

rule. In making a decision about whether or not to extend the depredation orders, the Service will review and consider all additional research that has been conducted that evaluates the effects of the proposed action on fish stocks and other resources. The Service strongly encourages all stakeholders to assist in gathering the needed data through well-designed scientific research. Our expectation is that the annual reports in the depredation orders, especially the monitoring and evaluation data associated with the public resource depredation order, will provide substantive increases in scientific and management knowledge of DCCOs and their impacts. We urge States, Tribes, and Federal agencies involved in DCCO control to, wherever possible, design monitoring programs to provide useful information on the effects of DCCO

control on public resources. We also urge all relevant governmental and nongovernmental entities to work together, whenever possible, to coordinate research and management activities at the local and regional scale. In particular, the following needs exist: greater demographic information (age-specific survival/mortality, age at first breeding, reproductive output, and philopatry) for use in modeling to help predict population responses to management scenarios; region-wide surveys of DCCOs to document changes in breeding populations; assessments of DCCO-caused fish mortality in relation to other mortality factors at the local level; studies to examine mechanisms within fish populations that may buffer the effects of DCCO predation, including investigation of whether different fish life-stages or species complexes are differentially affected by DCCOs; studies

to quantify the impacts of DCCOs on vegetation and other waterbirds; studies to determine how DCCO population processes respond to changes in population density resulting from control activities; and studies to address human dimensions of DCCO conflicts and possible solutions through education and outreach.

The selected action establishes a public resource depredation order in 50 CFR 21.48 and amends 50 CFR 21.47, the aquaculture depredation order that was originally created in 1998. In the proposed rule, we presented draft regulations and opened a 60-day public comment period. Differences between this final rule and the proposed rule reflect both our attentiveness to public comments and our deference to agency expertise. The chart below highlights these changes.

Proposed rule	Final rule	Justification
ADO ¹ : Winter roost control authorized from October to March.	Winter roost control authorized from October to April [21.47(c)(2)].	Public and agency comments indicate that DCCOs continue to congregate in large numbers in April and these birds have a major impact on adjacent aquaculture facilities.
Both DOs ² : Statement that take of any species protected by the Endangered Species Act (ESA) is not authorized.	Same, plus conservation measures added [21.47(d)(8); 21.48(d)(8)].	In accordance with Section 7 of the ESA, we completed informal consultation; this led to development of conservation measures to avoid adverse effects to any species protected by the ESA.
Both DOs: General statement that authority under depredation orders can be revoked.	Added specific suspension and revocation procedures [21.47(d)(10); 21.48(d)(13)].	For consistency's sake, we believe it is important to have a revocation/suspension process outlined.
Both DOs: OMB information collection control number not specified.	Added OMB approval number of 1018–0121 and expiration date [21.47(e); 21.48(e)].	We received this number in May 2003, after publication of proposed rule and comment period.
PRDO ³ : Recipients of donations of birds killed must have a scientific collecting permit.	This requirement removed [21.48(d)(6)(i)]	The proposed rule would have been more stringent than what is currently allowed in 50 CFR 21.12(b) and we do not consider stricter rules necessary.
PRDO: Agencies must provide a one-time notice of their intent to act under the order.	Added an advance notification requirement for take of >10% of a breeding colony [21.48(d)(9)].	We wanted to address concerns about there being no opportunity for us to review, and even suspend, control actions before they take place.
PRDO: Annual reporting period set at Sept. 1 to Aug. 31.	Changed reporting period to Oct. 1 to Sept. 30 [21.48(d)(11)].	The State of New York requested this change to better accommodate fall harassment activities.
PRDO: Monitoring requirements for population level activities.	Changed the word "monitor" to "evaluate"; added requirement that data from this section be included in annual report; and removed (11)(iii) [21.48(d)(12)].	This section ensures that agencies will consider (and take action to avoid) impacts to nontarget species and will evaluate the effects of control actions at breeding colonies, without being cost-prohibitive.

¹ Aquaculture Depredation Order.

² Aquaculture and Public Resource Depredation Orders.

³ Public Resource Depredation Order.

Population Status of the Double-Crested Cormorant

The information in this section is derived from the FEIS (to obtain a copy, see ADDRESSES). DCCOs are native to North America and range widely there. There are essentially five different breeding populations, variously

described by different authors as: Alaska, Pacific Coast, Interior, Atlantic, and Southern (Hatch and Weseloh 1999, Wires *et al.* 2001). The continental population is estimated at 2 million birds (including breeders and nonbreeders). For the United States as a whole, according to Breeding Bird Survey (BBS) data, the breeding

population of DCCOs increased at a statistically significant rate of approximately 7.5 percent per year from 1975–2002 (Sauer *et al.* 2003). However, growth rates for the different breeding populations vary considerably from this average.

Atlantic. Approximately 23 percent of the DCCO breeding population is found