



June 13, 2019

Mr. Barry Thom
West Coast Regional Administrator
NOAA Fisheries
7600 Sand Point Way NE
Seattle, WA 09115

Dr. Scott Rumsey
West Coast Deputy Regional Administrator
NOAA Fisheries
7600 Sand Point Way NE
Seattle, WA 09115

Dear Mr. Thom and Dr. Rumsey:

The Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), and Idaho Department of Fish and Game (IDFG), on behalf of their respective states (“the States”) and the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSR), the Confederated Tribes and Bands of the Yakama Nation (CTBYN), and the 3.6.D Committee submit this application to the National Marine Fisheries Service (NMFS) under subsection 120(f) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. §1389 et seq.; section 120 of the MMPA) for the intentional lethal removal of individually identifiable California sea lions (CSL) and Steller sea lions (SSL) that are located in the mainstem of the Columbia River between river mile 112 and McNary Dam, or in any tributary to the Columbia River that includes spawning habitat of salmon or steelhead that are listed as threatened or endangered under the Endangered Species Act of 1973 (ESA; 17 U.S.C. §1531 et seq.). For the purposes of this application, we propose that a California or Steller sea lion present within this geographic area is deemed to be individually identifiable and to be having a significant negative impact within the meaning of Section 120(b)(1) as defined by Section 120(f)(7) & (8) (MMPA; 16 U.S.C. 1389(f)(7) and (8)).

The U.S. population of CSL has undergone a remarkable recovery over the past 30 years, increasing from fewer than 75,000 to nearly 300,000 animals coast-wide. In the Columbia River basin, the abundance of CSL has increased significantly in the past decade, from <500 up to ~4000. A small number of these animals have subsequently habituated to locations far upriver, such as Bonneville Dam and Willamette Falls. The presence of habituated animals likely contributes to more rapid recruitment of naïve animals to a site. In addition to increasing abundance, we have observed that animals are generally arriving earlier and remaining at sites over a longer period of time. We estimate there may currently be between 202-300 CSL within the geographic scope of this application and that they are present for up to 10 months per year.

The Eastern stock of SSL has also been increasing in abundance at an overall annual rate of 4.76%, to a total count estimate of over 75,000 in 2015. Because this count was not corrected for animals at sea during the survey period, it is considered a minimum population estimate. Although CSL have been the primary focus of management efforts to date, the abundance of SSL has been increasing in the basin, particularly in the past 2-4 years, and this species is also having a negative impact on salmon, steelhead, lamprey, and sturgeon populations. SSL were first documented at Bonneville Dam in 2003 with three animals present. In 2018, a minimum of 66 SSL were observed at the dam during a single day. Exact counts are difficult to obtain as a high proportion of SSL are unmarked, but the total number of SSL present during the spring period is at least equal to that of CSL. While pinniped abundance tends to be highest during the spring, the abundance and residency time of SSL during the fall and winter months has increased, and SSL are now present for 11 months per year at Bonneville Dam.

Over the same period that sea lion abundance has increased, many salmon and steelhead populations in the Pacific Northwest have significantly declined and been listed under the ESA. In the Columbia River basin, thirteen stocks are currently listed as threatened or endangered. These declines were initially and primarily a result of multiple factors unrelated to predation by pinnipeds, but a growing body of evidence suggests that the rise in abundance of pinniped populations on the US west coast is having a significant impact on the survival of many salmon and steelhead populations, both in the ocean and freshwater. This is important as in areas where salmonid abundance is low, even a modest unmanaged increase in predation by pinnipeds can result in serious negative impacts to the recovery of individual salmonid populations.

There has been an unprecedented effort to recover salmon and steelhead in the Columbia basin. Comprehensive actions to restore habitat, improve fish passage through the hydropower system, improve hatchery operations, and continue harvest management are ongoing and represent millions of dollars of investment annually. These efforts, however, are put at risk by the increasing impact of sea lions in the Columbia River basin, which has been well documented in prior applications for Bonneville Dam and Willamette Falls. More recently, the abundance of SSL has increased significantly at these locations and both CSL and SSL have been observed colonizing in other tributaries that contain salmon and steelhead. Based on patterns previously observed at other sites in the region, there is concern that the occupancy of sea lions in these rivers will follow a similar pattern, and existing authorizations do not allow us to prevent habituation of sea lions at these locations. Past efforts to non-lethally deter sea lions at Ballard Locks, Bonneville Dam, Willamette Falls, and other locations have been unsuccessful. Meaningful actions to reduce the risk of extinction of listed stocks must include appropriately addressing CSL and SSL predation.

Prior to 2019, Section 120 of the MMPA limited the ability of managers to effectively manage pinniped predation. Our experience at Ballard Locks, Bonneville Dam, and Willamette Falls

have shown that lengthy delays in implementing lethal removal only allow more animals to habituate to an area and result in further negative impacts to fish populations. To more effectively manage CSL and SSL predation, we propose to reduce the existing habituated population then manage proactively by not allowing new animals to habituate within the geographic scope of this application, consistent with the intent of the recent amendments to the MMPA, specifically subsection 120(f). The expected benefit of this proactive, place-based approach to removal of sea lions in the Columbia River basin is reduction of this significant source of mortality to listed salmonids, as well as reduction in the number of sea lions removed over time.

The States, the Nez Perce Tribe, the CTUIR, the CTWSR, the CTBYN and the 3.6D Committee look forward to continued work with NMFS to address the sea lion predation issue in the Columbia River basin. Thank you for your consideration of this request.

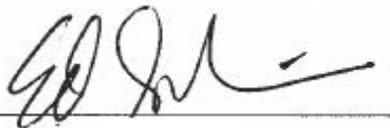
Sincerely,



Curt Melcher, Director
Oregon Department of Fish and Wildlife



Kelly Susewind, Director
Washington Department of Fish and Wildlife



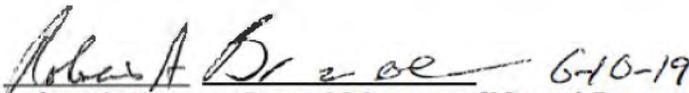
Ed Schriever, Director
Idaho Department of Fish and Game



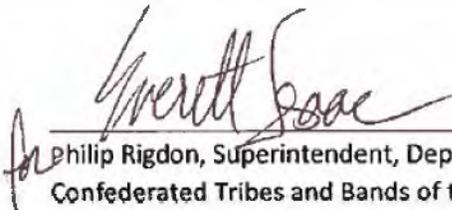
Dave Johnson, Program Manager
Department of Fisheries Resources Management
Nez Perce Tribe



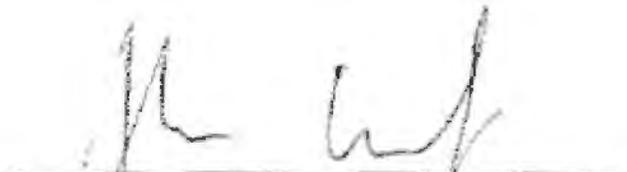
Carl Scheeler, Wildlife Program Manager
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Confederated Tribes of the Umatilla Indian Reservation



Robert A. Brunoe, General Manager of Natural Resources and Tribal Historic Preservation
Officer
Confederated Tribes of the Warm Springs Reservation of Oregon



Philip Rigdon, Superintendent, Department of Natural Resources
Confederated Tribes and Bands of the Yakama Nation



Shaun Clements, Policy Advisor
Oregon Department of Fish and Wildlife
On behalf of the 3.6.D Committee