



**IDAHO DEPARTMENT OF FISH AND GAME**

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Brad Little / Governor  
Ed Schriever / Director

July 20, 2020

Public Comments Processing  
Attn: FWS-HQ-MB-2019-0103  
U.S. Fish and Wildlife Service Headquarters  
MS: PRB (JAO/3W), 5275 Leesburg Pike,  
Falls Church, VA 22041-3803

Re: Comment on Docket No. FWS-HQ-MB-2019-0103; FF09M29000-201-FXMB1232090000 regarding the proposed rule for the management of conflicts associated with double-crested cormorants throughout the United States

The Idaho Department of Fish and Game (IDFG) appreciates the opportunity to provide comments to the U.S. Fish and Wildlife Service (Service) on the proposed rule to expand management options for double-crested cormorants (DCCO) throughout the U.S. to address conflicts with wild and stocked fisheries resources. For the western population of DCCO, management actions including lethal take have largely been confined to the lower Columbia River to address well-documented predation conflicts with ESA-listed anadromous fish stocks. To date, lethal take on the Columbia River has been authorized through site-specific, case-by-case depredation permits issued by the Service. Because Idaho's salmon and steelhead stocks migrate through the lower Columbia River, and because DCCO predation has been shown to be a significant source of mortality for anadromous smolts, IDFG supports efforts that provide more flexibility to state and tribal fish and wildlife managers in addressing these conflicts.

Additionally, IDFG has documented considerable impacts from DCCO predation on public fisheries within the state, particularly across southern Idaho where stocked trout and wild non-native fishes provide the majority of angling opportunity for the Idaho public. The current regulatory framework for depredation permits provides little opportunity for states to implement practical and effective strategies to reduce predation conflicts in public sport fisheries that occur at such a broad geographic scale. We appreciate the Service advancing a proposed rule that recognizes and responsibly addresses these fisheries conflicts while also ensuring long-term conservation of DCCO in the Pacific Flyway.

IDFG is supportive of the proposal to provide a new permit option under CFR part 21 (Special Double Crested Cormorant Permit) to State and Tribal wildlife agencies. This option was identified as Alternative A in the Draft Environmental Impact Statement (DEIS). Such a permit would largely meet the needs of the state; however, as noted in IDFG comments on the Advanced Notice [Docket No. FWS-HQ-MB-2019-0103], we advocate for a proposed rule that includes an Aquaculture Depredation Order consistent with Alternative C in the draft EIS. Re-issuance of an Aquaculture Depredation Order to include western populations would provide

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both administrative relief and efficient control of DCCO where necessary at commercial and state- and tribal- owned aquaculture facilities. Furthermore, Table 15 (p. 78-9) of the DEIS indicates that Alternatives A and C will have similar environmental consequences. We recognize that some entities have expressed concern that an Aquaculture Depredation Order may result in additional take and reduce the take available to States/Tribes under the proposed permit. However, we respectfully remind the Service that the proposed methods for establishing Potential Take Level (PTL) are intentionally conservative and represent a considerable buffer to ensure overall take does not represent a risk to long-term DCCO conservation. For western populations, we would expect total take related to aquaculture depredations to be minimal relative even to current take associated with the Columbia River. Given the apparent low risk and the advantage of reduced administrative burden for both the Service and aquaculture operators, IDFG recommends inclusion of an Aquaculture Depredation Order in the final rule.

While IDFG supports the proposed State/Tribal permit system, we do have some concerns regarding the criteria and conditions under which such permits would be available. For example, the Proposed Rule indicates “States and Tribes must use nonlethal methods, and determine that those methods are ineffective, before lethally taking double-crested cormorants”. Idaho’s conflicts between DCCO and recreational fisheries occur across a broad geographic area and multiple fisheries in the southern half of the state. It will be impractical to implement and evaluate the effectiveness of nonlethal hazing at each conflict location. Furthermore, we believe there is a growing body of evidence for a variety of avian predators that even intensive hazing is not effective or efficient at resolving conflicts unless some level of lethal take is included to enhance effectiveness of nonlethal methods.

Because the PTL associated with this permit will be conservative and subject to periodic adjustment, cumulative take will remain well below thresholds that might place DCCO at risk. Consequently, we encourage the Service to develop a final rule that relies primarily on States/Tribes to identify DCCO conflicts and to develop and implement management actions to address those conflicts, including authorized lethal take.

IDFG also notes that the preliminary PTL determinations for the five coterminous populations appear to have been derived using empirical DCCO population growth data from only the Great Lakes region. This approach likely leads to an overestimate of PTL for the western population. Because PTL is such a critical component of the proposed rule and future permit allocations, and because such prescribed take limits are likely to be contentious, it is extremely important that the Service use regionally appropriate DCCO population data where available to inform PTL modeling. We suggest the Service revisit the PTL analysis and apply this regional approach, and include revised estimates of PTL in the final rule.

As indicated in the Proposed Rule and DEIS, monitoring DCCO take and population status is key to understanding the consequences of authorized lethal take at local, state, regional, and national scales. Monitoring is also necessary for periodically adjusting PTL when necessary to ensure long-term conservation of DCCO. We recommend the Service include in the final rule a more specific timeline to develop and implement robust and defensible DCCO monitoring plans for each of the five U.S. populations as well as an approach for monitoring take and informing PTL and take allocations to permittees. This should be a collaborative effort with existing flyway

technical committees, leadership from the Service, and input from both fisheries and wildlife scientists.

In closing, the Idaho Department of Fish and Game commends the Service for engaging with stakeholders on this issue, and for acknowledging the significance of DCCO conflicts with public fisheries resources in Idaho and elsewhere. We look forward to a final rule which allows the states and co-managers to partner with the Service in addressing those conflicts through responsible management and conservation actions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Schriever', with a stylized, cursive script.

Ed Schriever  
Director