

ENDANGERED SALMON AND FISHERIES PREDATION PREVENTION ACT

JANUARY 23 (legislative day, JANUARY 21), 2014.—Committed to the Committee of
the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1308]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1308) to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1308 is to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species.

BACKGROUND AND NEED FOR LEGISLATION

The Marine Mammal Protection Act (MMPA) has resulted in California sea lions and certain populations of Steller sea lions being restored to historic levels. Steller sea lions are protected under the MMPA, and the Western population of these sea lions is also listed under the Endangered Species Act (ESA). Another population of Steller sea lions, the Eastern population, was delisted under the ESA by the National Marine Fisheries Service (NMFS) in September 2013.

The current MMPA allows for the lethal removal of marine mammals in narrow instances. Section 120, which was added by the 1994 amendments to the MMPA, allows States to apply to the Secretary of Commerce for an authorization to lethally take a nuisance pinniped, except those listed under the ESA, identified as having a “significant negative impact” on ESA listed salmon stocks. This section requires the Secretary of Commerce to review the impacts of California sea lions and Pacific harbor seals on West Coast salmon and recommend a course of action. The original report was completed and submitted to Congress. A second report with specific recommendations for MMPA amendments was submitted by NMFS in 1999. NMFS recommended that Congress amend MMPA to include site-specific management, including the use of lethal and non-lethal removal of California sea lions and harbor seals. However, changes have been made to Section 120 since then, and the result has been a huge increase in sea lions feasting on an increasing amount of ESA-listed and other fish species in the Columbia River and its tributaries.

Increasing Numbers of Sea Lions in Columbia River. The Army Corps of Engineers has reported that the daily average of pinnipeds (harbor seals, Steller sea lions, and California sea lions) at Bonneville Dam on the Columbia River have steadily increased over the past several years. NMFS reported that in a typical May there are roughly 3,000 Pacific harbor seals, 1,000 Steller sea lions, and 800 California sea lions resting in haul-out sites in the Columbia River estuary. Each of these animals feed in the Columbia River and nearshore marine areas on a variety of prey, including squid, smelt, herring, flatfish, perch, pollock, hake, rockfish, sturgeon and salmon. The State of Oregon estimates that these animals consume 15 to 30 pounds of fish per day.

Impacts on ESA-listed Salmon and Steelhead and White Sturgeon. Estimates of annual predation on spawning ESA-listed salmon range between 12,000 to 20,000 per year. The actual number is likely much higher, since many fish kills by sea lions are out of sight of observers. In addition, a growing number of Steller sea lions at Bonneville have increased predation of both salmon and non-listed white sturgeon, which are important species for State and tribal fisheries. An expert with the Oregon Department of Fish and Wildlife testified that data suggests that sea lions are consuming as much as 16 to 20 percent of endangered spring Chinook salmon, an alarming number.

Ineffectiveness and Litigation on Current Section 120. Due to increasing numbers of sea lions preying on salmon, since 2006, the States of Oregon, Washington, and Idaho have applied to NMFS three separate times for lethal take authority under Section 120 of the MMPA. Each of these applications underwent a thorough and extensive National Environmental Policy Act (NEPA) review and approval by an 18-member Task Force, representing academic, scientific, environmental, tribal, federal and State agencies.

The NMFS’ approval of these state applications for lethal removal have been challenged by the Humane Society of the United States and other groups in federal court since 2008, including temporary and permanent injunction motions, appeals for emergency relief, appeals of district court orders that upheld NMFS’ actions, new lawsuits filed in a different circuit court, and additional review

by the Ninth Circuit Court of Appeals. Ultimately, in September 2013, the courts held that the NMFS actions to approve the lethal take applications were appropriate and warranted under the existing Section 120 authority of the MMPA.

H.R. 1308 amends Section 120 of the MMPA to allow the Secretary of Commerce to issue permits to eligible States and tribes to lethally remove healthy populations of sea lions, including delisted Steller sea lions, on the Columbia River or its tributaries, including Steller sea lions which have grown in large numbers in recent years and have escalated predation of endangered salmon as well as non-listed, but state-regulated white sturgeon species. This new Secretarial authority could be suspended at the discretion of the Secretary, after consultation with affected States and tribes five years after the date of enactment if the Secretary determines that the lethal take of predatory sea lions is no longer necessary to protect salmon stocks. With the extensive, previous NEPA analyses upheld by multiple federal courts, NEPA analyses would not apply to this subsection or to any permits issued during the five-year period beginning on the date of enactment of the Act.

