

FINAL REPORT AND RECOMMENDATIONS

Marine Mammal Protection Act, Section 120(f) Pinniped-fishery Interaction Task Force

May 12-14, 2020

1. Overview

Background and History

The United States Congress created Section 120 of the Marine Mammal Protection Act (MMPA) as part of its 1994 amendments to the Act. This section provides an exception to the MMPA “take” moratorium and authorizes the Secretary of Commerce, acting through the Assistant Administrator for Fisheries (AA), acting through the West Coast Regional Administrator (RA), National Marine Fisheries Service (NMFS), to authorize the intentional lethal taking of individually identifiable pinnipeds (seals and sea lions) that are having a significant negative impact on the decline or recovery of salmonids listed under the Endangered Species Act (ESA) or approaching threatened or endangered status.

Public Law 115-329, the Endangered Salmon Predation Prevention Act of 2018, amended Public Law 103-238, the MMPA Amendments of 1994, by replacing section 120(f) of the MMPA with a new subsection (f): Temporary Marine Mammal Removal Authority on the Waters of the Columbia River or its Tributaries. Section 120(f) of the MMPA authorizes the intentional lethal taking of sea lions, for the purpose of protecting species of salmon, steelhead, or eulachon that are listed as endangered species or threatened species under the ESA, and for species of lamprey or sturgeon that are not so listed as endangered or threatened but are listed as a species of concern; in the mainstem of the Columbia River from river mile 112 to river mile 292 (McNary Dam); and any tributary within the state of Washington and Oregon that includes spawning habitat for species of salmon or steelhead listed as threatened or endangered under the ESA.

Public Law 115-329 required the Secretary, and by delegation, the NMFS to establish procedures to coordinate issuance of authorizations under section 120(f)(2)(C) of the MMPA. On June 4, 2019, the West Coast RA signed a Memorandum concurring that the 120(f)(2)(C) Procedures Document developed by the West Coast Region meets the requirements in Public Law 115-329 to establish procedures under section 120(f)(2)(C) of the MMPA.

On June 13, 2019, the Oregon Department of Fish and Wildlife, the Washington Department of Fish and Wildlife, the Idaho Department of Fish and Game; the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation; and the Willamette Committee¹ (hereafter called – “eligible entities”) submitted an application pursuant to section 120(f) of the Marine Mammal Protection Act (MMPA) to NMFS requesting authorization to intentionally take, by lethal methods, sea lions that are located in the main stem of the Columbia

¹ MMPA section 120(f)(6)(D) Committee.

River between river mile 112 (I-205 Bridge) and river mile 292 (McNary Dam), or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead.

As required by the MMPA §120(c)(1), NMFS has convened this Task Force to provide NMFS with a recommendation to either approve or deny the eligible entities June 13, 2019, application. The eligible entities' application requests authorization for the intentional lethal taking of California sea lions (CSL) and Steller sea lions (SSL) that are having a significant negative impact on at-risk species listed as threatened or endangered under the ESA in the Columbia River basin.

Role of the Task Force

Once established, the Task Force has 60 days to consider relevant information and recommend to NMFS whether to approve or deny the eligible entities' request. If the Task Force recommends approval, it also includes a description of the proposed location, time, and method of taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority; and suggest nonlethal alternatives, if available and practicable, including a recommended course of action. In formulating its recommendations, the Task Force is to review the eligible entities' application, the available information regarding the problem interaction, public comments received by NMFS in response to the Federal Register notice, and also consider [MMPA §120(d)]:

- (a) Population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;
- (b) Past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist, and that the applicant has taken all reasonable nonlethal steps without success;
- (c) The extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and
- (d) The extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

After considering the aforementioned, the charge before the Task Force is to provide a recommendation to NMFS to either approve or deny the eligible entities' application to permit the intentional lethal taking of sea lions that are having a significant negative impact on the decline or recovery of at-risk fish stocks listed under the ESA.

