

# **MMPA §120 Overview and Context**

**Presenter: Robert Anderson**

**Corresponding Summary  
Page(s): 2-3**



**NOAA  
FISHERIES**

West Coast  
Region

**Marine Mammal Protection Act  
Section 120—Pinniped Removal Authority**

**Willamette Falls Pinniped—Fishery  
Interaction Task Force**

**August 20-22, 2018**

**MMPA §120 Overview and Context**

Robert Anderson  
NOAA Fisheries  
West Coast Region

- **MMPA §120—Pinniped Removal Authority**
- **Purpose of Convening the Task Force**
- **Role of the Task Force**
- **NMFS' Expectations of the Task Force**



## MMPA §120—Pinniped Removal Authority - Basics

### MMPA §120 process begins with an application from one or more states:

- MMPA §120(b)(1) – A state may apply to the Secretary to authorize the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stocks which —
  - (A) have been listed as threatened species or endangered species under the ESA;
  - (B) are approaching T or E status; or
  - (C) migrate through Ballard Locks
- **Key Tenets of MMPA §120(b)(1):**

A state may apply to the Secretary to authorize the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stock...

## Pinniped—Fishery Interaction Task Force

- **Purpose of Convening the Task Force**

MMPA §120(c)(3)(A)

- ... recommend to the Secretary whether to **approve or deny** the proposed intentional lethal taking of the pinniped or pinnipeds ...

## Pinniped—Fishery Interaction Task Force

- **Role of the Task Force**

Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice, the Task Force shall—

- (A) recommend to the Secretary whether to approve or deny the proposed intentional lethal taking of the pinniped or pinnipeds, including along with the recommendation a description of the specific pinniped individual or individuals, the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority; and
- (B) suggest nonlethal alternatives, if available and practicable, including a recommended course of action.

## Pinniped—Fishery Interaction Task Force

### ... Role of the Task Force ...

#### MMPA §120(d)

- **Considerations.** — In considering whether an application should be approved or denied, the Task Force and the Secretary shall consider—
  - (1) Population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;
  - (2) Past efforts to non-lethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable non-lethal steps without success;
  - (3) The extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and
  - (4) The extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

## Pinniped—Fishery Interaction Task Force

- **NMFS' Expectations of the Task Force**
  - Ground Rules
  - Procedures for Task Force Meetings
  - Decision Making — Commitment to Seeking Consensus
  - Open Process
- ☐ MMPA §120 Considerations and Questions 1-6.
- ☐ Tasks
  - ✓ Approve or deny the states' request – by vote
  - ✓ Recommendations, e.g., criteria for evaluating the success of the action – by vote
- ☐ Approve/Deny — Task Force Roles and Responsibilities



# Questions?



# **Review of Pinniped Removal Authority**

**Presenter: Robert Anderson**

**Corresponding Summary**

**Page(s): 3**

- **State of Oregon Application, October 6, 2016**
- **Public Comments**
- **Background Materials**
- **MMPA §120—Decision-Making Process and Timeframes**