The Directors of the Washington and Oregon Departments of Fish and Wildlife, the Columbia River Inter-Tribal Fish Commission, and the Confederated Tribes of the Yakama Indian Nation have testified in support of H.R. 1308.

COMMITTEE ACTION

H.R. 1308 was introduced on March 21, 2013, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On June 13, 2013, the Subcommittee held a hearing on the bill. On November 14, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 to 16, as follows:

Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: November 14, 2013

Recorded Vote #: 4

Meeting on / Amendment on: H.R. 1308 - To adopt and favorably report the bill to the House by a vote of 22 yeas and 16 nays.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman	X			Mr. Duncan of SC	X		
<i>Mr. Defazio, OR, Ranking</i>		X		<i>Mr. Cardenas, CA</i>		X	
Mr. Young, AK				Mr. Tipton, CO	X		
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Horsford, NV</i>		X	
Mr. Gohmert, TX	X			Mr. Gosar, AZ	X		
<i>Mr. Pallone, NJ</i>				<i>Mr. Huffman, CA</i>		X	
Mr. Bishop, UT	X			Mr. Labrador, ID	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Ruiz, CA</i>		X	
Mr. Lamborn, CO	X			Mr. Southerland, FL	X		
<i>Mr. Holt, NJ</i>		X		<i>Ms. Shea-Porter, NH</i>		X	
Mr. Wittman, VA				Mr. Flores, TX	X		
<i>Mr. Grijalva, AZ</i>		X		<i>Mr. Lowenthal, CA</i>		X	
Mr. Broun, GA	X			Mr. Runyan, NJ	X		
<i>Ms. Bordallo, GU</i>		X		<i>Mr. Garcia, FL</i>			
Mr. Fleming, LA	X			Mr. Amodei, NV			
<i>Mr. Costa, CA</i>				<i>Mr. Cartwright, PA</i>		X	
Mr. McClintock, CA	X			Mr. Mullin, OK	X		
<i>Mr. Sablan, CNMI</i>		X		Mr. Stewart, UT	X		
Mr. Thompson, PA	X			Mr. Daines, MT	X		
<i>Ms. Tsongas, MA</i>		X		Mr. Cramer, ND			
Ms. Lummis, WY	X			Mr. LaMalfa, CA	X		
<i>Mr. Pierluisi, PR</i>		X		Mr. Smith, MO	X		
Mr. Benishek, MI	X			<i>Vacancy</i>			
<i>Ms. Hanabusa, HI</i>		X					
				TOTALS	22	16	

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the ‘Endangered Salmon and Fisheries Predation Prevention Act.’

Section 2. Findings

This section provides findings for the bill.

Section 3. Taking of sea lions on the Columbia River and its tributaries to protect endangered and threatened species of salmon and other nonlisted fish species

Section 3 authorizes the Secretary of Commerce to issue annual permits to “eligible entities” to lethally remove up to 10 sea lions per permit, no more than 1 percent of potential biological removal level per year. “Eligible entities” are defined to include the States of Washington, Oregon and Idaho, 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 Columbia Intertribal Fish Commission.

The section authorizes any eligible permitted entity to lethally remove sea lions, to delegate its authority to any other eligible entity, and to allow States and tribes to further coordinate these ongoing efforts. Further, the section waives the application of the NEPA with regard to the process or implementation of lethal permits.

The section also allows the Secretary of Commerce to suspend permitting authority, after consultation with the affected States and tribes, if the Secretary believes lethal removal is no longer necessary to protect fish species.

Section 4. Sense of Congress

Section 4 includes the sense of the Congress that preventing predation by sea lions, recovery of listed salmon stocks, and preventing future listings of fish stocks in the Columbia River is a vital priority; permit holders exercising lethal removal authority should be trained in wildlife management; and the federal government should continue to fund lethal and nonlethal removal measures for preventing such predation.