NMFS' Expectations of the Task Force

In evaluating the eligible entities' application, NMFS' expectations of Task Force included working together during the meeting to develop recommendations that document the points of consensus reached by the group, as well as the alternate points of view when consensus is not reached. Task Force recommendations should fairly reflect the full range of opinion of the group. Additionally, expectations include acknowledging differences of opinion and include minority views with its recommendations. To enhance this process, NMFS has provided a professional facilitator to manage the meetings of the Task Force, record meeting notes, and assist the group in assembling its recommendations.

Materials were provided to Task Force members on relevant data and information on the status and trends of the sea lion populations, the number of individual sea lions and feeding habits at the locations of the interaction, and past efforts to non-lethally deter pinnipeds involved in the interaction. Information on the status and trends of the at-risk fish stocks involved in the interaction and the impact of predation was also included.

In addition to the above-mentioned considerations, NMFS requested that the Task Force deliberate the following questions when preparing its recommendations:

1. What, if any, non-lethal measures does the Task Force recommend in areas identified as Category 1² and Category 2² to displace and-or minimize sea lion predation in salmon/steelhead “hot spots?”
2. What, if any, non-lethal measures does the Task Force recommend in areas identified as Category 3² to preclude the establishment of sea lions?
3. What methods and operating procedures does the Task Force recommend regarding the capture, removal, etc., of sea lions in areas identified as Category 2 and Category 3?
4. What criteria does the Task Force recommend regarding the use of wildlife darting techniques, for in-water retrieval, capture and handling of sea lions?
5. What criteria and-or metrics does the Task Force recommend regarding the proposed locations, timing, numbers, limitations, methods, and duration of sea lion takings?
6. What methods, criteria and-or metrics does the Task Force recommend for evaluating the expected benefits of the taking of sea lions on at-risk fish stocks?
7. What type of pinniped-predation data does the Task Force recommend be collected in areas identified as Category 1 to evaluate the problem interaction?
8. What type of pinniped-predation data does the Task Force recommend be collected in areas identified as Category 2 and Category 3 to evaluate the problem interaction?
9. What criteria and-or metrics does the Task Force recommend be used to assess the effectiveness of the removal program (post-implementation evaluation)?

² Category 1 includes areas that currently have high numbers of CSL and/or SSL (e.g., >20) that are often present for the majority of the year. This high occupancy constitutes an immediate and ongoing conservation risk for fish stocks. Category 2 includes areas that currently have low to moderate numbers of CSL and/or SSL (e.g., <10) that are present only periodically. This level of occupancy constitutes a conservation concern for fish stocks if left unmanaged. Category 3 includes areas where sea lions have not been officially documented but contain spawning habitat for salmon and steelhead, or have documented presence that managers are monitoring but do not deem a conservation risk at present.

10. What methods, criteria and-or metrics does the Task Force recommend regarding the development and implementation of a long-term management plan by the eligible entities to preclude naïve sea lions from becoming habituated predators in the 120(f) geographic area?
11. What actions does the Task Force recommend be implemented by the eligible entities to reduce the social transmission between habituated sea lions and naïve sea lions to minimize/eliminate future recruitment of naïve sea lions into the 120(f) geographic area?

Public Participation

As required by the MMPA, the Task Force meeting was open to the public. Meeting notices and supplemental information were announced to the public on NMFS' West Coast Region website and through a media advisory. The public was not allowed to discuss or debate issues with the Task Force during working sessions, but time was allocated at the meeting to allow the public to provide or identify new or relevant information that may assist the Task Force in its deliberations. Members and resource participants agreed to maintain the respectful tone of the meetings outside the meetings, including all e-mail correspondence. Any reporting to constituents, speaking to the press or other discussion of the meetings focused on issues, not on individuals.

NMFS Decision and Implementation Process

NMFS will determine a course of action informed by the Task Force recommendations. In addition to the MMPA process described above, NMFS must also comply with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and other relevant statutes in considering the eligible entities' application.

2. Task Force Recommendations on Question 1 through 11

The Pinniped-fishery Interaction Task Force met for three full-days via webinar on May 12-14, 2020. The meeting was held virtually due to the COVID-19 pandemic. During the meeting, Task Force members were informed by a series of presentations by experts to provide a foundation of information to inform the deliberations and to help members better understand the background and context of the issue. Task Force members then collaboratively discussed the 11 questions and considerations listed above and developed recommendations for NMFS consideration. High-level ideas, recommendations, decision-points, and outcomes have been summarized in the meeting summary, Appendix H.

