

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

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Public Comments Processing
Attn: FWS-HQ-MB-2019-0103
U.S. Fish and Wildlife Service
MS: PRB (JAO/3W)
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:

The North Dakota Game and Fish Department (Department) is pleased the U.S. Fish and Wildlife Service (Service) has proposed a rule and draft Environmental Impact Statement (DEIS) to expand management of Double-crested Cormorants (*Phalacrocorax auratus*; DCCO) throughout the United States. The Department supports Alternative A, the preferred alternative of the DEIS because it will address conflicts between DCCO and publicly stocked fisheries, the primary resource concern in North Dakota. Furthermore, the 13 conditions/restrictions for the special DCCO permit as outlined in the proposed rule are reasonable and will allow for States more flexibility to address conflicts while minimizing impacts to other species.

North Dakota is a member of the Central Flyway Council and fully endorses their letter for management for Double-crested Cormorants. We reiterate several points from the Central Flyway letter:

- The new permit must be optional because not all States or Tribes have the same financial and personnel resources to implement equally the range of actions that could be addressed through a permit. States or Tribes must continue to have access to the option of applying for specific depredation permits if that is a better solution for them. However, we fully support the proposed new permit be available to all States, regardless of their past inclusion or participation in the former depredation orders.
- We recommend the State or Tribal permits be authorized as 5-year permits with annual reporting requirements so as to provide the 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.

- 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 flyways can also notify the Service of which states within each flyway will be participating in the new permitting process. 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 already limited 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 relative robust reproductivity.
- Specific to the DEIS, the following needs correction or clarification. Table 7 attempts to summarize angler interest in popular sport fish resources; however, these data are rough estimates and often the estimates are 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 hatchery facilities and seriousness of DCCO depredation therein.

We appreciate the opportunity to comment on this proposed rule. We are encouraged this new special permit for states will establish a fair and equitable process where the Department could address DCCO conflicts at the scope and scale needed to reduce and resolve conflicts in North Dakota.

Sincerely,

A handwritten signature in dark ink, reading "Terry Steinwand". The signature is written in a cursive, flowing style with a large, prominent "T" and "S".

Terry Steinwand
Director