

Comment from Wisconsin Department of Natural Resources

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 file(s)

Attachments (1)

[DCCO_WI_WDNR_7.17.2020](#)

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ID: FWS-HQ-MB-2019-0103-2172

Tracking Number: kcu-i1vz-lb9h

Document Information

Date Posted:

Jul 20, 2020

RIN:

1018-BE67

[Show More Details](#) 

Submitter Information

Government Agency Type:

State

Government Agency:

Wisconsin Department of Natural Resources



July 17, 2020

Public Comments Processing
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Thank you for the opportunity to comment on the proposed Fish and Wildlife Service (FWS, Service) rule (Federal Register 2020-11988; 50 CFR 21) regarding double-crested cormorant management throughout the United States. The Wisconsin Department of Natural Resources is committed to the long-term conservation of natural resources through effective management and science-based policy decisions. Regarding the conservation and management of double-crested cormorants, we are aligned with the Service on sustaining cormorant populations while investigating and mitigating when necessary the effects of cormorants on our commercial and sport fishery.

The proposed rule as written, however, would mark a major shift in policy away from the lead role the Service has exercised for decades in the conservation and management of cormorant populations across the United States. By shifting to a new state permit system regarding cormorant management, we are concerned that the Service is abrogating its lead conservation responsibility and creating a potentially onerous and burdensome state permit system that the Wisconsin DNR currently is not prepared to undertake. Accordingly, we are seeking clarification on the following points:

- Will the Wisconsin DNR need to build capacity (e.g. hire new staff) to accommodate this new permit system?
- Will the Wisconsin DNR receive financial assistance to implement this new permit system, e.g. money to support staff salaries and additional staff?
- What are FWS and our responsibilities for litigation (such as litigation brought by parties opposed to cormorant regulation) under this new permit system if management authority is given to Wisconsin? Will FWS handle each litigation case that may arise?

We are uncertain about the details on the process of implementation for the proposed permit system:

- Is there a process by which we as the state agency responsible for managing cormorant populations must demonstrate to the Service that management is needed?
- Under this new proposed permit system, how would the U.S. Department of Agriculture - APHIS-Wildlife Services interact with the Wisconsin DNR?
- If the Fish and Wildlife Service established the proposed new permit system, would this be the only way that the Wisconsin DNR could address cormorant conflicts? What are the ramifications of, and alternatives to, opting out of the permit system?
- What are the reporting requirements under the proposed permit system?
- Tangentially, how are regional differences (such as population differences, conflict issues, social carrying capacity) accounted for under this national system? If they are not accounted for, can they be addressed regionally, for example by geographic region such as the Great Lakes, Gulf Coast, Atlantic Coast, etc.?

- If the “no action” alternative is selected, is there an option to include conflicts with free-swimming fish as justification for taking cormorants under the existing permit system?

We have related concerns about the biological impacts of a new state permit system:

- What is the biological basis for the numeric take quota of cormorants?
- What data will be gathered to assess the effects of take on cormorants?
- How will the Service determine the maximum amount of lethal take of cormorants allowed while maintaining sustainable cormorant populations?
- How is the Service defining a sustainable cormorant population and how will this be measured?

Finally, we hope that the Service will use the biological and policy expertise within the flyway system to facilitate increased collaboration with fisheries professions from state agencies and the American Fisheries Society on cormorant issues.

Thank you again for the opportunity to comment on the proposed rule. We look forward to your answers to the above questions so that management and conservation of double-crested cormorant populations can proceed expeditiously and effectively.

Sincerely,

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Division of Fish, Wildlife and Parks

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