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For Immediate Release: May 26, 2016

Contact: Kirsten Stade (202) 265-7337

COURT ENDS CORMORANT SLAUGHTER IN ALL EASTERN STATES

“Depredation” Orders for Double-Crested Cormorants Rescinded Immediately

Posted on May 26, 2016 | Tags: [FWS](#)

Washington, DC — A federal court has quashed “depredation” orders under which tens of thousands of double-crested cormorants are killed each year in 24 states east of the Mississippi, according to a ruling and order in a lawsuit filed by Public Employees for Environmental Responsibility (PEER). As a result, the nearly twenty-year legal regime of indiscriminately shooting these aquatic fish-eating birds for the supposed benefit of sports fishing and aquaculture has come to an end.

In March, U.S. District Judge John D. Bates found that the U.S. Fish & Wildlife Service (FWS) clearly violated the National Environmental Policy Act (NEPA) in giving open-ended approval for “lethal removal” of double-crested cormorants “committing or about to commit predation” on fish in Eastern states through 2019 without current data or adequate scientific analysis. But that earlier ruling stopped short of ending the depredation orders and instead called for additional briefing on a “remediation plan.”

In his May 25, 2016 ruling, Judge Bates concluded, after the two sides had made their case, that revoking or vacating these depredation orders was the appropriate remedy, by finding that –

- Individual permits for removal, as are used for most other birds protected by the Migratory Bird Treaty Act, would be sufficient to alleviate any “any serious detrimental impact” caused by cormorants;
- The FWS had ignored the environmental benefits of cormorants, such as curbing invasive fish populations, and helping co-nesting species. Moreover, its predictions of adverse eco-effects was unsupported and rested upon “abstract” and “tentative” assertions; and

- The FWS claims of economic disruption were “imprecise,” “speculative,” and not “compelling.”

“We urge the Fish & Wildlife Service to abandon its myopic ‘predator bad – kill predator’ approach to perceived human-cormorant conflicts,” stated PEER Staff Counsel Laura Dumais, noting that FWS adopted depredation orders as a convenience over individual, situation-specific removal permits. “This litigation revealed how much politics rather than biology drives the Service’s decision-making.”

The depredation order to benefit aquaculture, principally catfish farms, has been in effect since 1998, renewed three times in 5-year increments. The broader recreational fishing order was first put in place in 2003 and renewed in 2008 and 2014. That last renewal triggered PEER’s suit, which included some of North America’s leading cormorant researchers, including the Service’s own, now-retired, top expert, Dr. Kenneth Stromborg, as co-plaintiffs.

The court rescinded the depredation orders until such time that FWS is able to fully comply with NEPA. The government has 60 days to appeal the ruling.

“The question moving forward is whether the Service is capable of competently assessing the effects of a multi-state ‘cormorant control’ program,” added Dumais, pointing out that when PEER won a similar victory barring FWS from growing genetically-modified crops and using pollinator-damaging insecticides, the Service abandoned those practices altogether. “Now is the time for the Service to start demilitarizing wildlife management, starting with the double-crested cormorant.”

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Ph: (202) 265-PEER (7337) • Fax: (202) 265-4192

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962 Wayne Ave, Suite 610, Silver Spring, MD 20910

