



AMEND THE MIGRATORY BIRD TREATY ACT!

The U.S. Fish and Wildlife Service (FWS) managed a highly successful Aquaculture Depredation Order from 1998 to 2016 under the authority of the Migratory Bird Treaty Act (MBTA). This Order reduced an administrative burden for the FWS by eliminating permitting on a farm-by-farm basis and creating a very successful collaborative effort with USDA Wildlife Services to manage fish depredation.

In October 2014, FWS was sued for an inadequate Environmental Assessment. In March 2016, the Order was vacated. After almost five years of bird predation on fish farms, in January 2021, FWS announced farms could apply for individual permits. However, individual permits are only available through electronic application. Permits can be more than 5 months late subjecting farms to considerable risk for noncompliance.

Double-crested cormorant populations have been increasing for decades. The North American Breeding Bird Survey Trend Results estimated 5.13% and 8.11% annual growth, respectively, for the Lower Great Lakes and Mississippi Alluvial Valley during 1993-2022. Throughout the U.S. the growth rate was 1.52%. The reasons for these growth rates are double-crested cormorants experience little to no natural predation, there is an expanding prey base and the bird is creating rookeries in the Southeastern United States.

Request: Amend Title 16, §704(a), of Migratory Bird Treaty by inserting a sentence to invest USDA Wildlife Services with authority similar to that held by FWS to issue bird depredation permits but only for agricultural crops and livestock. The amending sentence reads, "The Secretary of Agriculture is similarly authorized and will apply the same considerations in the implementation of nonlethal and lethal techniques to deter bird depredation upon agricultural crops or livestock."