

LEECH LAKE BODRM 07132020

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

See attached

Attachments (1)

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Submitter Information

Submitter Name:

Rich Robinson

City:

Cass Lake

Country:

United States

State or Province:

MN

ZIP/Postal Code:

56633

Organization Name:

Leech Lake Band of Ojibwe

Government Agency Type:

Tribal



LEECH LAKE BAND OF OJIBWE
DIVISION OF RESOURCES MANAGEMENT

190 Sailstar Dr. NW, Cass Lake, MN 56633

July 6, 2020

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Div. of Policy, Perf. &
MGMT. Programs

Dear Double-crested Cormorant Review,

Outline below you will find our comments on the proposal to establish a new permit process for the management of double-crested cormorants (DCCO). The Division of Resources Management is the natural resources management branch of the Leech Lake Band of Ojibwe and we have been monitoring and managing DCCO on our lands and waters in Leech Lake since 1992. This has been the location of the largest management effort in Minnesota so we have a great deal of experience with DCCO conflict and management.

Items that we feel need refinement in the document include the following:

In a number of locations throughout the document there is reference to the taking of cormorants when they are doing damage to fish populations. **There is little guidance as to how to quantify damages, and at what threshold control could accrue.** We are well aware that this is not always easy to assess, but working with the MN Department of Natural Resources (DNR), FWS, and University of Minnesota we were able to come up with defensible numbers that have not only protected fish populations in Leech Lake, but maintained a large population of cormorants, as well as, co-nesting species. **Without having some reasonable standards to address this issue you are likely to face further litigation.**

On page 34580 under History of Management and Conflicts it states that "Cormorants also are found in some human-modified environments including airport airfields and aquaculture ponds." DCCO are an aquatic species and rarely found far from water. Is there really an issue at airports?

Also on page 34580, second column, first full paragraph is states that "The increase in cormorant abundance across areas of North American and subsequent range expansion of cormorants has been well documented---". This statement is probably true if you only consider numbers since the 1950s or so when numbers were low due to persecution and pesticide induced declines. Historically, at least in Minnesota, information would indicate that DCCO were more widespread and more abundant than currently. We think further research on this topic is needed.

Page 34582, first column, last sentence states "4. Anyone undertaking lethal control with a firearm must use nontoxic shot or nontoxic bullets (50 CFR 20.24)." Although we are all for reducing the amount of lead in the environment you will be reducing agency ability of effectively and humanly managing cormorants when

rimfire firearms are used. When .22 caliber rimfires are used for cormorant management they are used with silencer equipped (suppressed) firearms. Currently there is only one manufacture that is making a non-toxic composite copper bullet for .22s and due to the light weight of the bullet it has a muzzle velocity of about 1800 feet per second (FPS). Contrary to what you see on TV suppressors are only effective at velocities below the speed of sound or about 1125 FPS. There is also complaints that these copper composite bullets are not very accurate at extended ranges that is probably a result of a mismatched barrel twist rate to bullet weight and dimensions. Inaccuracy will result in more inhumane kills. With a limited market for subsonic ammunition it is unknown if any manufactures will come up with a suitable non-toxic alternative for rimfire firearms. Incidentally, there are non-toxic pellets for air rifles, but we cannot attest to their effectiveness or accuracy.

We are fine with mandating non-toxic shoot for shotguns as it is readily available, but suggest that for firearms and air rifles the wording be changed to something like this: "Rimfire and air rifles will be able to continue to utilize regular ammunition until such time as suitable nontoxic alternatives are developed". Also, 50 CFR 20.24 refers to migratory game birds; cormorants are migratory, but not game birds so it is questionable if this applies to them.

Page 34582, second column, first full sentence reads "5. Individuals conducting lethal control may not use decoys, calls, or other devices or bait to lure birds within gun range." We contract with USDA Wildlife Services (WS) to do our control work and I know they have tried decoys. I don't think they were very effective in our situation, but also don't think we should limit these or other options mentioned in this sentence as it would reduce the efficiency and humanness of control operations.

Page 34582, second column, number 7 talks about disposal of cormorants and eggs taken under control efforts. You should also include that tribal members enrolled in a federally recognized tribe can request and obtain cormorant feathers from culled bird for traditional uses. This would be in keeping with Indian Religious Freedom Act and current policy for eagle and other migratory bird feathers. There are some tribes where cormorants are a clan totem. We have only had one request for cormorant feathers at Leech Lake so requests are likely to be very limited.

We appreciate your review and response to our comments. If you have further questions feel free to contact our Wildlife Biologists for more details.

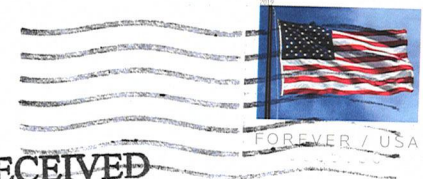
Sincerely,



Rich Robinson, Director
Division of Resources Management
Leech Lake Band of Ojibwe
190 Sailstar Dr. NW
Cass Lake, MN 56633



Leech Lake Band of Ojibwe
190 SAILSTAR DRIVE N.E.
CASS LAKE, MINNESOTA 56633



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