

Question response for Rep. Wittman from Davy Hite (3/19/26):

“Oversight of the Migratory Bird Treaty Act”

Question from Rep. Wittman: As a lifelong conservationist and avid outdoorsman, I understand the importance of good stewardship when it comes to the unique and beautiful public lands throughout our nation. Mr. Hite, after the 2016 court decision vacated the depredation orders, states effectively lost a broad, flexible management tool. In your view, what would a cooperative federalism model look like that both satisfies judicial concerns about depredation orders but also work to restore meaningful state authority to address site-specific overabundance?

Answer from Davy Hite: Rep. Wittman, thank you for the question. The Migratory Bird Treaty Act has been highly successful in protecting and restoring migratory bird populations in the United States, while also providing a sound, science-based mechanism to delegate management authority to the states for some species. By using a regional management framework approach that applies strict harvest controls by individual flyways, waterfowl populations have been at or above management goals for decades, resulting in liberal hunting seasons that maximize both opportunities for waterfowlers and viewing opportunities for bird watchers.

While I am not a legal or judicial expert on the court’s 2016 decision, in my opinion, the same type of regional framework could be applied to managing cormorant populations. With the help of Regional Flyway Councils, scientifically defensible population indices could be used to established framework thresholds by region that allow restricted take under individual state authority. This cooperative federal and state management approach has been highly successful with not only many species of waterfowl, but also with federally managed species of fish like salmon in the Pacific Northwest and red snapper in the Gulf.