After much discussion and iteration, the Task Force arrived at the following recommendations. For each recommendation, the Task Force was asked to provide their level of support for each of the proposed recommendations. This process was used to gauge the Task Force's level of alignment for the various recommendations and allow NMFS to understand where there was greater buy-in or support for a recommendation. Additionally, the process allowed Task Force members to see other members' comfort level with the recommendations and therefore provided an opportunity for

additional collaboration and joint development of the recommendations to allow for greater Task Force alignment.

The Task Force recommendations, associated levels of support, and basis for recommendations are described briefly below.

Recommendations for Question 1: *What, if any, non-lethal measures does the Task Force recommend in areas identified as Category 1 and Category 2 to displace and-or minimize sea lion predation in salmon/steelhead “hot spots?”*

- 1a. Allow the authorized lethal removal of California sea lion (CSL) and Steller sea lion (SSL) without requiring non-lethal measures in Category 1 and 2 areas.
 - Level of support: 16 yes, 2 no, 1 abstain.
- 1b. Encourage staff to consider using non-lethal measures that may be appropriate for application at these sites.
 - Level of support: 17 yes, 0 no, 2 abstain.

Basis for Recommendations: A majority of Task Force members agreed to a direct approach of the immediate removal of animals, initially focusing on hot spot areas without non-lethal requirements. Those supporting lethal take explained that lethal take seems to be the only solution for highly habituated animals having taken all reasonable steps and trying non-lethal measures without success. Lethal removal should be authorized without requiring additional non-lethal measures first. The Task Force majority felt it is important that the eligible entities have non-lethal tools at their disposal as it allows them to be efficient as possible given available resources with the goal of reducing predation so fewer animals need to be removed over time.

In discussing the effectiveness of nonlethal hazing efforts, Task Force members noted that it is difficult to effectively haze sea lions in the spillways due to the high flow of water near the dam and number of individuals. They also noted that it would be difficult to haze in the lower river (outside the geographic scope of the application) as it is a large area to monitor for individual pinnipeds swimming upriver.

Recommendations on Question 2: *What, if any, non-lethal measures does the Task Force recommend in areas identified as Category 3 to preclude the establishment of sea lions?*

- 2a. Maintain the flexibility of the applicants to consider the use of non-lethal methods including reducing the use of man-made haul outs in Category 3 where practical.
 - Level of support: 18 yes, 1 no, 0 abstain.
- 2b. Allow authorized lethal removal of CSL and SSL without non-lethal requirements in Category 3 areas.
 - Level of support: 17 yes, 2 no, 0 abstain.

Basis for Recommendations: Task Force members noted that non-lethal methods can be an inefficient use of resources in Category 3 areas, and a few noted that any recommendations for this category should be specific.

Task Force members generally supported efforts to reduce man-made haul outs in Category 3 areas when practical but a majority of the Task Force felt that lethal removals should not be contingent upon this action, or any other nonlethal measures.

Recommendations on Question 3: *What methods and operating procedures does the Task Force recommend regarding the capture, removal, etc., of sea lions in areas identified as Category 2 and Category 3?*

3a. Support current or proposed methods and criteria in the application for capture and removal of sea lions.

- Level of support: 17 yes, 2 no, 0 abstain.

3b. Consider maintaining flexibility for applicants to apply other methods for capture and removal that have been approved by Institutional Animal Care and Use Committee (IACUC) and NMFS.

- Level of support: 17 yes, 2 no, 0 abstain.

Basis for Recommendations: Task Force members discussed techniques for capturing animals including trapping, darting, and shooting by marksmen. They noted that the states have used darting techniques in the past with a variety of outcomes, and that use of lethal force, including by marksmen is prohibited under section §120(f). The application states that if trapping is not feasible, then darting may be used. Task Force members generally agreed that it is important to have different capture techniques available as situations differ from tributary to tributary. Such flexibility will allow the eligible entities to utilize the tools that are most efficient while acting in a humane and safe manner.