Section 5. Treaty rights of federally recognized Indian tribes

Section 5 ensures that the bill’s provisions do not impact the treaty rights of any federally-recognized tribe.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a compari-

son by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1308—Endangered Salmon and Fisheries Predation Prevention Act

H.R. 1308 would authorize the National Oceanic and Atmospheric Administration (NOAA) to issue permits to allow states and tribal entities in the Northwest United States to kill California sea lions under certain circumstances. Each permit would allow up to 10 sea lions a year to be removed from healthy populations that threaten species of salmon and other fish that are listed as endangered or threatened under the Endangered Species Act.

Under current law, NOAA has the authority to issue permits to kill certain marine mammals that threaten other species. Based on information provided by the agency, CBO estimates that providing NOAA with the authority to issue such permits for California sea lions would have a negligible impact on the federal budget. Enacting H.R. 1308 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1308 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that the bill would have a negligible impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of Rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

MARINE MAMMAL PROTECTION ACT OF 1972

* * * * *

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

* * * * *

SEC. 120. PACIFIC COAST TASK FORCE; GULF OF MAINE.

(a) * * *

* * * * *

[(f) CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS; INVESTIGATION AND REPORT.—

[(1) The Secretary shall engage in a scientific investigation to determine whether California sea lions and Pacific harbor seals—

[(A) are having a significant negative impact on the recovery of salmonid fishery stocks which have been listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or which the Secretary finds are approaching such endangered species or threatened species status; or

[(B) are having broader impacts on the coastal ecosystems of Washington, Oregon, and California.

The Secretary shall conclude this investigation and prepare a report on its results no later than October 1, 1995.

[(2) Upon completion of the scientific investigation required under paragraph (1), the Secretary shall enter into discussions with the Pacific States Marine Fisheries Commission, on behalf of the States of Washington, Oregon, and California, for the purpose of addressing any issues or problems identified as

a result of the scientific investigation, and to develop recommendations to address such issues or problems. Any recommendations resulting from such discussions shall be submitted, along with the report, to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

[(3) The Secretary shall make the report and the recommendations submitted under paragraph (2) available to the public for review and comment for a period of 90 days.

[(4) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of this subsection.

[(5) The amounts appropriated under section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) and allocated to the Pacific States Marine Fisheries Commission may be used by the Commission to participate in discussions with the Secretary under paragraph (2).]

(f) TEMPORARY MARINE MAMMAL REMOVAL AUTHORITY ON THE WATERS OF THE COLUMBIA RIVER OR ITS TRIBUTARIES.—

(1) REMOVAL AUTHORITY.—Notwithstanding any other provision of this Act, the Secretary may issue a permit to an eligible entity authorizing the intentional lethal taking on the waters of the Columbia River and its tributaries of sea lions that are part of a healthy population that is not listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), to protect endangered and threatened species of salmon and other nonlisted fish species.

(2) PERMIT PROCESS.—

(A) IN GENERAL.—An eligible entity may apply to the Secretary for a permit under this subsection.

(B) DEADLINE FOR CONSIDERATION OF APPLICATION.—The Secretary shall approve or deny an application for a permit under this subsection by not later than 30 days after receiving the application.

(C) DURATION OF PERMIT.—A permit under this subsection shall be effective for no more than one year after the date it is issued, but may be renewed by the Secretary.

(3) LIMITATIONS.—

(A) LIMITATION ON PERMIT AUTHORITY.—Subject to subparagraph (B), a permit issued under this subsection shall not authorize the lethal taking of more than 10 sea lions during the duration of the permit.

(B) LIMITATION ON ANNUAL TAKINGS.—The cumulative number of sea lions authorized to be taken each year under all permits in effect under this subsection shall not exceed one percent of the annual potential biological removal level.

(4) DELEGATION OF PERMIT AUTHORITY.—Any eligible entity may delegate to any other eligible entity the authority to administer its permit authority under this subsection.

(5) NEPA.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to this subsection and the issuance of any permit under this subsection during the 5-year period beginning on the date of the enactment of this subsection.

(6) *SUSPENSION OF PERMITTING AUTHORITY.—*

If, 5 years after enactment, the Secretary, after consulting with State and tribal fishery managers, determines that lethal removal authority is no longer necessary to protect salmonid and other fish species from sea lion predation, may suspend the issuance of permits under this subsection.

