



## FREQUENTLY ASKED QUESTIONS ABOUT A FEDERAL SPECIAL DOUBLE-CRESTED CORMORANT PERMIT

A federal Special Double-crested Cormorant permit (50 CFR 21.28) is a permit issued to a State or Tribal fish and wildlife agency to authorize take of double-crested cormorants for certain purposes (See Question 1). Double-crested cormorants may be taken by killing, trapping, or nest destruction (See Question 8). Take must target the cormorants causing the problem; birds cannot be taken for population control purposes.

Use Application Form 3-200-90 to apply for this permit. If you are not a State or Tribal agency, do not use this form. Instead, please see our Depredation Permit Application Form (<https://www.fws.gov/forms/3-200-13.pdf>) and associated [Frequently Asked Questions](#).

You should review Title 50 parts 10, 13 and 21.28 of the Code of Federal Regulations (CFR) with your application. You are responsible for reviewing and understanding these regulations before you request and accept a permit. These regulations are on our website at: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>.

### **1. What are the purposes for which a Special Double-crested Cormorant permit can be issued?**

The special double-crested cormorant permit authorizes a State or Tribal fish and wildlife agency to take double-crested cormorants on lands or in waters managed by the agency.

- (a) Depredation of fish at aquaculture facilities, including hatcheries, owned or operated by the agency;
- (b) Human health and safety on lands or in waters managed by a State or Tribal fish and wildlife agency (e.g., collisions of airplanes with birds, fecal contamination of urban waters);
- (c) Threats to the recovery of protected wildlife. This includes impacts to threatened and endangered species (as listed under the ESA and listed species identified in State- or Tribal-specific legislation as threatened or endangered) or those listed as Species of Greatest Conservation Need in State Wildlife Action Plans. Take activities to prevent depredation on aquatic Species of Greatest Conservation Need, may only occur only in natural or public waters;
- (d) Damage to agency property; and
- (e) Depredation of wild and publicly stocked fish managed by the agency. The wild and publicly stocked fish must be a species managed by the State fish and wildlife agency or federally recognized Tribe and accessible to the public or all Tribal members.

Take must target the birds causing the conflict. Double-crested cormorants cannot be taken to reduce population abundance.

### **2. Who can apply for this permit?**

This permit is available to fish and wildlife agencies of States or federally-recognized Tribes geographically located within the conterminous (i.e., contiguous 48) United States.

**3. *Is there an application processing fee for this permit?***

No. An application processing fee is not required.

**4. *How can I reduce the attractiveness of my site to cormorants?***

Habitat management is most often a primary component of wildlife damage management strategies. The most effective approach is to minimize or eliminate the attractiveness of your site to cormorants by altering habitat structure or reducing the availability or access to food. Examples include but are not limited to removing roost or nesting trees (provided no active nests are present), placing physical barriers such as nets over ponds, managing water levels, and adjusting seasonal timing of fish stocking. The agency is responsible for obtaining appropriate landowner permission for any activities occurring on property not owned by the agency.

The Service encourages permittees to coordinate with USDA-Wildlife Services for expertise in habitat management to reduce conflicts associated with double-crested cormorants.

**5. *Can I harass birds without a Special Double-crested Cormorant permit?***

Yes. You can actively harass or scare any migratory bird without a federal permit (except bald eagles, golden eagles, and federally listed threatened or endangered species). Active hazing methods scare, deter, or repel birds, including lasers, propane exploders, pyrotechnics, distress calls and sound-producing devices, scarecrows, mylar tape, and eyespot balloons.

Birds may also be passively dissuaded from using an area, such as the use of netting or nest exclusion devices. A federal permit is not required to passively deter birds. The Service recommends monitoring the devices regularly, maintaining, and repairing them to ensure they remain effective and to prevent entrapment.

The Service encourages permittees to coordinate with the USDA-Wildlife Services for expertise in effective use of nonlethal management of conflicts associated with cormorants.

