



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232 503 238 0667

April 28, 2005

Dr. Jeffery P. Koenings, Director
Washington Dept. Fish & Wildlife
600 Capitol Way N.
Olympia, WA 98501-1091

Lindsay A. Ball, Director
Oregon Dept. Fish & Wildlife
3406 Cherry Ave. NE
Salem, OR 97303

Dear Directors,

The Commission and its member tribes are very concerned about the sea lions at Bonneville Dam and their impacts to listed salmonids. Sea lions have been observed for several years in the tailrace area of Bonneville Dam, and have also been sighted at and above The Dalles Dam. This year, sea lions have been entering and exploring all fish ladders at Bonneville Dam. Indeed, video count information has documented that the sea lions in the ladder are pursuing salmon.

The Army Corps of Engineers completed a three-year study on California sea lions at Bonneville Dam in 2004, as one of the Reasonable and Prudent Actions identified in the 2000 Biological Opinion on the Federal Columbia River Power System. The data indicates that California sea lion presence at the project increased over the life of the study, as did the length of time the animals were present at the project each year. Specifically the animals are appearing earlier each year and in growing numbers. Further, the study concludes that the impact of the animals on the spring Chinook run increased from 0.3% to 2.1% over the study period and indicates the impact rate could be significant during low run years.

Experiences at Willamette Falls and Ballard Locks indicate that a sea lion nuisance problem must be quickly addressed or will quickly escalate. It took many years to deal with problem animals at both of those sites. Based upon expertise developed to address the nuisance animals at Ballard Locks and Willamette Falls, different hazing techniques have been employed to move the animals out of sensitive areas. One key goal is to remove the animals quickly, before they learn or receive a positive reinforcement to certain activities and areas. The longer the animals stay in a certain area and learn to be effective at foraging, the harder and less effective the hazing methods are at modifying their behavior.

While California sea lions have not been listed as a protected species under the Endangered Species Act, they are a species protected under the Marine Mammal Protection Act. Even if the California sea lions are impacting listed or depleted

salmonids, individual sea lions cannot be killed without a special permit issued by NOAA Fisheries. Such action may become necessary in future years if the hazing techniques are not effective and the sea lions continue to impact listed salmonids.

To address this serious situation, the tribes strongly recommend that the states of Oregon and Washington utilize the MMPA Section 120 (16 U.S.C. § 1389) process to obtain authority to remove problem animals that are impacting listed salmonids, including, but not limited to, lethal take. This process involves the states preparing and submitting an application to the Department of Commerce for authority to remove predatory sea lions from the Bonneville Dam tailrace. If warranted, NOAA Fisheries then convenes the Pinniped-Fishery Interaction Task Force to review the application and recommend denial or approval of the application. The tribes realize that this process is cumbersome and offer any assistance we can provide to conclude the process by the 2006 spring migration. Hopefully, the experience gained and information generated in dealing with similar situations at Ballard Locks and Willamette Falls and the recent experiences and information from the Bonneville Dam situation will be useful to the Section 120 process. The tribes also recognize that obtaining Section 120 authority does not necessarily mean that any animals will be killed. Still, the tribes believe that having the authority in place is a prudent management action.

We would appreciate your prompt consideration of these matters.

Sincerely,

A handwritten signature in black ink that reads "Olney Patt, Jr." The signature is written in a cursive style with a large, looped initial "O" and a trailing flourish.

Olney Patt, Jr.
Executive Director

cc: Tribal Fish and Wildlife Committees
Tribal Attorneys
Bob Lohn, NOAA Fisheries
General Grisoli, U.S. Army Corps of Engineers