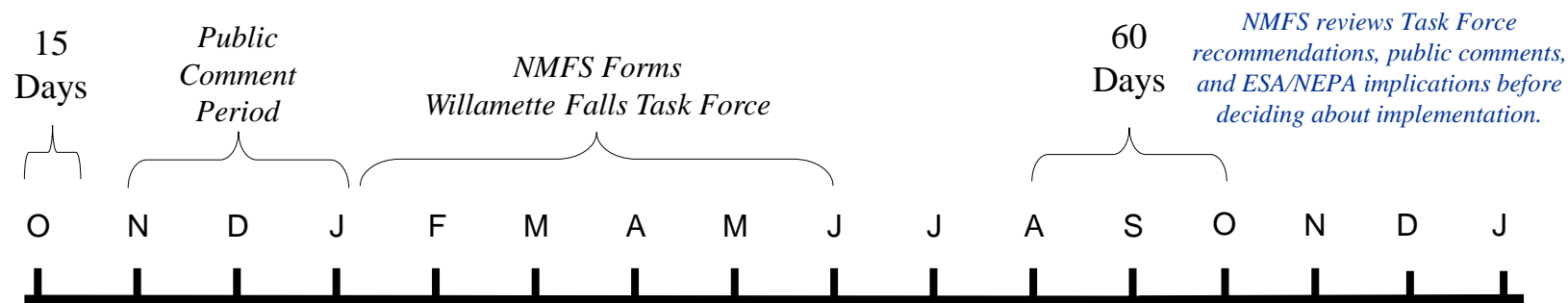
## Review of Pinniped Removal Authority

- State of Oregon Application, October 6, 2017
  - Federal Register notice
- Public comments received on the states' application
  - 792 public comments were received (781 online, 11 via mail)
  - 677 public comment letters stated support the proposed intentional lethal taking of CSL in the Willamette River – 594 of which were a template letter, and 83 comments were unique.
  - 99 public comment letters were opposed to the proposed intentional lethal taking of CSL in the Willamette River – 33 of which were a template letter, and 66 comments were unique
  - 16 public comment letters either solely nominated people to the Task Force or could not be classified as for or against the proposed intentional lethal taking of CSL in the Willamette River.

## Background Materials

- [State of Oregon Section 120 Application \(with Steelhead PVA\)](#)
- [State of Oregon Section 120 Application Cover Letter](#)
- [State of Oregon Section 120 Application Attachment 1](#)
- [Spring Chinook Status Assessment \(PVA\)](#)
- [Federal Register Notice 82 FR 52038](#)
- [Public Comments](#)
- [Willamette Falls Pinniped Monitoring 2014](#)
- [Willamette Falls Pinniped Monitoring 2015](#)
- [Willamette Falls Pinniped Monitoring 2016](#)
- [Willamette Falls Pinniped Monitoring 2017](#)
- [Population Growth and Status of California Sea Lions](#)
- [Upper Willamette River Conservation and Recovery Plan](#)
- [2016 5-Year Review and Summary of UWR Steelhead and UWR Chinook salmon](#)
- [Willamette Falls Fishway Counts 1946-2017](#)
- [2018 Monthly Sheet as of July 31 2018](#)
- [Marine Mammal Protection Act](#)
- [HR 2083](#)
- [S 3119](#)

## MMPA Section 120 – Decision-Making Process and Timeframes



Oct. 6, 2017  
Application  
received

October 10, 2017  
NMFS determines that  
application is sufficient

Nov 9, 2017  
NMFS publishes a FR notice to  
solicit public comments

Jan 9, 2018  
Comment  
period closes

August 20-22, 2018  
NMFS to establish and convene  
Task Force. Task Force has 60 days  
to make recommendations

NLT Oct 22, 2018  
Task Force submits  
recommendations to NMFS

NLT Nov 22, 2018  
NMFS has 30 days  
following receipt of  
Task Force  
recommendations to  
make a decision\*

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. The ultimate decision to approve or deny the states' application, and any terms or conditions applied to any approval, lie solely with NMFS.

\* MMPA requires a decision to approve or deny the states' application

# Questions?



# **Marine Mammal Protection Act §120 Retrospective**

**Presenter: Robert Anderson**

**Corresponding Summary  
Page(s): 3-6**





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Interaction Task Force**

**August 20-22, 2018**

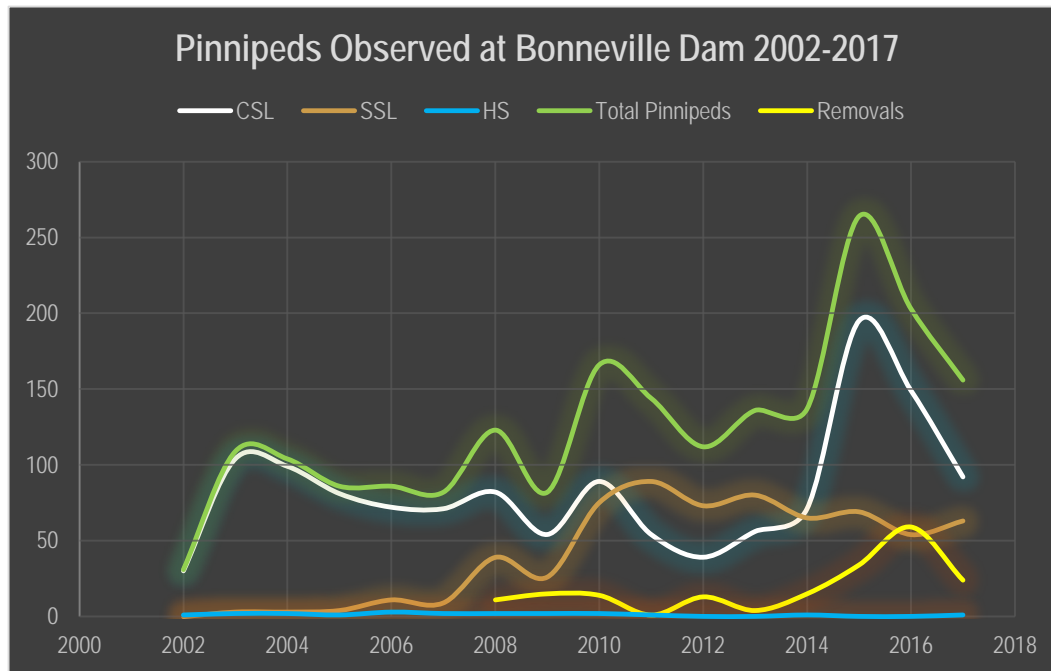
**Marine Mammal Protection Act  
§120 Retrospective**