**6. *Do I need a federal permit to destroy a cormorant nest?***

A permit is required to destroy an active bird nest (one with eggs or chicks present). A permit is not required to destroy inactive bird nests, provided the nest is destroyed and not kept. An inactive bird nest is one without eggs or chicks present. The Destruction and Relocation of Migratory Bird Nests Memorandum (June 14, 2018) provides additional guidance on nest destruction (<http://www.fws.gov/policy/m0407.pdf>).

**7. *What is the role of USDA-Wildlife Services and what is a Form 37?***

USDA-Wildlife Services provides expertise to help resolve wildlife conflicts. They can assess your situation and provide recommendations of short-term measures to provide relief from double-crested cormorant conflicts and long-term measures to help eliminate or significantly reduce the problem. USDA-Wildlife Services also provides a "Form 37: Permit Review Form". This form must be completed in consultation with USDA-Wildlife Services staff by first-time applicants as part of your Special Double-crested Cormorant Permit application. You must call USDA-Wildlife Services (866-487-3297) to obtain a Form 37. Permittees should continue to work with USDA-Wildlife Services for review of management plans and to remain current on effective strategies and methods for nonlethal management.

**8. Will I be limited in the numbers of Double-crested Cormorants authorized?**

Yes. Your permit will list the number of double-crested cormorants authorized to be taken. Your authorization may be restricted due to population status, nesting season, and other criteria. You may not exceed the amount of take authorized on your permit.

If you are approaching your take authorization, you may request an increase in your authorization by submitting an amendment request to your permit office. Amendment requests are not guaranteed to be authorized. Once you reach your take authorization, you must wait until you receive your amended permit to resume take activities.

**9. What methods can I use to take Double-crested Cormorants?**

Lethal take may occur by firearm or live trap and euthanize. Lethal take using firearms must use non-toxic shot (see 50 CFR 20.21(j) for approved shot types) or non-toxic bullets, unless using an air rifle or an air pistol. You may not use decoys, calls, or other devices to bait or lure birds within gun range. Cormorants may be live-trapped and euthanized by cervical dislocation, CO<sub>2</sub> asphyxiation, or other methods recommended by the American Veterinary Medical Association (AVMA).

Take of viable eggs may occur by egg oiling, egg addling, or nest destruction. Eggs must be oiled using only 100% corn oil, a substance exempted from regulation by the Environmental Protection Agency. Double-crested cormorant eggs can be addled in any manner considered humane euthanasia under the AVMA guidelines (<https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals>) and left in the nest. Nests, including viable eggs, may be destroyed by any humane method, provided eggs and/or nests are not retained in possession after destruction unless requested on their application and authorized on their permit.

**11. When can I take Double-crested Cormorants?**

Outside of the breeding season, take activities can occur at any time of the year unless specifically restricted by your permit conditions. During the breeding season, adult birds may not be taken within nesting sites with young in it unless the take of adults is necessary to address a human health and safety emergency or the chicks within a nesting site are humanely euthanized.

**12. Does a Double-crested Cormorant permit authorize me to take other species of birds?**

No. This permit does not authorize the taking of any other migratory bird, including other species of cormorants; the disturbance of bald or golden eagles; or birds on the List of Endangered and Threatened Wildlife (50 CFR 17.11; see <http://www.fws.gov/endangered>).

**13. What if I accidentally take birds other than Double-crested Cormorants?**

If you take a species other than a double-crested cormorant, you must report this non-target take in your annual report as instructed in your permit conditions.

**14. How do I dispose of dead birds?**

Dead birds must be disposed of, either by donation to an individual or entity authorized to receive donated birds (e.g., educators, scientists, and tribes), or completely destroying in accordance with federal, state, and/or local laws and ordinances. If you wish to retain bird remains for training on species identification, effigies, or other purposes, you may request that authorization on your permit.

**15. Will the Service provide funding to implement a Special Double-crested Cormorant permit?**

The Service does not envision providing funds to State or Tribal fish and wildlife agencies to implement the permit. The Service does not mandate that States or Tribes acquire this permit, and only those agencies that can afford to implement the aspects of this permit should apply for it.

