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House Joint Memorial 2

Urges United States Secretary of Interior to allow enhanced management of cormorants by State of Oregon.

77th OREGON LEGISLATIVE ASSEMBLY—2013 Regular Session

House Joint Memorial 2

Sponsored by Representative KRIEGER

JOINT MEMORIAL

To the United States Secretary of the Interior:

We, your memorialists, the Seventy-seventh Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the population of cormorants has increased in Oregon in recent years; and

Whereas cormorants have hindered efforts to protect the salmon and steelhead resources of Oregon; and

Whereas current efforts to control the negative effects of cormorants on the salmon and steelhead resources of Oregon have been ineffective; and

Whereas other options are necessary to protect the salmon and steelhead resources of Oregon; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The United States Secretary of the Interior is respectfully urged to allow the enhanced management of cormorants in Oregon by the State of Oregon in order to reduce depredations of the salmon and steelhead resources of Oregon by cormorants.

(2) A copy of this memorial shall be sent to the United States Secretary of the Interior.

Increasing public and scientific concerns about the effect of double-crested cormorant populations on the recovery of 14 Endangered Species Listed stocks of salmon and steelhead inhabiting Oregon's rivers and estuaries prompted Representative Wayne Krieger to sponsor House Joint Memorial 2 which is supported by hundreds of thousands of Oregon anglers and commercial fishermen.

The importance of requesting Oregon Congressional Delegation assistance in obtaining state DCCO management authority by passing HJM 2 to the floor for a vote should not be lost on members of the Senate Environment and Natural Resources Committee. For example, in 1995 the Arkansas 80<sup>th</sup> General Assembly passed Arkansas Senate Concurrent Resolution 12 that requested the members of Arkansas' Congressional delegation do everything within their power to allow the citizens of Arkansas to manage populations of double-crested cormorants in instances where they were jeopardizing commercial and sport fishing opportunities. Arkansas was issued a Public Resource Depredation Order by the U.S. Fish and Wildlife Service, granting full DCCO management authority. Incidentally, Arkansas does not have 14 ESA listed fish species, as does Oregon, and its elected officials obviously realized the full importance of science-based natural resource management and impacts that an over-population of under-managed predators can have on their fish stocks, economy and social structure.

Fifty-six members of the Oregon House of Representatives on May 2, 2013 obviously concurred with what their Arkansas colleagues realized 18 years ago. Management of wildlife is the responsibility of state agencies, and the U.S. FWS should take all necessary steps to ensure that state-based management is achieved for all species that have recovered and became over-abundant under the protections of Migratory Bird Protection Act.

ODFW Director Roy Elicker emphasizes the importance of identifying and implementing "action management strategies" that would mitigate the negative impacts that unmanaged double-crested cormorant predation is having on the recovery of ESA listed salmonids as well as recreational and commercial harvest fisheries throughout Oregon. Director Elicker indicated until double-crested management authority is granted to Oregon by the U.S. Fish and Wildlife Service, there is little that can be done to lessen predation impacts other than harassment of depredating birds, an activity that does not require a federal permit.

Oregon's 62 acre East Sand Island, located in the lower Columbia River estuary, is owned and managed by the U.S. Army Corps of Engineers and, currently, is the site of the largest known nesting colony of double-crested cormorants in the world. Nesting by double-crested cormorants was first recorded in 1989 with 90 active nests and by 2010 had increased to 13,600 breeding pairs. The consumption of juvenile salmon and steelhead has skyrocketed in the last two years with double-crested cormorants consuming 19 million out-migrating salmonid smolts in 2010 and 22.6 million in 2011. The lower Columbia estuary is the epicenter of Oregon's burgeoning double-crested cormorant population and unmanaged predation impacts are spreading statewide.

Oregon's coastal commercial and recreational salmon fisheries are being negatively impacted by avian predation and possibly at higher rates than the lower Columbia estuary. Preliminary research conducted by the Oregon Department of Fish and

Wildlife concluded that potentially 66% of all out-migrating Coho smolts are lost to double-crested cormorant predation in the Nehalem estuary. Research conducted by Oregon State University, Real Time Research and the USGS – Oregon Cooperative Fish and Wildlife Research Unit concluded that juvenile Coho were consumed at a rate second only to juvenile fall Chinook as prey for foraging double-crested cormorants. Oregon Coastal Coho and Lower Columbia River Coho are Endangered Species Act listed stocks and, in the case of the coastal Coho, were the precursor for development of the 1999 Oregon Plan for Salmon and Watersheds.

A three year radio tracking project on the central coast's Alsea River determined that 60% of the wild and hatchery winter steelhead outmigration is lost in a short two-mile section of the river's estuary. According to local fisheries biologists, the most likely and direct cause of the Alsea estuary mortality is predation by hundreds of double-crested cormorant sub-adults. Oregon coastal winter steelhead are listed as species of concern by federal and state management agencies and their status and management is a critical focal point in the Oregon Department of Fish and Wildlife's emerging Coastal Multi-Species Management Plan which should be available for public review later in 2013.

