



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Office of the Director

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6044

FAX (503) 947-6042

odfw.com

VIA EMAIL and Postal Service:

October 6, 2017

Barry Thom
Regional Administrator, West Coast Region
National Marine Fisheries Service
1201 Northeast Lloyd Boulevard, Suite 1100
Portland, OR 97232



Dear Mr. Thom:

The Oregon Department of Fish and Wildlife (ODFW) submits this application to the National Marine Fisheries Service (NMFS) under Section 120(b)(1)(A) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. §1361 et seq.) for the intentional lethal removal of California sea lions (CSL; *Zalophus californianus*) in the Willamette River that are having a significant negative impact on the recovery of Upper Willamette River (UWR) steelhead and spring Chinook salmon (*Onchorynchus* spp.). Both these fish stocks are listed as threatened under the Endangered Species Act of 1973 (ESA; 16 U.S.C. §1531 et seq.).

The U.S. population of CSLs have experienced a remarkable recovery over the past 30 years, increasing in abundance from <75,000 to between 250-300,000 animals coast-wide. As the population has increased, the abundance of CSL in the Columbia River basin has also increased from a few hundred in the early 1990's to >4,000 in recent years. Archaeological evidence indicates that California sea lions were present along the Oregon coast during at least the last 3,000 years but there is no similar historical evidence of their presence in the lower Columbia River or its tributaries. The majority of the animals now in the Columbia basin remain in the estuary, but increasing numbers are foraging upriver on ESA listed eulachon, salmon, and steelhead; as well as unlisted stocks of white sturgeon and Pacific lamprey. In the Willamette River, CSL single day occupancy has increased from 5-6 animals in the 1990's to 40 animals in 2017. Additionally, the duration of time CSLs are present at Willamette Falls has increased over time, with some animals now present from Aug-Jun.

ODFW has monitored CSL predation of salmon and steelhead at Willamette Falls, most recently from 2014-2017. Annual minimum predation estimates ranged from 11 to 25% for UWR steelhead and from 6 to 9% for UWR spring Chinook salmon. UWR steelhead numbers have declined significantly during the past decade, with a record low return in 2017 of just 512 fish for the ESA listed populations. ODFW has conducted a population viability analysis for the four UWR steelhead populations to evaluate the impact of sea lion predation on extinction risk. The analysis demonstrates that sea lions have a significant negative effect on population viability for three of the four populations. The probability of quasi-extinction increases from 0-5% in the absence of CSL predation to 20-64% if predation levels observed in 2017 continue into the future.

Extensive actions are being taken to address all other threats to recovery of UWR salmon and steelhead (e.g., habitat improvements; changes in operations, configuration, and management of the basin water supply by the Willamette Basin Projects; harvest reductions, hatchery program improvements). All of these efforts will continue to increase as comprehensive recovery plans are implemented. Despite these efforts, however, Willamette River salmon and steelhead are still in danger of extinction. California sea lions are increasing in abundance in the river and the predation rates ODFW has observed represent a significant and unmanaged threat to the recovery of listed stocks. Past efforts to non-lethally deter CSL at Willamette falls were unsuccessful. To reduce the risk of extinction for these ESA listed fish populations, all threats to recovery must be appropriately addressed, including California sea lion predation.

It is vitally important to restore a balance between the healthy and robust California sea lion population, and the threatened and endangered salmon and steelhead populations in the Columbia River basin. In areas where salmonids are vulnerable, such as Willamette Falls, ODFW needs to use every wildlife management tool available to restore that balance, including the authority to remove animals when non-lethal efforts fail. We learned from our experience with California sea lion predation at the Ballard Locks, Washington, that if predation is not stopped, even a few individual sea lions have the potential to cause significant predation losses.

No action, or continued use of non-lethal methods only, will likely result in an expansion of the problem by allowing increasing numbers of sea lions to become recruited into the existing pool of nuisance animals. The expected benefit of the permanent removal of animals in question will be to reduce this significant source of mortality to ESA-listed salmonids in the basin. The MMPA was amended in 1994 precisely to deal with situations such as the one that has arisen at Willamette Falls and we urge the National Marine Fisheries Service (NMFS) to approve this Section 120 request.

The State of Oregon looks forward to continued work with NMFS to address the sea lion predation issue in the Willamette River. In that regard, we have included a list of suggested organizations (Attachment 1) for consideration on the Willamette Falls Pinniped-Fishery Interaction Task Force which will need to be formed should our application move forward. We believe these organizations are knowledgeable about the issues being raised and should be considered for inclusion on the task force. Formation of a strong task force will be essential for resolving the sea lion predation issue and further our recovery efforts in the Columbia River Basin.

Thank you for consideration of this request. We look forward to hearing from you.
Sincerely,



Curtis E Melcher, Director
Oregon Department of Fish and Wildlife

Attachment

cc:

Suggested agencies and organizations for inclusion on Willamette Falls Pinniped-Fishery Interaction Task Force

NOAA-Fisheries/National Marine Fisheries Service

Washington Department of Fish and Wildlife
Oregon Department of Fish and Wildlife

Portland General Electric

Grand Ronde Tribe
Columbia River Intertribal Fish Commission

The Marine Mammal Commission

Oregon State University, Department of Fisheries and Wildlife, Marine Mammal Program

Coastal Conservation Association
Humane Society of the United States
Wild Salmon Center
Oregon Anglers
Trout Unlimited
Northwest Sport Fishing Industry Association
Association of Northwest Steelheaders