



Ohio Department of Natural Resources

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Ohio Department of Natural Resources, Division of Wildlife Comments on Proposed Rule Changes for Double-crested Cormorant Management July 17, 2020

Title: Migratory Bird Permits; Management of Double-Crested Cormorants (*Phalacrocorax auritus*) Throughout the United States

Electronically Submit to the Federal eRulemaking Portal: <http://www.regulations.gov>, following the instructions for submitting comments to Docket No. FWS-HQ-MB-2019-0103.

The Ohio Department of Natural Resources, Division of Wildlife (ODW) thanks the Department of Interior and US Fish & Wildlife Service for the opportunity to comment on proposed rule changes for management of Double-crested Cormorants. We have reviewed the rules summary and draft Environmental Impact Statement and offer these comments.

We appreciate the role and responsibilities of the US Fish & Wildlife Service (USFWS) to determine the maximum lethal take that can occur to minimize damage and conflicts while maintaining a sustainable cormorant population. In addition, we applaud the desire for a long-term, coordinated approach to do so while complying with the Migratory Bird Treaty Act (MBTA) and minimizing the regulatory burden on federal, tribal, and state agencies and individual citizens. Key outcomes identified in the August 2018 workshops that particularly resonate with Ohio are: 1) reduction of predation-related losses of stocks at aquaculture facilities; 2) reduction of predation-related losses of wild and publicly stocked fisheries; 3) reduction of adverse effects by cormorants on habitats important to bird species of concern through habitat destruction, exclusion, and/or nest competition; and, 4) increasing flexibility to federal, tribal, and state agencies to address spatial complexity of conflicts.

Management Alternative Preferences. The ODW prefers Alternative A among the five alternatives presented. We view Alternative D as a second preference, Alternative C as a third preference, and Alternative E (*No Action, current process*) as unacceptable. Alternative A, *Special Permit for States and Tribes*, affords opportunities to reduce populations but includes specific federal oversight that ensures sound reporting and control. It authorizes states and tribal agencies to conduct lethal take within their jurisdictions through the special permits, allows those which do not choose to obtain the special permit to apply for depredation permits, and continues to allow commercial aquaculture facilities to do likewise.

Alternative C, *Combination of a Special Permit for States and Tribes and a New Aquaculture Depredation Order*, broadens leeway for private entities by allowing the special permit to natural

resource agencies and private entities. We are uncomfortable with the loss of control, and potential reduced accountability, of this alternative as compared to Alternatives A or D.

Monitoring and Reporting Requirements. Central to Alternatives A, D, and C are USFWS efforts to monitor take to avoid exceeding pre-determined thresholds and assessing the effects of lethal take on cormorant sustainability. This process should ensure that tribes, state agencies, and individual citizens can provide data and contribution to dialog and process associated with annual take levels. The recommended 5-year status report should be sufficient for monitoring purposes. We commend recognition of the importance of these components.

Potential Take Limit (PTL). Application of the PTL should focus on the purpose, “*the maximum lethal take that can occur to minimize damage and conflicts while maintaining a sustainable cormorant population.*” It is an important distinction that the goal is not a sustainable level of cormorant take; rather, it is to maintain a minimal sustainable level of cormorant populations. Science-based modeling directs toward the use of the median value as a potential maximum take, indicating a need for annual removal of 163,219 cormorants each year. This should be viewed as a target rather than a cap. However, the USFWS conservatively recommends allowing take of only up to the lower 20% of the distribution of the PTL each year (123,157 cormorants), then distributes the take by region. Reduced control at these lower take levels will result in a continuously expanding, as opposed to sustainable, population. It is likely to increase long-term management costs and the need for continual recalibration of the PTL as management agencies constantly play catch up to afford control, thereby potentially risking a loss of control. There did not appear to be justification or rationale as to why this more conservative approach was presented, or preferred. Additional modeling may be needed to better focus on the *minimum* number of cormorants needed to sustain their populations, followed by strategies to retain them within a statistical proportion of that target. Population trends during the past several decades reveal no reason to error on the conservative side with control measures that restore cormorants beyond baseline levels. Rather, cormorant removals should ensure that particular fish and wildlife populations and critical habitats are maintained or restored beyond their minimal baseline levels. This is particularly true given the known impacts of cormorants on habitat, other bird species, stocked and native fisheries, T&E species, and aquaculture production.

Thank you,

A handwritten signature in black ink that reads "Kendra S. Wecker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kendra S. Wecker, Chief