Task Force members discussed the recommendation to consider and explore other methods besides trapping and darting as those options are not always feasible. A few Task Force members also expressed concern regarding the risk of a darted animal escaping before it dies. Additionally, applicants expressed the need to have a process that allows for flexibility and a variety of tools in the toolkit to provide sufficient options to ensure methods are humane, efficient, and safe for staff use.

Recommendations on Question 4: *What criteria does the Task Force recommend regarding the use of wildlife darting techniques, for in-water retrieval, capture and handling of sea lions?*

4a. Applicants to consider improving proposed methods in the application regarding the use of wildlife darting techniques and methods for in water retrieval, capture, and handling of sea lions in consideration of the Task Force discussion.

- Level of support: 17 yes, 2 no, 0 abstain.

Basis for Recommendations: The Task Force discussion included the following considerations for improving darting techniques:

- A Task Force member suggested that applicants could consider using a tracker in the dart in the event the animal escapes.

- It was agreed that the Institutional Animal Care and Use Committee (IACUC) should determine if using a gaff to retrieve an animal in the water is humane when the animal is under anesthesia.
- Applicants should ensure that whoever is implementing these practices has adequate training and is qualified to avoid unintended consequences.
- It was noted that it is important to consider where darting is permitted as it would be dangerous to administer in the Category 1 locations.
The messaging and framing of the lethal techniques by the applicants should communicate the larger issues at stake (i.e., the importance of recovering fish funs), the complexity of managing such issues, and the associated challenges.

Recommendations on Question 5: *What criteria and-or metrics does the Task Force recommend regarding the proposed locations, timing, numbers, limitations, methods, and duration of sea lion takings?*

- 5a. Limit the number of SSL removal to 300 over a five-year period.
- Level of support: 17 yes, 2 no, 0 abstain.
- 5b. Limit the number of CSL removal to 540 over a five-year period.
- Level of support: 16 yes, 3 no, 0 abstain.
- 5c. No restriction on the timing of take.
- Level of support: 17 yes, 2 no, 0 abstain.

Basis for Recommendations: Task Force members discussed establishing limits on the number of sea lion removals. This included considering a different limit for CSL and SSL populations, and considering limiting the number removed in a year or providing a longer period of time, such as five years. A majority of Task Force members agreed that removals should not be limited by season, or time of year but they should be geared toward pinniped presence. It was noted that run timings will vary depending on many factors, such as ocean conditions and river flow. Some argued that if removals are constrained to certain months, it will not allow sufficient flexibility to respond to natural fluctuations that might affect run timing. In providing a recommendation on the number of CSL and SSL to be removed (placed in permanent captivity or killed), NMFS requested that if the Task Force recommends numbers different than those in the application that the Task Force provide the basis for the amended numbers. For CSLs, NMFS suggested a number based on the range of CSLs, the annual rate of removal for CSL, and the annual rate of CSL recruitment in the eligible entities' application. The Task Force majority concurred with this suggestion. For SSL, the suggestion was loosely based on a PBR concept for SSL estimates in the Columbia River. Some Task Force members expressed concern on the effect of removals on reproduction in the affected SSL populations.

Based on that SSL-related concern, some Task Force members thought it was important to monitor population size and reproduction rates to evaluate the impact of removals. It was noted that PBR was designed for use in calculating sustainable levels of incidental take by commercial fisheries, not directed take; and that PBR is based on total population abundance, but removal efforts will not be evenly distributed among the rookeries. Some Task Force members stated there should be a commitment to the monitoring of pup production, the number of breeding males, the health of the

males, and the pup to non-pup ratio in Oregon and Washington while the removal is ongoing. Additionally, a few Task Force members suggested there should be an interim program evaluation after three years.