(7) *ELIGIBLE ENTITY DEFINED.—In this subsection, the term “eligible entity” means each of the State of Washington, the State of Oregon, the State of Idaho, 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 Columbia River Inter-Tribal Fish Commission*

* * * * *

DISSENTING VIEWS

H.R. 1308, the Endangered Salmon and Fisheries Predation Prevention Act, would amend the Marine Mammal Protection Act (MMPA) to authorize the Secretary of Commerce to issue annual permits to Washington, Oregon, Idaho and five tribal groups (Nez Perce, Umatilla, Warm Springs, Yakama, and the Columbia River Inter-Tribal Fish Commission) to kill sea lions. The bill's stated intent is to reduce the effect of predation by sea lions on salmon listed under the Endangered Species Act (ESA), as well as any non-listed fish, which would include non-native species that pose a greater threat to salmon than do sea lions. Under H.R. 1308, as many as 85 sea lions could be killed in a year. The authority to kill sea lions would no longer be limited to the "bottleneck" area immediately below the Bonneville Dam as it is under the existing NOAA lethal take authorization. H.R. 1308 also waives application of Section 102(2)(c) of the National Environmental Policy Act (NEPA) to the permit process, eliminating the requirement that the Secretary consider the environmental impacts associated with the permit, and alternatives to the permitted action.

H.R. 1308 targets the threat that any fish face from predation by marine mammals, specifically sea lions, but does not address other far more significant factors which impact endangered salmon or non-listed fish. Other threats to ESA-listed salmon and non-listed fish in the Columbia River include hydropower development and habitat loss, fishing pressure, interactions with hatchery fish, climate change, pesticides, and predation by fish and wildlife other than sea lions, all of which appear to be worsening over time. In contrast, the percentage of salmon runs taken by California sea lions has declined from 4.2 percent in 2007 to 1.2 percent in 2012. Sea lion predation represents a small percentage of salmon mortality and the current authorization—which was recently upheld by the 9th Circuit Court of Appeals—is sufficient.

H.R. 1308, if enacted, would not address the most serious threats faced by endangered salmon and non-listed species, but would needlessly target sea lions, which are a native and critical part of the Columbia River ecosystem. For these reasons, we oppose H.R. 1308, as reported.

PETER DEFazio,
*Ranking Member, Committee
on Natural Resources.*
GREGORIO KILILI CAMACHO
SABLAN.



ADDITIONAL MATERIALS
COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
 729 NE Oregon, Suite 200, Portland, Oregon 97232 Telephone 503 238 0667
 Fax 503 235 4228

June 12, 2013

Honorable Doc Hastings, Chairman
 House Natural Resource Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Re: The Endangered Salmon and Fisheries Predation Prevention Act (H.R. 1308)

Dear Chairman Hastings:

The Columbia River Inter-Tribal Fish Commission (CRITFC) was formed in 1977 by resolutions from the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC's mission is to ensure a unified voice in the overall management of the fishery resource and to assist in protecting reserved treaty rights through the exercise of the inherent sovereign powers of the tribes. CRITFC provides coordination and technical assistance to the tribes in regional, national and international efforts to ensure that current and outstanding treaty fishing rights issues are resolved in a way that guarantees the continuation and restoration of our tribal fisheries into perpetuity.

California sea lion problems exist in many waters along the Pacific coast but perhaps nowhere more problematically than in the Columbia River. We support *The Endangered Salmon and Fisheries Predation Prevention Act* and encourage swift passage into law. This legislation will help us employ new alternatives to help us deal with select animals responsible for the greatest impact to endangered salmon and other species at risk. This legislation can ease the depredation occurring on our treaty protected resources as well as help curb predation on ESA listed species over the next five critical years. We should not be forced to stand back as sea lion predation leads to other species, such as sturgeon and lamprey, becoming listed under ESA.

The tribes, along with the states and NOAA, estimate 18,000 to 25,000 adult salmonids are lost to sea lions annually between Bonneville Dam and the mouth of the river. Salmon are concentrated at the Bonneville Dam fish ladder entrances making them particularly vulnerable to sea lion predation. In addition, impacts by sea lions are disproportionately distributed on the early portion of the run. During March and April there are many days when the take by sea lions exceeds the fish count in the ladders. The annual sea lion take is higher than our tribes' combined spring ceremonial and subsistence harvest. In spite of

containment efforts a few sea lions have passed above the Bonneville Dam lock and established themselves year-around. The Columbia River Inter-Tribal Fisheries Enforcement headquarters has a detailed inventory of reports from tribal members chronicling sea lion damage to fishing gear and lost salmon. Attached for your information are three pages of documented reports in the Bonneville pool since March.