**16. How do I apply for a Special Double-crested Cormorant permit?**

Submit an Application Form 3-200-90 to the Service regional Migratory Bird Permit Office that is responsible for the state in which the permitted activity will take place. If you have a question about this permit or application form, please contact your regional [Migratory Bird Program Permit Office](#). A USDA-WS Form 37: Permit Review Form is also required for first time applicants. This form must be completed in consultation with USDA-Wildlife Services staff by first-time applicants as part of your Special Double-crested Cormorant Permit application. You must call USDA-Wildlife Services (866-487-3297) to obtain a Form 37.

**17. Who are the personnel identified on my permit and what are they authorized to do?**

- a) Principal Officer. For permits issued to organizations, a Principal Officer is identified on the permit. The Principal Officer is the person in charge of the organization and is responsible for the application and any permitted activities.
- b) Primary Contact. The Primary Contact is the person in the organization who is available to answer questions about the application or permitted activities. This person may be the same or different than the Principal Officer. The Primary Contact is not listed on the permit unless the individual is also listed as a subpermittee.
- c) Subpermittee. A subpermittee is an individual authorized to conduct some or all of the permitted activities without the permittee present. You must identify any subpermittees in your application. Your subpermittees must have either a copy of your permit that identifies them as a subpermittee, or a copy of your permit and a letter from the Permittee (Principal Officer) listing activities (including location and duration) they are authorized to conduct.

**18. Do I need any additional permits or other authorizations to conduct activities?**

Some States require a state permit to conduct depredation activities. Additionally, you must comply with local ordinances, such as discharging firearms. This permit does not authorize you to conduct activities on Federal, State, or Tribal lands, or other public or private property without appropriate authorization. It is your responsibility to make sure you comply with these requirements.

**19. Will I be required to keep records of the activities authorized under this permit?**

Yes. You must maintain accurate records, legibly written or reproducible in English, of operations on a calendar-year basis of the information required by your permit. By accepting a Federal permit, you authorize an agent of the Service to enter your premises at any reasonable hour to inspect the wildlife you possess, your books or records (50 CFR 13.47).

**20. Will I be required to submit an annual report of my activities?**

Yes. The Annual Report form is on our website at: <http://www.fws.gov/forms/3-202-56.pdf>. Permittees must submit annual reports even in years when they do not use their permit's authorization. If you had no activity under your permit during the report year, state "no activity" on the form. If you do not submit an annual report, the Service may not renew your permit in subsequent years.

**21. How do I report nest take or multiple site visits in one month on my annual report?**

Do not report take of inactive nests under your permit. A federal permit is not required for inactive nest take.

For active nests with eggs, you should report the number of *nests* taken, not the number of eggs. The removal or oiling of an individual nest should be counted as 1 nest.

If you are taking nests via addling or oiling on multiple visits (i.e., non-viable eggs remain in the nest), the following should be used to calculate the number of nests:

- (a) The removal or oiling of an individual nest, regardless of location, should be counted as 1 nest;
- (b) The removal or oiling of an individual, previously untreated nest on subsequent visits to the same site should also be counted as 1 additional nest, unless that nest is marked (See c for marked nests);
- (c) The additional treatment (e.g., egg oiling) of a previously-treated nest on a subsequent visit should not be counted as an additional take of the same nest, provided the previously treated nest(s) can be identified or marked.

If nest marking for the purpose of monitoring previously-treated nests during the same nesting season is not practical at your site, contact your permit office for guidance on reporting nest take.

**22. How long is a Special Double-crested Cormorant permit valid? Can it be renewed?**

Special double-crested cormorant permits may be valid for up to 1 year. Permits may be renewed. If you wish to renew your permit, you must submit a renewal application to your regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit. If the Service receives your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on your permit until the Service acts upon your renewal application. If the Service receives your renewal request fewer than 30 days prior to expiration of your permit and we are not able to process your request before the expiration date, your permit will expire and you will no longer be authorized to conduct your activity. If you allow your permit to expire before requesting renewal, you may be required to submit a new application (see 50 CFR 13.11(c) and 13.22)).