Recommendations on Question 6: *What methods, criteria and-or metrics does the Task Force recommend for evaluating the expected benefits of the taking of sea lions on at-risk fish stocks?*

- 6a. The monitoring requirements in the NOAA Fisheries procedures document, including, in addition to any recommendations from the Task Force that are adopted, an eligible entity that is authorized to remove sea lions under section 120(f) shall develop and implement a monitoring plan to evaluate: (1) the impacts of sea lion predation on at-risk fish stocks, and (2) the effectiveness of permanent removal of predatory sea lions as a method to reduce mortality on at-risk fish stocks. Furthermore, an eligible entity shall: a) monitor and report on the number of sea lions observed in the action area; b) report the number of sea lions removed in the action area; c) monitor and report on the number of prey observed (see footnote³) to have been taken by sea lions in the action area; d) monitor and report on key population parameters for at-risk fish stocks so that the effectiveness of permanent removal of predatory sea lions as a method to reduce or eliminate mortality on at-risk fish stocks can be evaluated as required in section 120(c)(5).
- Level of support: 19 yes, 0 no, 0 abstain.
- 6b. In addition, necropsies should be included as they are not incorporated in the document but are standard operating procedures to collect biological data.
- Level of support: 15 yes, 4 no, 0 abstain.
- 6c. In addition, applicants should consider maintaining a minimum population of temporarily marked animals to understand turn over, replacement, etc.
- Level of support: 3 yes, 16 no, 0 abstain.

Basis for Recommendations: Task Force members discussed how to coordinate ongoing monitoring efforts including the Army Corps of Engineers monitoring program at Bonneville Dam. While Task Force members generally agreed that monitoring efforts are important in understanding how the program is affecting fish runs, a few noted that much of the work is ongoing and should not be the responsibility of the applicants. It was noted that there are other factors that affect fish runs in addition to predation, and those should be monitored as well as to help determine the benefits of removal.

Some Task Force members felt that monitoring should include longitudinal monitoring of fish runs to understand if removal is having a positive effect, and track sea lion numbers by species to determine if removed individuals are replaced by new recruits. It was noted that there are ongoing efforts to monitor fish runs throughout the basin, but it is difficult to tease out impacts from specific management actions. A few Task Force members noted that the NOAA Fisheries procedures document contains language on required monitoring procedures, and it should be included in the recommendation. It was recommended that necropsies should be included because they may provide additional information on demographics and/or population health.

³ When predation impacts cannot be observed, an eligible entity shall use a bioenergetics model or equivalent method.

Recommendations on Question 7: *What type of pinniped-predation data does the Task Force recommend be collected in areas identified as Category 1 to evaluate the problem interaction?*

- 7a. Support NMFS efforts to monitor California, Oregon, and Washington SSL population size and trends to evaluate whether male removals are impacting population status
- Level of support: 6 yes, 12 no, 1 abstain.
- 7b. The monitoring requirements in the NOAA Fisheries procedures document, including, in addition to any recommendations from the Task Force that are adopted, an eligible entity that is authorized to remove sea lions under section 120(f) shall develop and implement a monitoring plan to evaluate: (1) the impacts of sea lion predation on at-risk fish stocks, and (2) the effectiveness of permanent removal of predatory sea lions as a method to reduce mortality on at-risk fish stocks. Furthermore, an eligible entity shall: a) monitor and report on the number of sea lions observed in the action area; b) report the number of sea lions removed in the action area; c) monitor and report on the number of prey observed (see footnote²) to have been taken by sea lions in the action area; d) monitor and report on key population parameters for at-risk fish stocks so that the effectiveness of permanent removal of predatory sea lions as a method to reduce or eliminate mortality on at-risk fish stocks can be evaluated as required in section 120(c)(5).
- Level of support: 19 yes, 0 no, 0 abstain.

Basis for Recommendations: A few Task Force members suggested continuing the current monitoring programs to make year-to-year comparisons more robust. It was noted that those methods have been used to evaluate the successes of monitoring progress to date, and it will be important to ensure that they continue despite the budget uncertainties due to the COVID-19 Pandemic. Concern was raised as to whether in this fiscal environment, NMFS will be able to continue to support on-going population assessment protocols for CSL and SSL in this region.

