



# Frequently Asked Questions

## *Double-crested Cormorants*



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On May 25, 2016, the U.S. District Court for the District of Columbia vacated two depredation orders—the Aquaculture Depredation Order and the Public Resource Depredation Order—for double-crested cormorants until the U.S. Fish and Wildlife Service (Service) prepares an adequate Environmental Assessment (EA) or Environmental Impact Statement (EIS) in compliance with the requirements of the National Environmental Policy Act (NEPA). The Court concluded that the Service did not take a hard look at the effects of the depredation orders on double-crested cormorant populations and other affected resources and failed to consider a reasonable range of alternatives in the EA issued in 2014.

### What was authorized under the Aquaculture Depredation Order?

The Aquaculture Depredation Order authorized freshwater commercial aquaculture producers in 13 states (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas) to lethally take double-crested cormorants committing or about to commit depredation of aquaculture stocks without a federal permit. It also authorized the USDA Wildlife

Services to control these birds at roosts that are near aquaculture facilities. Numerous terms and conditions applied, including recordkeeping and reporting requirements.

### What was authorized under the Public Resource Depredation Order?

The Public Resource Depredation Order authorized state fish and wildlife agencies, federally recognized Tribes, and USDA Wildlife Services to lethally take double-crested cormorants to protect fish, wildlife, plants, and their habitats that are managed by public resource agencies for public benefit. It applied to 24 states: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

### What options remain for managing double-crested cormorants damage in the absence of the Depredation Orders?

Individual depredation permits are authorized under current regulations, but the Service has an obligation under the NEPA to ensure that the issuance of depredation permits are supported with adequate environmental reviews. Unfortunately, much of the supporting NEPA analyses for the issuance of permits were based on the inadequate EA issued in 2014. As a result, the Service has temporarily stopped issuing or renewing permits that allow for lethal take of double-crested cormorants until an appropriate NEPA review can be completed.

### Is the Service currently working on a NEPA review?

Yes. Work is underway to complete a programmatic NEPA analysis specifically for issuing depredation permits to control double-crested cormorants. This review will consider the cumulative impacts of permitted take across the eastern United States, leading to a more efficient permitting process with a strong biological foundation.

### Double-crested Cormorant

*Phalacrocorax auritus*

**Description** - The double-crested cormorant is a goose-sized waterbird native to North America. It is one of six species of cormorants in North America and one of 38 species worldwide. This black or grayish-black bird is about three feet long with a wingspan of 4.5 feet and has a hooked bill and powerful webbed feet that are used for swimming underwater. An adult weighs about five pounds. This species gets its name from the tufted feathers on both sides of the head, referred to as “crests,” that are present only during nesting season.

**Protection Status** - Double-crested cormorants are protected under the Migratory Bird Treaty Act. Under the Act, the Service implements conventions between the United States and four neighboring countries (Canada, Mexico, Russia, and Japan) for the protection of shared migratory birds.

**Range and Habitat** - Double-crested cormorants are widely distributed in North America. The waterbird is usually found in flocks along the coast and inland on lakes, rivers, and other water bodies. The largest concentrations of double-crested cormorants in the United States are found on the Great Lakes.

**Diet** - Cormorants eat mainly fish. Adults eat an average of one pound per day. The birds are opportunistic and generalist feeders, preying on many species of fish, but concentrating on those that are easiest to catch.

**Breeding** - Double-crested cormorants do not nest until they are three years old. They nest in colonies along coasts and inland near rivers and lakes. Females lay two to seven eggs. Both parents incubate the eggs for about a month. Both parents also feed and take care of the chicks. The chicks fledge in 35-42 days.

## When will the Service resume issuing permits?

The timeframe will depend upon the level of analysis required to comply with the NEPA, which has yet to be determined. If the NEPA review results in an environmental assessment, it may be 12 to 24 months before the Service can resume issuing permits. If a more comprehensive analysis is needed, it will result in an environmental impact statement that will add a year or more to that time period.

## Will the Service issue deprecation permits to control cormorants for public health and safety?

Yes. New and renewal permit requests to take double-crested cormorants to protect public health and safety will be given the highest priority by the Service for review and issuance to minimize any potential impacts. Permits issued to protect public health and safety that include double-crested cormorants remain in effect.

## Will the Service issue scientific collecting permits for research on cormorants?

Yes. New and renewal permit requests to take double-crested cormorants for scientific research are available and are subject to NEPA review. The level of analysis required and the time to complete it will depend on the specific proposed action. Permits already issued for research remain in effect.

## Does the Service intend to re-establish the deprecation orders?

Efforts to re-establish the Depredation Orders will not be initiated in the near future.

## What assistance is available to protect aquaculture resources from damage by cormorants?

Technical assistance and non-lethal control activities, (e.g., hazing, harassment, exclusion devices, roost dispersal) are not affected by the court decision and can be done without a permit. USDA Wildlife Services, the lead agency in addressing wildlife damage issues, can advise aquaculture producers and others on non-lethal ways to address depredating cormorants. Technical assistance from USDA Wildlife Services may be requested by calling 1 866/487 3297.

## The NEPA Process

NEPA requires federal agencies to consider the environmental effects of all discretionary actions they undertake. "Actions" mean policies, plans, programs, or projects that are implemented, funded, permitted, or controlled by a federal agency.

The NEPA process is a transparent process intended to help public officials make informed decisions based on an understanding of the environmental

consequences of actions. The process is iterative in nature. It is common to loop back to an earlier step to make refinements in previous work. This ensures that we will make decisions that are based on an understanding of the environmental consequences associated with our actions.

This flowchart shows the NEPA process, including the steps that need to be taken to properly analyze and document the effects for a proposed action.

