

## **Section 120 Bonneville Pinniped-Fishery Interaction Task Force Instructions**

### **Task Force Meeting**

**March 1, 2017 (12:00 p.m. – 5:00 p.m.)**

**March 2, 2017 (8:00 a.m. – 12:00 p.m.)**

### **Background**

On March 15, 2012, the National Marine Fisheries Service (NMFS) issued a Letter of Authorization (LOA) pursuant to Section 120 of the Marine Mammal Protection Act (MMPA) to the states of Washington, Oregon, and Idaho (states) to lethally remove certain individually identifiable California sea lions (CSLs) at Bonneville Dam that were having a significant negative impact on the decline or recovery of at-risk salmon and steelhead. A complete chronology of these events can be found at the NOAA Fisheries' West Coast Region website<sup>1</sup>.

Since the issuance of the March 15, 2012, LOA, the states have conducted removal activities during part or all of five seasons of salmonid migration (2012-2016). During these activities, the states and the Columbia River Intertribal Fish Commission (CRITFC) have also conducted non-lethal on-water hazing of sea lions, and the U.S. Army Corps of Engineers (USACE) has modified the fish passage facilities at the dam to exclude sea lions and conducted active hazing from the dam and shoreline. The USACE has also continued to monitor predation and fish passage at Bonneville Dam.

To date, the states have permanently removed (transferred to public display, euthanized, or accidental mortalities) a total of 166 individually identifiable predatory California sea lions.

### **The Role of the Task Force - Evaluating the Authorized Lethal Removal**

As required by the MMPA, the NMFS is convening the Task Force to evaluate the effectiveness of the states permitted intentional lethal taking of individually identifiable predatory CSLs in the vicinity of Bonneville Dam that are having a significant negative impact on the decline or recovery of at-risk salmon and steelhead, as required pursuant to Section 120(c)(5) of the MMPA.

- **Program Evaluation**

Section 120(c)(5) of the MMPA states that:

After implementation of an approved application, the Pinniped-Fishery Interaction Task Force [(Task Force)] shall evaluate the effectiveness of the permitted intentional lethal taking or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.

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<sup>1</sup>[http://www.westcoast.fisheries.noaa.gov/protected\\_species/marine\\_mammals/authorized\\_states.html](http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/authorized_states.html)

To prepare for the program evaluation, NMFS, at the May 31, 2016, Task Force meeting, asked the Task Force to provide the agency:

- What information/data/analyses the Task Force recommends that would help to evaluate the effectiveness of the 2012-2016 program;
- Recommend whether it has or has not been effective in eliminating the problem interaction; and,
- If not effective, what actions does the Task Force recommend to improve the program in the future<sup>2</sup>.

### **NMFS' Expectations of the Task Force**

In evaluating the effectiveness of the lethal removal program, NMFS expects the Task Force to work together to develop recommendations that document the points of consensus reached by the group as well as the alternate points of view when consensus is not reached. Task Force recommendations should fairly reflect the full range of opinion of the group. NMFS expects the Task Force to acknowledge differences of opinion and include minority views with its recommendations. To enhance this process, NMFS is providing a professional facilitator to manage the meetings of the Task Force, document Task Force deliberations, and assist the group in assembling its recommendations.

NMFS has provided the Task Force a summary information document - Effectiveness Review of Marine Mammal Protection Act Section 120 Implementation under 2012 Letter of Authorization to Washington, Oregon, and Idaho, February 2017 that presents a summary of the relevant information and data over the past 5-years. NMFS is asking the Task Force to recommend additional actions that can be implemented now and within the existing framework of the June 28, 2016, LOA. With this in mind, recommendations that the Task Force thinks would improve the effectiveness of the program, but do not fit within the existing framework of the June 28, 2016, LOA (e.g., recommendations that are research-dependent), will be taken into consideration, but will require further agency evaluation regarding feasibility of implementation.

For the evaluation, NMFS requests that the Task Force review the available information. For the evaluation of the success of implementation NMFS requests that the Task Force consider the following questions as it determines whether to recommend additional actions to the lethal removal program.

- (1) Is the current lethal removal program effectively reducing pinniped predation on at-risk salmonids? If not, what changes do you recommend?
- (2) Does non-lethal hazing appear to be an effective aid in reducing sea lion predation on salmonids in the area? Should non-lethal efforts be modified (increased, reduced, or re-directed) to improve effectiveness?

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<sup>2</sup> Responses to the Task Force data and information requests are included in the Effectiveness review of Marine Mammal Protection Act Section 120 implementation under 2012 Letter of Authorization to Washington, Oregon, and Idaho, February 2017.

(3) Do the criteria in the authorization for identifying predatory sea lions remain appropriate? If not, how could these criteria be modified to improve effectiveness?

(4) Are there other terms and conditions of authorization or aspects of the states' implementation of the removal activities that limit effectiveness of the permitted lethal removals? If so, what changes are recommended?

### **Public Participation**

As required by the MMPA, Task Force meetings will be open to the public and the date, time and location of evaluation meetings have been posted for the public on the NOAA Fisheries West Coast Region website<sup>3</sup> and will be announced through NOAA press releases. The public will not be allowed to discuss or debate issues with the Task Force during working sessions, but time will be allocated at the meetings to allow the public to provide or identify new or relevant information that may assist the Task Force in its deliberations.

### **NMFS' Decision and Implementation Process**

Once the Task Force has completed its deliberations and submitted its recommendations, NMFS will determine a course of action informed by the Task Force recommendations.

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<sup>3</sup> [http://www.westcoast.fisheries.noaa.gov/protected\\_species/marine\\_mammals/authorized\\_states.html](http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/authorized_states.html)