Task Force members discussed expanding the current monitoring methods to match any increase in lethal removals (temporal, geographic, etc.). They also suggested that the monitoring efforts should be modified based on what is being observed at Bonneville Dam. If the program is successful, Task Force members generally felt there will be fewer observations of predation, so monitoring might be implemented on a less frequent schedule, or be shifted to another method, such as using other variables such as “sea lion days” as a proxy.

Recommendations on Question 8: *What type of pinniped-predation data does the Task Force recommend be collected in areas identified as Category 2 and Category 3 to evaluate the problem interaction?*

- 8a. The monitoring requirements in the NOAA Fisheries procedures document, including, in addition to any recommendations from the Task Force that are adopted, an eligible entity that is authorized to remove sea lions under section 120(f) shall develop and implement a monitoring plan to evaluate: (1) the impacts of sea lion predation on at-risk fish stocks, and (2) the effectiveness of permanent removal of predatory sea lions as a method to reduce mortality on at-risk fish stocks. Furthermore, an eligible entity shall: a) monitor and report on the number of sea lions observed in the action area; b) report the number of sea lions removed in the action area; c) monitor and report on the number of prey observed (see

footnote²) to have been taken by sea lions in the action area; d) monitor and report on key population parameters for at-risk fish stocks so that the effectiveness of permanent removal of predatory sea lions as a method to reduce or eliminate mortality on at-risk fish stocks can be evaluated as required in section 120(c)(5).

- Level of support: 19 yes, 0 no, 0 abstain.

8b. Suggestion to create a platform or a way to collect public input and observations on the problem interactions in Categories 2 and 3.

- Level of support: 17 yes, 0 no, 2 abstain.

Basis for Recommendations: Overall, Task Force members agreed that monitoring efforts should be consistent with the NOAA Fisheries' procedures document. They discussed methods for obtaining these data. A few Task Force members suggested that the applicants utilize observations reported by the public in Category 2 and 3 areas by way of a centralized website. It was also noted by some Task Force members that the agency could utilize angler observation by integrating a reporting system into ODFW's electronic reporting program.

It was noted that Oregon Department of Fish and Wildlife (ODFW) staff are working on a web-based application for reporting observations that could be rolled out for public use in the future. Many Task Force members recognized that while utilizing crowdsourcing could help focus the efforts of applicants, it is important that the quality of that information be carefully evaluated.

While these sorts of data collection can be helpful, most Task Force members agreed that it should not hinder efforts to be proactive in removing problem individuals.

Recommendations on Question 9: *What criteria and-or metrics does the Task Force recommend be used to assess the effectiveness of the removal program (post-implementation evaluation)?*

9a. Conduct management strategy evaluation on performance of the bioenergetic model.

- Level of support: 7 yes, 4 no, 8 abstain.

9b. Conduct annual reporting of the run sizes and predation to assess whether the program has resulted in improvements in extinction probability or run sizes.

- Level of support: 5 yes, 13 no, 1 abstain.

9c. The monitoring requirements in the NOAA Fisheries procedures document, including, in addition to any recommendations from the Task Force that are adopted, an eligible entity that is authorized to remove sea lions under section 120(f) shall develop and implement a monitoring plan to evaluate: (1) the impacts of sea lion predation on at-risk fish stocks, and (2) the effectiveness of permanent removal of predatory sea lions as a method to reduce mortality on at-risk fish stocks. Furthermore, an eligible entity shall: a) monitor and report on the number of sea lions observed in the action area; b) report the number of sea lions removed in the action area; c) monitor and report on the number of prey observed (see footnote²) to have been taken by sea lions in the action area; d) monitor and report on key population parameters for at-risk fish stocks so that the effectiveness of permanent removal of predatory sea lions as a method to reduce or eliminate mortality on at-risk fish stocks can be evaluated as required in section 120(c)(5).

- Level of support: 19 yes, 0 no, 0 abstain.

Basis for Recommendations: Task Force members discussed the information that has led to the current management decisions and agreed to continue using the current approach to monitor predation, including the NMFS procedures document.

