

SEA LION COMMENTS IN; MARINE MAMMAL COMMISSION SAYS MORE INFO NEEDED

February 22, 2008

Foes of a proposal to lethally remove salmon-eating California sea lions from the Columbia River have flooded the NOAA Fisheries Service with about 3,000 letters, while proponents continue to stress that such action is necessary to help the basin's beleaguered fish runs.

Beefier comments also landed on NOAA's desks from the Humane Society of the United States, the Marine Mammal Commission, the Columbia River Inter-Tribal Fish Commission, the states of Oregon and Washington and others.

The Humane Society offering staunchly opposes lethal removal options laid out in NOAA's Jan. 17 draft environmental assessment of a request by the states of Idaho, Oregon and Washington's for authority under the Marine Mammal Protection Act to lethally remove California sea lions. Comments on the draft were due Tuesday.

The MMC neither endorsed or opposed the lethal take options, but said a number of issues must be addressed as the process moves forward to assure compliance with the MMPA.

The states "agree with the general conclusions that the actions proposed in the Draft EA do not pose a significant impact to any aspect of the environment, including the healthy and robust status of the California sea lion population," and offer refinements in their comments.

CRITFC's member tribes also supported the draft EA's conclusion, and described why action is needed.

"We need more options to deal with the growing sea lion depredation and we need timely solutions to protect our ceremonial, subsistence and commercial harvests for salmon, lamprey and sturgeon," according to CRITFC's comments.

The states' application, filed in December 2006 with the Department of Commerce, says they believe sea lions are having a significant negative impact on recovery of Endangered Species Act-listed salmon and steelhead in basin. Under the MMPA's Section 120, department and NOAA are charged with determining whether such requests should be granted.

NOAA now will review the comments and make adjustments to the EA where necessary, according to NOAA supervisory fishery biologist Garth Griffin. The agency expects to make a final decision on the states' request in late March.

In all about 3,500 comments were received, most with a relatively simple message against (3,000) or for (400) lethal removal. The balance of the comments delved more deeply into the biology and legality of the proposed killing of predatory pinnipeds.

There are 13 listed salmon and steelhead stocks in the Columbia basin. The sea lions make their springtime pilgrimage to the river when as many as eight of those stocks can be found in the lower river as they make their spawning run.

Sea lions, as many as 80-100 annually over the past four years, now congregate at the base of

Bonneville Dam, feasting on listed Snake River spring-summer and Upper Columbia spring chinook, and steelhead, as the fish search for fish ladders. Prior to 2001, few of the pinnipeds made the 140-mile trek from the ocean to the dam.

The relatively new phenomenon has startled the states, which are involved in exhaustive and expensive efforts to restore depleted salmon stocks. Researchers estimated last year that sea lions ate 4.2 percent of the salmonids attempting to pass Bonneville Dam. The states feel that is just the tip of the predation iceberg. The area immediately below the dam is the only place where sea lion predation data has been collected.

The draft environmental assessment judges four alternatives:

-- Take no action. With this alternative, the states' request would be denied and no further aggressive hazing would be undertaken to deter predation at the dam. Only minimal deterrents, such as existing underwater noisemakers and sea lion barriers at the dam's fish ladders, would remain.

-- Non-lethal deterrence only. This alternative would also deny the states' request, but would continue active hazing of animals at the dam, including use of firecrackers, rubber bullets, noisemakers and capture, holding and relocation of animals.

-- Lethal removal of certain California sea lions after non-lethal deterrence. This is the alternative NOAA Fisheries Service proposes, and would allow the states to kill individually identified sea lions, either directly by shooting them, or by euthanizing them once they had been captured, if no permanent holding facility for them could be found. The agency estimates that about 30 animals could be killed per year under this alternative.

-- Lethal removal of all California sea lions within about five miles of the dam, with no requirement for prior deterrence. This alternative is similar to what the states requested and several task force members recommended; it would affect perhaps as many as 150 animals.

Section 120 says lethal removal is allowed only for "individually identifiable pinnipeds having a significant negative impact on the decline or recovery of salmonid fishery stocks...."

The MMC says that the draft's lethal take alternatives still lack a "quantitative standard for making this determination," i.e., what impact is significant.

"We believe the lack of such guidance undermines the Service's ability to make and support sufficiently the findings required under section 120 of the MMPA," according to the MMC comments.

The federal panel also says that "the entire effort to monitor takes of salmon by sea lions should be paralleled by a careful study to assess other sources of mortality for the salmonids in question. Without such information, it is impossible to put the effects of pinniped predation into context and to manage and conserve salmon effectively." The MMC also offered numerous other suggestions about how it felt the document could be improved.

The Humane Society comments conclude that the impacts are not significant.

"Other sources of mortality contribute far greater to the status of the fish. Human extractive activities, whose impacts NMFS permits, are responsible for far more mortality than are sea lions.

"The House Committee stated in its 1994 Report that it did not intend for MMPA protections to be lifted without 'careful consideration' of other factors contributing to declines that could be mitigated," the

Humane Society said of the congressional process that led to the Section 120 amendment to the MMPC.

"Indeed, impacts on the fish from other sources (including human fisheries) should be mitigated before NMFS considers killing natural predators whose deaths will not appreciably reduce predation because other sea lions in the river will only fill the vacated foraging niche.

"The EA itself admits that NMFS is unable to 'support a reliable estimate of any decrease in pinniped predation (and corresponding increase in salmonid survival).' EA 5-1. The NMFS provides no evidence that it can meet the intent and purpose of Section 120 of the MMPA.

"The NMFS must not permit the intentional shooting of sea lions in the river. It will not appreciably help the fish, which is the purpose of Section 120, it will merely waste the lives of the sea lions to no purpose," according to the Humane Society comments.

The comments say "NMFS and the states have permitted higher rates of harvest, while proclaiming that the lower (4 percent) rate of pinniped predation threatens the fish at a level that is 'significant.'"

CRITFC's comments say action is needed.

"While sea lions may have little responsibility for the decline of upriver Columbia Spring and Snake River summer Chinook, the known mortality rate of approximately 2-4 percent in the area immediately below Bonneville does have a significant effect on the recovery of the listed upriver spring Chinook populations," according to CRITFC. "This is especially true if one considers that there is significant but not precisely quantified predation from the river mouth up to just below Bonneville that adds to the total sea lion impact.

"Some people claim that placing blame on the sea lions is a ruse to divert attention away from the dams' impact on salmon survival. If they understood our dilemma they would clearly recognize that attention is actually being drawn to Bonneville Dam where a growing number of sea lions have learned to exploit an artificial situation to disproportionately impact depressed salmon runs," according to CRITFC.

The tribes, like the MMC and the states, offer advice for shoring up the document, and endorse the lethal removal of California sea lions as a tool in Columbia Basin salmon recovery efforts.

"We are confident that the savings accrued by removing sea lions will be significant in terms of added survival benefits to the listed salmon populations when included in the comprehensive basin-wide recovery plan," the states' comments say. "The removal action will lower the risk of extinction of these populations, in particular those Chinook populations in the most depressed condition."

Comments submitted by U.S. Rep. Doc Hastings, R-Wash., urged swift approval of the application.

"Our region is working diligently to restore healthy salmon runs, and we have made great progress over the last decade," Hastings said. "We invest hundreds of millions of dollars each year in support of salmon recovery. As we continue to spend substantial sums of money on recovery efforts, we cannot afford to take no action as sea lions feed on endangered fish year after year."

Hastings and U.S. Rep. Brian Baird, D-Wash., have introduced legislation in the House of Representatives that would expedite the process for gaining lethal take permission.