

CORMORANT RELIEF ACT OF 2025

SEPTEMBER 15, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2293]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2293) to require the Secretary of the Interior to reissue certain regulations relating to the taking of double-crested cormorants at aquaculture facilities, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cormorant Relief Act of 2025”.

SEC. 2. REGULATIONS RELATING TO TAKING OF DOUBLE-CRESTED CORMORANTS AT AQUACULTURE FACILITIES.

(a) IN GENERAL.—The Secretary shall reissue the original depredation order in accordance with subsection (b).

(b) REQUIREMENTS.—The depredation order reissued under subsection (a) shall be the same as the original depredation order, except that the depredation order reissued under subsection (a) shall—

(1) apply to—

(A) each of the States of California, Colorado, Connecticut, Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, Ohio, Pennsylvania, and Wisconsin and any other State or territory of the United States the Secretary determines appropriate in addition to and in the same manner as each of the States to which the original depredation order applied; and

(B) lake managers and pond managers in addition to and in the same manner as each of the entities to which the original depredation order applied;

(2) incorporate modern terminology;

(3) simplify the provisions contained in the original depredation order related to compliance with other Federal law;

(4) modernize the recordkeeping requirements contained in the original depredation order; and

(5) remove the June 30, 2014, expiration date contained in the original depredation order.

(c) RENEWAL.—Not less than once every 5 years after the date on which the Secretary reissues the original depredation order under subsection (a), the Secretary shall renew the depredation order reissued under subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to waive the obligation of the Secretary to comply with the—

- (1) National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (2) Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(e) DEFINITIONS.—In this section:

(1) LAKE MANAGER.—The term “lake manager” means a person that is licensed by a State regulatory agency to manage a private lake.

(2) ORIGINAL DEPREDAATION ORDER.—The term “original depredation order” means the depredation order for double-crested cormorants at aquaculture facilities contained in section 21.47 of title 50, Code of Federal Regulations (as in effect on January 1, 2016).

(3) POND MANAGER.—The term “pond manager” means a person that is licensed by a State regulatory agency to manage a private pond.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2293 is to require the Secretary of the Interior to reissue certain regulations relating to the taking of double-crested cormorants at aquaculture facilities.

BACKGROUND AND NEED FOR LEGISLATION

Double-crested cormorants (cormorants) are one of six cormorant species that are native to North America, with their largest concentration being in the Great Lakes region. Cormorants were listed under the Migratory Bird Treaty Act (MBTA) in 1972, as the abundance of the species decreased considerably due to the use of chemicals such as dichloro-diphenyl-trichloroethane (DDT).¹ Today, however, the U.S. Fish and Wildlife Service (FWS) estimates the population of cormorants in the continental U.S. and Canada to be between 871,001 and 1,031,757 birds.²

Cormorants’ diet consists mostly of fish, eating on average a pound of fish per day. According to the FWS, “[t]hey are opportunistic and generalist feeders, preying on many species of fish by concentrating on those that are easiest to catch.”³ This makes commercial aquaculture facilities optimal feeding grounds for cormorants, causing significant damage and economic harm to these facilities. According to a 2021 study, economic losses to fish farms from cormorants are estimated to be \$64.7 million per year, including the cost of non-lethal management techniques, and the revenue lost from cormorant depredation.⁴

In 1998, the FWS created an Aquaculture Depredation Order (Aquaculture Order) under the authorities provided in the MBTA.⁵ The Aquaculture Order allowed the Department of Agriculture’s Animal and Plant Inspection Service (APHIS) Wildlife Services to work with fish farmers to implement non-lethal and lethal techniques to prevent cormorants from eating fish in commercial aquaculture ponds. Fish farmers were required to report the number of cormorants killed each year. The intent of the Aquaculture Order

¹“Expanding Management of Conflicts Associated with Double-crested Cormorants.” *Frequently Asked Questions*. U.S. Fish and Wildlife Service. <https://www.fws.gov/node/417891>.

²“Expanding Management of Conflicts Associated with Double-crested Cormorants.” *Frequently Asked Questions*. U.S. Fish and Wildlife Service. <https://www.fws.gov/node/417891>.