Task Force members also discussed that while the overall goal of the program is to reduce predation, there is a broader goal of recovering salmonid stocks. A few members expressed the importance of reviewing long-term trends in run sizes and pinniped populations to determine if progress is being made in improving run sizes. They noted that evaluating success is complicated because there are multiple variables affecting fish stocks such as environmental variables, other predators, habitat degradation, and spawning site competitors. It was noted that an experimental design, such as scenario testing could be used to look at the performance of the fish stocks under different predation assumptions.

It was also noted that monitoring criteria and/or metrics will need to focus on what the applications are responsible for, which includes monitoring pinnipeds and the problem interaction, within the geographic scope of the application. A few Task Force members expressed concern that recommendations may create redundancy in monitoring efforts or might require or use out-of-basin data to support activities within the basin.

Recommendations on Question 10: *What methods, criteria and-or metrics does the Task Force recommend regarding the development and implementation of a long-term management plan by the eligible entities to preclude naïve sea lions from becoming habituated predators in the 120(f) geographic area?*

- 10a. Consider setting up a program or another vehicle in coordination with NMFS that would support/help secure the funds needed for monitoring to evaluate success of the program.
 - Level of support: 9 yes, 5 no, 5 abstain.
- 10b. Recommend looking at the number of recruits after habituated animals are removed to understand effectiveness.
 - Level of support: 6 yes, 10 no, 3 abstain.
- 10c. Recommend that haul outs in the Categories 1, 2, and 3 areas are limited to the extent possible.
 - Level of support: 7 yes, 11 no, 1 abstain.

Basis for Recommendations: Task Force members discussed a variety of methods for preventing habituation. A few noted that it is difficult to manage the socialization process that leads to recruitment. A Task Force member stated that removing haul out sites would be the most effective method of reducing the learning through social transmission.

Regarding methods/criteria for monitoring the program success, it was noted that the existing bioenergetics model provides one measure of success, albeit with some caveats. The model uses published data and is an approach that is consistent across all threat categories. A Task Force member suggested that metrics should be consistent and retain at a higher level of detail.

A few Task Force members suggested that an approach to public messaging should be included in any long-term management plan. That messaging should describe the complexity of the issue and the various challenges, as well as describe the work that is being done to address those challenges.

Task Force members also discussed the funding aspects of a long-term program. There was concern that agency budgets may decrease over the next five years, which may impact monitoring capabilities. They recommended the applicants consider setting up a program or utilizing another vehicle to help support/secure the funds needed for monitoring to evaluate the success of the program, such as utilizing industry relationships with the hydropower system.

Recommendations on Question 11: *What actions does the Task Force recommend be implemented by the eligible entities to reduce the social transmission between habituated sea lions and naïve sea lions to minimize/eliminate future recruitment of naïve sea lions into the 120(f) geographic area?*

- 11a. It seems the most effective method is to get in early and be proactive with lethal removal to disrupt recruitment and habituation.
 - Level of support: 16 yes, 2 no, 1 abstain.
- 11b. Recommend that haul outs in the Categories 1, 2, and 3 areas are limited to the extent possible.
 - Level of support: 6 yes, 12 no, 1 abstain.

Basis for Recommendations: The majority of Task Force members agreed that the most effective method is early action and being proactive with lethal removal to prevent recruitment and habituation.

Task Force members discussed limiting haul out sites that enhance opportunities for sea lion socialization. It was noted that there are challenges associated with removing haul out sites due to ownership, jurisdiction, accessibility, and the sheer number of sites. It was generally recommended that haul outs be addressed as much as possible, especially at sites that are near predation hot spots. A Task Force member suggested that private facilities should be encouraged to be proactive and not allow animals to haul out. This will be complicated by the fact that private owners often do not understand that they have the authority to protect their property.

Members recognized the challenges of removing haul out sites and therefore recommended that haul out sites be addressed as much as possible, especially at sites that are near predation hot spots.

A few Task Force members felt it was important to maintain a branded population of SSL for monitoring and better understanding of socialization. This could be done through pup branding or branding animals that have been captured at Willamette Falls and/or Bonneville Dam.

3. Task Force Recommendation on the eligible entity's June 13, 2019, application requesting authorization under section 120(f) of the MMPA to take, by lethal means, sea lions in the Columbia River Basin.

