments and we look forward to continuing to work with the Service on our shared responsibilities of protecting, conserving, and managing migratory bird resources for public benefit.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Shaw".

Jerry Shaw, Chair
Central Flyway Council

cc: National Flyway Council
Mississippi Flyway Council
Atlantic Flyway Council
Pacific Flyway Council