³*Id.*

⁴Engle CR, Christie TW, Dorr BS, et al. Principal economic effects of cormorant predation on catfish farms. *J World Aquacult. Soc.* 2021;52:41–56. <https://doi.org/10.1111/jwas.12728>.

⁵50 CFR 21.47.

was to reduce administrative costs for the FWS and provide more timely relief for fish farmers. The Aquaculture Order was renewed three times, in 2003, 2009, and 2014 for five-year increments.⁶

In 2003, the FWS also issued a Public Resource Depredation Order (Public Order), which was intended to reduce the risks to public resources from cormorants through both lethal and non-lethal means.⁷ The Public Order was renewed three times, in 2003, 2008, and 2014,⁸ with its 2014 renewal triggering a lawsuit from the organization Public Employees for Environmental Responsibility (PEER) on the grounds that the renewal violated the National Environmental Policy Act (NEPA).⁹ The Aquaculture Order was also challenged in PEER's lawsuit. On May 25, 2016, Judge John D. Bates of the U.S. District Court for the District of Columbia ruled in PEER's favor, concluding the FWS violated NEPA by reissuing the Public Order without an adequate Environmental Assessment (EA). Judge Bates also vacated the Aquaculture Order for not having an adequate EA.¹⁰

With the removal of the Aquaculture and Public Orders, the FWS created an individual permit system based on a Population Take Limit (PTL) model. The PTL model is based upon nest counts and currently allows an annual take of up to 121,504 cormorants.¹¹ When the FWS issues a permit to take a cormorant, it indicates the number of cormorants allowed to be taken under that permit.

H.R. 2293, as amended, requires the FWS to reissue the Aquaculture Order. The bill makes more states eligible and allows lake and pond managers to utilize the Aquaculture Order.

An Amendment in the Nature of a Substitute (ANS) was adopted at markup to make technical and clarifying changes to the bill. These include allowing the FWS to make changes to the Aquaculture Order, such as incorporating modern terminology, simplifying provisions pertaining to compliance with other federal laws, and modernizing recordkeeping requirements. The ANS also requires the Aquaculture Order to be renewed every five years and states the bill does not waive the FWS' obligations under NEPA or the MBTA.

COMMITTEE ACTION

H.R. 2293 was introduced on March 24, 2025, by Representative Mike Ezell (R-MS). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On April 8, 2025, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On July 15, 2025, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 2293 by unanimous consent. Rep. Mike Ezell (R-MS) offered an Amendment in the Nature of a Substitute designated Ezell_033 ANS. The Amendment in

⁶ 79 FR 12458.

⁷ 50 CFR 21.48.

⁸ 79 FR 12458.

⁹ Memorandum Opinion on Vacatur. *Public Employees for Environmental Responsibility, et al., v. U.S. Fish and Wildlife Service, et al.* 5/25/2016. 5_26_16_Cormorant_Court_Ruling_and_Order.pdf.

¹⁰ *Id.*

¹¹ "Expanding Management of Conflicts Associated with Double-crested Cormorants." *Frequently Asked Questions*. U.S. Fish and Wildlife Service. <https://www.fws.gov/node/417891>.

the Nature of a Substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on April 8, 2025.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes that this Act may be cited as the “Cormorant Relief Act of 2025”.

Section 2. Regulations relating to taking of double-crested cormorants at aquaculture facilities

Section 2 requires the FWS to reinstate the Aquaculture Depredation Order for double-crested cormorants and adds additional states to the order and includes definitions for “Lake Manager” and “Pond Manager.” In addition, this section gives the FWS the ability to make changes to the Aquaculture Order related to incorporating modern terminology, simplifying provisions pertaining compliance with other federal laws, modernizing recordkeeping requirements, and removal of the original expiration date. The Aquaculture Order is required to be renewed every 5 years and nothing in the bill waives the FWS’ obligations under NEPA and MBTA.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of the Interior to reissue certain regulations relating to the taking of double-crested cormorants at aquaculture facilities.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 2293 would make no changes in existing law.