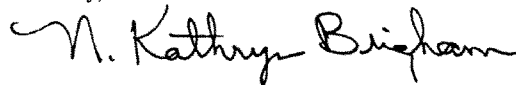
Sampling data from 2001-2012 shows that an average of 29% of the spring salmon passing through Bonneville's fish ladder have suffered some form of injury caused by marine mammals. Those salmon that escape with harsh wounds are less likely to survive their upstream journey and may not successfully spawn. Tribal and non-tribal fishermen who harvest these injured fish cannot fully utilize them for their subsistence, sport and commercial value.

There are provisions for de-listing species under the ESA; something we all aspire to achieve with salmon. The same consideration should be given to marine mammals who have achieved their optimum sustainable populations as provided under the MMPA. We agree with the legislative language calling for the Secretary of Commerce to issue Congress a report on the issue of marine mammal predation on ESA listed species. MMPA is overdue for reauthorization and we urge Congress and the Administration to take this matter up and reconcile the disparity over one species being caught in the middle when two environmental protection laws clash.

The U.S. made many promises beginning in 1855 with our treaties and subsequently when the dams were constructed. The treaty rights are meant to preserve our physical, cultural and economic livelihood. The U.S. committed to protecting these rights. We were further promised that any harm done to our fisheries attributed to the dams would be mitigated. Bonneville Dam created an artificial situation the sea lions have learned to exploit. It is not our interest to select one species over another. Rather, we do accept the responsibility to strive for balance in a radically altered system. To that end we particularly endorse the inclusion of tribal management in H.R. 1308, the lack thereof being a weakness in the original Marine Mammal Protection Act that persists today.

We need effective management tools to deal with the growing sea lion depredation timely solutions to protect our ceremonial, subsistence and commercial harvests for salmon, lamprey and sturgeon. Therefore we support H.R. 1308 and encourage its timely passage into law.

Sincerely,



N. Kathryn Brigham
Chairwoman

Attachments


COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

Upstream of Bonneville Dam

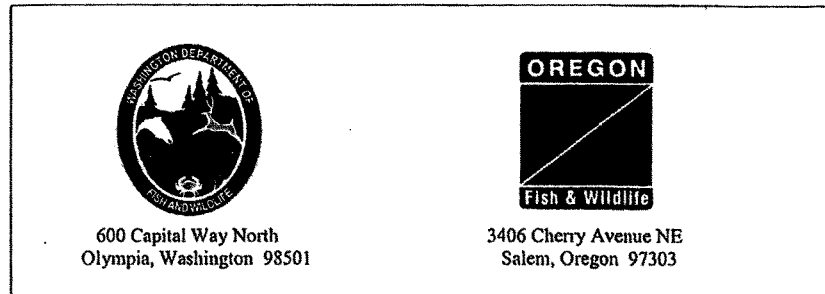
We believe that 4 California sea lions are in the Bonneville pool. One animal has been upstream of Bonneville Dam for 3 years. Sightings of these animals range from The Dalles Dam tailrace to the Bonneville Dam forebay.

Table 1. Reports of sea lions in the Bonneville Pool in 2013.				
Date	Observer	# sea lions	location	notes
3/1/2013	Phillip Watlamet & Michael McConville	1 CSL	Washington Point near Nav Marker 60	Eating a large sturgeon
3/13/2013	Tribal member	2 CSL	Islands below The Dalles Dam	
3/27/13	Tribal member	CSL	West of Thunder Island	
4/4/2013	Tribal member	CSL	I-84 MM57 on Oregon side	Est 400-500 lbs
4/4/2013	Tribal member	CSL	Oregon side across from Cooks In-Lieu site.	Haul out site for CSL
4/6/2013	Phillip Watlamet	CSL	Washington point across from the Discovery Center to Lyle Landing	
4/6/2013	Phillip Watlamet	CSL	Scaffolds near the Dalles Dam	
4/8/2013	Officer Daniel	Sea lion	West end of Mayer State Park	Minor net damage
4/9/2013	Tribal member	Sea lion	West end of Mayer State Park	
4/10/13	Gary Morris (Lyle, WA)	Large sea lion	¼ mile east of the Discovery Center, near the small island.	Eating fish from a gillnet.