Oregon has identified avian predation management as a high priority program and is attempting to gain state-wide double-crested cormorant management authority from the U.S. Fish and Wildlife Service.

One of the Service's long term goals as outlined in its 2000-2005 Service Strategic Plan is migratory bird conservation. "The purpose of this goal is to improve the status of migratory bird populations that have evidenced decline or other significant problems, including overabundance."

Oregon management officials are concerned about the rapid growth and geographic expansion of the state's double-crested cormorant population and have been meeting with the responsible federal management agencies for over a decade in a good faith effort to design a responsible and pro-active double-crested cormorant management plan. It appears that the state's efforts have gone mostly for naught. HJM 2 will bring the U.S. Fish and Wildlife Service's bureaucratic and politically encumbering Double-Crested Cormorant management authority process to the attention of Congress in a similar fashion that proved effective for other states such as New York and, most recently, Michigan.

In 2003 the Service, whose responsibility for management of double-crested cormorants lies in the Migratory Bird Treaty Act, developed and enacted a Nationwide Cormorant Management Plan that excluded Oregon, a respondent state to their original questionnaire about how to best manage this rapidly geographically expanding species.

The Adaptive Integrated Cormorant Damage Management with Limited Annual Take option contained in the national management plan is responsibly managing an

overabundance of double-crested cormorants in 28 states to protect public trust fisheries under authority of a federally issued Public Resource Depredation Order. Many of the states granted management authority of double-crested cormorants have fewer nesting cormorants than Oregon and none have as many ESA listed fish stocks. Equally problematic to Oregon and other western states fisheries and wildlife managers is the fact that all of the states granted double-crested management authority lie east of the continental divide. Thus, some question the validity of the Service's 2003 declaration regarding the establishment of a nationwide management plan that only applies to states in the Central, Mississippi and Atlantic Flyways.

Oregon was one of 27 respondent states to a 1997 U.S. Fish and Wildlife Service inquiry about the perceived impacts that double-crested cormorants were having on the nation's fisheries resources. Oregon was one of 16 states that said it was concerned about the impacts that unmanaged predation was having on its ability to adaptively manage its wild recovery and hatchery salmonid programs and expressed a desire to obtain management authority. Oregon's concerns have been largely ignored by the U.S. Fish and Wildlife Service Region 1 who continue to tell the Oregon Department of Fish and Wildlife that there is not enough scientific data to support granting management authority to the state.

Interestingly, scientific research identifying the negative impacts of unmanaged double-crested cormorant predation on free swimming Columbia River salmonid smolts was included by federal managers when writing the nation-wide 1999 Environmental Impact Statement (EIS). The double-crested cormorant EIS evaluated the species status, known and perceived impacts on fisheries and other resources and potential management strategies. The USFWS stated that the goal of the EIS was to maintain healthy cormorant populations and "determine what effects current and projected cormorant populations may be having on commercial and recreational fisheries, and to use the best science available to direct future management." The final Record of Decision justified the need to extend management authority to states through issuance of Public Resource Depredation Orders. However, no authority was given to any western states, although several had clearly voiced their desire to be granted management authority.

With over a billion dollars a year being directed towards recovery and management of Pacific Northwest salmon, steelhead and trout, it would seem that the U.S. Fish and Wildlife Service would follow the intent of the "Conceptual Foundations" expressed in the 2003 FEIS Section 1.4.3 Other Considerations:

- (3) DCCOs are predators that, while a natural part of ecosystem, can compete with humans for fisheries, with consequences of varying ecological and socioeconomic significance;
- (4) DCCO populations have increased significantly in the past 25 years in North America and this increase has led to both real and perceived resource conflicts;

(5) There are sound biological and socioeconomic rationales for developing a comprehensive DCCO management strategy in the U.S.

Why was Oregon excluded from the 2003 National Cormorant Management Plan and what can the Oregon legislative assembly do to ensure that state management authority is extended to Oregon? Move HJM 2 out of the Senate Committee on the Environment and Natural Resources with a "Do Pass" recommendation to the Senate floor.

The Oregon Outdoor Council views HJM 2 as a vote counter for those who preach about protecting Oregon's wildlife to those that actively participate in science-based conservation strategies by how they cast their vote on this responsive/adaptive natural resource management measure.

The nation's DCCO management plan is currently undergoing an extensive review by the U.S. Fish and Wildlife Service. The Oregon Department of Fish and Wildlife has developed and submitted to the Service a significant body of scientific evidence that has far exceeded the base line requirements that other states provided to be included in the original double-crested cormorant Public Resource Depredation Order. The Oregon Department of Fish and Wildlife has officially requested to be included in the forthcoming national management plan.

The Oregon Outdoor Council respectfully requests you to schedule a work session and vote on the merits of sending HJM 2 to the Senate floor with a "Do Pass" recommendation. House Joint Memorial 2 is a responsible science-based political action that requests those best positioned, our state's professional wildlife managers, to manage Oregon's natural resources.

Stan Steele, President  
Oregon Outdoor Council