

CORMORANT CONTROL

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House Bill 4614 (Substitute H-1)

Sponsor: Rep. Joel Sheltrown

House Committee: Tourism, Outdoor Recreation, and Natural Resources

House Bill 4471 (Substitute H-1)

Sponsor: Rep. Darwin Booher

House Committee: Tourism, Outdoor Recreation, and Natural Resources

Senate Bill 354 (Substitute H-1)

Sponsor: Sen. Michelle A. McManus

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Tourism, Outdoor Recreation, and Natural Resources

Complete to 6-7-07

A SUMMARY OF HOUSE BILL 4471, HOUSE BILL 4614 & SENATE BILL 354 AS REPORTED BY HOUSE COMMITTEE

The bills would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Define the terms "cormorant damage" and "cormorant depredation order" (House Bill 4471).
- Create a new "Cormorant Control Fund" (House Bill 4614).
- Require the Department of Natural Resources (DNR) to administer a program to control and manage double-crested cormorants and to reduce damage caused by the birds (Senate Bill 354).
- Require the DNR to participate in a regional effort to reduce cormorant damage (Senate Bill 354).
- Require the DNR to seek funding from the Great Lakes Protection Fund for deposit into the Cormorant Control Fund (Senate Bill 354).

Each of the bills is tie-barred to the others.

House Bill 4471

House Bill 4471 would amend Section 40102 of NREPA (MCL 324.40102) to define the following terms:

- "Cormorant damage" would mean "adverse impacts of double-crested cormorants on fish, including fish hatchery stock, wildlife, plants, and their habitats."

- "Cormorant depredation order" would mean "the depredation order for double crested cormorants to protect public resources, 50 CFR 21.48, issued by the United States Department of the Interior, Fish and Wildlife Service."

House Bill 4614

House Bill 4614 would amend NREPA (MCL 324.40107d) to create a new "Cormorant Control Fund" within the State Treasury that could receive money or assets from any source. The State Treasurer would direct the Fund's investment and credit the Fund with interest and earnings from its investments. Money in the Fund at the close of the fiscal year would remain in the Fund and not lapse to the General Fund. The DNR could expend money from the Fund, upon appropriation, only to implement the Great Lakes Cormorant Control and Management Program required by Senate Bill 324.

Senate Bill 354

Senate Bill 354 would amend NREPA (324.40107c) to require the DNR to do the following:

- Administer a program to control and manage double-crested cormorants and direct the DNR to administer the program in cooperation with federal agencies and in a manner that complies with the cormorant depredation order (defined in House Bill 4471).
- Require the DNR, in consultation with the DEQ, to participate in a federally-recognized organization of states, such as the Mississippi Flyway Council, to coordinate a regional effort to reduce cormorant damage.
- Urge the federal government to (1) expand state options for double-crested cormorant control by revising the cormorant depredation order; and (2) to amend the migratory bird convention with Mexico to designate the double-crested cormorant as a game species.
- Seek funding from the Great Lakes Protection Fund authorized under Part 331 for deposit in the Cormorant Control Fund to be created in Section 40107d.

BACKGROUND INFORMATION:

The double-crested cormorant (*Phalacrocorax auritus*) is a large, dark, long-billed water bird. An adult bird is typically a little over two feet long with a wingspan of about four feet. Double-crested cormorants dive for fish and marine invertebrates. Once eliminated from Michigan due to pesticide contamination from DDT and similar products, cormorants have rebounded to record numbers and are accused of devastating the populations of game, farm, and hatchery fish.

Double-crested cormorants are not listed as endangered under federal or state law but are, like almost every other bird, protected under migratory bird treaties and laws. In accordance with federal law, the U.S. Fish and Wildlife Service has authorized the local

control of populations in areas where cormorants are causing problems. Under these rules, control activities began in 2004 at the Les Cheneaux Islands and Drummond Island and have since been expanded. The DNR says that the birds are most likely to cause problems during migration and where they have established breeding colonies.

The federal depredation order for double-crested cormorants is contained in 50 CFR 21.48. The purpose of the order is to reduce the adverse impacts or the risk of adverse impacts on public resources (fish, wildlife, plants, and their habitats) caused by double-crested cormorants. The order applies to all land and freshwaters in 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.

This depredation order (which will expire on April 30, 2009) authorizes state fish and wildlife agencies, federally recognized tribes, and state directors of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service to prevent depredations on the public resources of fish (including hatchery stock at federal, state, and tribal facilities), wildlife, plants, and their habitats by taking without a permit certain double-crested cormorants. Among other things, the order specifies the methods of cormorant control and disposal that must be used.

More information

Federal government sources:

Documents on Cormorant Management:

www.fws.gov/migratorybirds/issues/cormorant/cormorant.html

Cormorant Depredation Order (50 CFR 21.48):

www.fws.gov/migratorybirds/issues/cormorant/FinalRule/fedlregdccofinalrule.pdf

Guide to Migratory Bird Laws and Treaties:

www.fws.gov/migratorybirds/intrnltr/treatlaw.html

List of Birds Protected by the Migratory Bird Treaty:

www.fws.gov/migratorybirds/intrnltr/mbta/mbtandx.html

Birds classified as endangered under the Endangered Species Act:

ecos.fws.gov/tess_public/SpeciesReport.do?groups=B&listingType=L&mapstatus=1

Michigan sources:

Wildlife Conservation Orders (updated 4/17/07), Chapter IX, Protected and Unprotected Animals (Section 9.1(5) concerns cormorants):

http://michigan.gov/documents/ChapterIX_128642_7.pdf

DNR website for reporting cormorant problems:
www.dnr.state.mi.us/cormorantobs

Species listed as endangered or threatened in Michigan (does not include double-crested cormorants):

http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=29901021&Dpt=NR&RngHigh=

Legislative Brief, Legislative Service Bureau, Double-Crested Cormorants:

Available to legislators and staff at

http://lsbsource.legislature.mi.gov/online_research_reports/index.html

FISCAL IMPACT:

House Bill 4471. There would be no fiscal impact on the state or on local governmental units.

House Bill 4614. This bill would create a new fund in the state treasury. However, since no existing revenue source would be deposited into this fund, and no new revenue sources are established, there would be no fiscal impact on the state. There would be no fiscal impact on local governmental units.

Senate Bill 354. This bill would have an indeterminate fiscal impact on the Department of Environmental Quality. There would be no fiscal impact on local governmental units.

The department would be required to administer the collaborative effort to reduce cormorant populations in the Great Lakes. A new fund (the Cormorant Control Fund) would be created, and funding would be provided from the Great Lakes Protection Fund. Annual grant awards are provided through the Technical Advisory Board, and are approved by the Department Director. Funding would be contingent on the amount available from revenue received by the Great Lakes Protection Fund, and DEQ approval. Program costs would be supported by this fund, other unidentified state revenue sources, or other non-state grants. Costs of population control measures have not been estimated.

POSITIONS:

The Department of Natural Resources had indicated support for the bills. (6-7-07)

The Michigan United Conservation Clubs (MUCC) has indicated support for the bills. (6-7-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.