4/10/13	William Zack YN12354	Large black sea lion	Near the Stevenson Cemetery	Sea lion was messing with gillnets. Observed that the animals hauls out on the middle island near the Stevenson Cemetery.
4/10/13	Albert Kalama WS2172	4 sea lions	Near Stevenson Landing and Stevenson Cemetery.	3 animals 400-500lbs and 1 smaller 150lb animal. Observed eating salmon and sturgeon. One had blood in its teeth.
4/6/13	YN tribal member	Net damage from sea lions	I-84 MM56	
4/15/13	Francis Tulee	Observed a sea lion swimming	Port of Stevenson	
4/1/13	Francis Tulee	Observed a sea lion swimming	Port of Stevenson	
4/18/13	CTUIR employee	Sea lion	Stevenson Cemetery 0730 to 0800 hr	
4/17/13	Tribal Fisher	Sea lion	Sternwheeler dock in Stevenson	Seen at 1845hrs
4/15/13	Tribal Fisher	Sea lion	Port of Stevenson	Animal was about 10 feet long
4/19/13	Officer Journey	Sea lion	Hamilton Island	
4/30/13	Tribal Fisher	Net damage	Oregon side MM56	2 large holes in net
4/30/13	Preston Bronson	Sea lion	Stevenson sternwheeler dock	In the area the past 2 mornings
5/2/13	YN tribal member	Sea lion	below The Dalles Dam. It is feeding in the area near the bucket, on the South west side	

			of the dam. He stated that it was very large and dark in color. He could not see any markings or brands on it.	
5/4/13	Tribal Fisher	4 sea lions 3 adults and 1 juvenile.		Juvenile animal was eating a salmon and the largest individual was eating a 5 ft sturgeon
5/8/13	Preston Bronson	1 or 2 animals generally seen around 0730 and 0800.	Receiving reports of sea lion sightings near Ash Lake.	
5/8/13	Preston Bronson	1 animal in the area.	Receiving reports of sea lion sightings near the old locks at Cascade Locks	
5/18/13	Officer Journey	1 sea lion	Lone Pine	

The states deployed a portable trap at The Dalles Marine in April. They moved the trap once and replaced barricades on two docks two or three times during their weekly visits. Reports continue to indicate that a sea lion is still using the docks at the marina. The field camera stationed on the trap shows the animal has not used the trap yet. They plan to deploy a large trap near the Stevenson Cemetery this week.



June 12, 2013

The Honorable Doc Hastings
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Hastings:

The Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW), the state agencies that jointly manage the lower Columbia River to protect and enhance fish and wildlife resources, support the amendment to the Marine Mammal Protection Act as provided in the Endangered Salmon and Fisheries Predation Protection Act, H.R. 1308.

We are encouraged that the provisions of H.R. 1308 will enable our respective agencies and our co-managers to more effectively manage the unusual and increasing behavior by members of healthy and growing sea lion populations that travel as far as 145 miles inland to feed on endangered salmon and other fishery resources.

Extensive actions have been taken and billions of dollars are being spent to improve the survival of Columbia River salmon populations. The recovery plans for the endangered salmon include reductions in all sources of mortality, including harvest, dam operations, hatchery reform, habitat restoration, and predation. No other source of salmon mortality would be allowed to rise from low levels just ten years ago to such high levels today. If the states, tribes, and federal governments are unable to effectively manage the sea lion predation, it is likely to continue to increase and offset improvements and expenditures from other recovery actions in the basin.

We appreciate the work the Natural Resource Committee has put into H.R. 1308. We are encouraged and hopeful that it will be passed by Congress and enable a more effective and

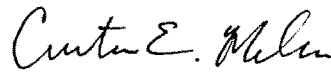
The Honorable Doc Hastings
June 12, 2013
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efficient legal mechanism for the state, federal, and tribal governments of the Northwest to address this challenge in recovering and protecting Columbia River fishery resources.

Sincerely,



Philip Anderson
Director
Washington Department of Fish and Wildlife



Curtis E. Melcher
Deputy Director
Oregon Department of Fish and Wildlife