Recommendation to NMFS to either approve or deny the eligible entity's application.

The majority of Task Force members present at the meeting (16 of 22) recommended approving the eligible entity's application requesting authorization for lethal removal, two (2) Task Force members recommended denying the eligible entity's application, one (1) Task Force member abstained, and three (3) Task Force members were intermittently absent and did not provide a recommendation.

The recommendations are as follows:

- Traci Belting, Seattle Aquarium – approve
- Shaun Clements, Oregon Department of Fish and Wildlife – approve
- Amy Cutting, Oregon Zoo – approve
- Bob DeLong, NOAA/Marine Mammal Laboratory – approve
- Doug DeMaster, Former Director of the Alaska Fisheries Science Center (NOAA) – approve
- Kelly Dirksen, Confederated Tribes of the Grand Ronde Community of Oregon – approve
- Joe Dupont, Idaho Department of Fish and Game – approve
- Liz Hamilton, Northwest Sport Fishing Industry Association – approve
- CT Harry, International Fund for Animal Welfare – deny
- Doug Hatch, Columbia River Inter-Tribal Fish Commission – approve
- William Hurley, International Marine Animals Trainers Association – approve
- Jeff Laake, the Wildlife Society – approve
- Kessina Lee, Washington Department of Fish and Wildlife – approve
- Tim Ragen, Former Executive Director of the Marine Mammal Commission – approve
- Bob Rees, Northwest Guides and Anglers Association – approve
- Carl Sheeler, Confederated Tribes of the Umatilla Indian Reservation – approve
- Sean Tackley, U.S. Army Corps of Engineers – abstain
- Paul Ward, Confederated Tribes and Bands of the Yakama Nation – approve
- Jack Yearout, Nez Perce Indian Tribe – absent
- Sharon Young, the Humane Society – deny
- Robert Kentta, Confederated Tribes of Siletz Indians of Oregon – absent
- Olney (JP) Patt, Confederated Tribes of the Warm Springs Reservation - absent

3. Concluding Remarks

Task Force members acknowledged the challenges of this issue and expressed the need to continue exploring pinniped-fishery interactions and developing new methods and tools. The Task Force recognized the complexity of the issue and the various factors impacting at-risk fish stocks, in addition to pinniped predation. Members expressed the importance of evaluating the effectiveness of the program and the impacts to the at-risk fish stocks in order to adjust the program as needed. The Task Force also recognized that agency funding for the program may decrease in the next several years and may impact implementation and monitoring capabilities. While the virtual circumstances of this meeting posed many challenges for a Task Force located in multiple time

zones, Task Force members remained dedicated, engaged, and professional in their discussions.

Facilitator Note: This report was written by the facilitation team at Kearns & West. NMFS and Task Force members were given the opportunity to review and provide any comments on the initial draft of the report. Any edits from NMFS and the Task Force will be incorporated into the next draft and sent again for final review. NMFS and the Task Force will be provided the opportunity to approve the final draft of the report.

4. Appendices

- A. MMPA Section 120(f) Pinniped-fishery Interaction Task Force Meeting Agenda
- B. Section 120(f) Overview and Task Force Instructions
- C. Task Force Membership
- D. List of Attendees
- E. Federal Register
- F. Media Notice
- G. Presentations
 - a. Robert Anderson, NMFS Presentation
 - b. Robert Delong, MML Presentation
 - c. Tom Gelatt and Brian Fadely, MML Presentation
 - d. Steve Jeffries, WDFW and Shea Steingass, ODFW Presentation
 - e. Bryan Wright, ODFW Presentation
 - f. Michelle Rub, NWFSC Presentation
 - g. Mark Sorel, NWFSC Presentation
 - h. Shea Steingass, ODFW; Kessina Lee, WDFW; Bryan Wright, Mike Brown, ODFW; Doug Hatch, CRITFC; Steve Jeffries, WDFW; Kyle Tidwell, U.S. Army Corps of Engineers; Shaun Clements, ODFW Presentation
- H. Meeting Summary