Robert Anderson  
NOAA Fisheries  
West Coast Region

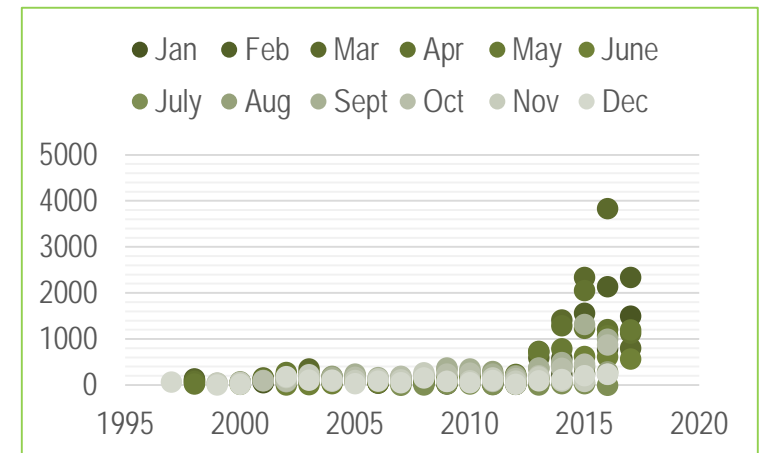
## Marine Mammal Protection Act §120 Summary: Ballard Locks and Bonneville Dam

- Ballard Locks (Seattle, WA): Between 1986 and 1992, California sea lions consumed between 42-65% of the total Lake Washington winter steelhead run – the Lake Washington winter steelhead run is now considered functionally extinct.
- Bonneville Dam (Washington and Oregon): Estimates of California sea lions' consumption of five at-risk salmonid fish stocks at Bonneville Dam has ranged from a low of 0.35% in 2002, to a high of 4.17% in 2007, and 1.86% in 2017.
  - Consumption of at-risk salmonids at Bonneville Dam by all pinnipeds (California sea lions and Steller sea lions) has ranged from a low of 0.35% in 2002, to a high of 5.5% in 2016, with 4.54% in 2017.

## Minimum estimated number of individual pinnipeds observed at Bonneville Dam tailrace areas during the sampling period, 2002 to 2017



**East Mooring Basin Monthly Maximum CSL Counts, 1997 to 2017**



Summary of CSL Removal Activity at Bonneville Dam since the start of the MMPA §120 Removal Program

Year	Captivity	Accidental Mortality	Euthanized	Total
2008	6	5		11
2009	4		10	15
2010			12	14
2011				1
2012	1		11	13
2013	2		2	4
2014			15	15
2015	2	2	30	34
2016			59	59
2017			24	24
2018			29	29
Total	15	7	192	214

## Impacts on Columbia River Salmonid Fishery Stocks - Adjusted Estimates of Salmonid Consumption by California and Steller Sea Lions at Bonneville Dam, January 1 to June 2<sup>nd</sup>, 2002 to 2017

Predation estimates of salmonids at Bonneville Dam by CSLs 2002 through 2017 **53,689** fish

Predation estimates of salmonids at Bonneville Dam by all pinnipeds (CSL and SSL) 2002 through 2017 **68,288** fish

### Estimated Benefits of the Pinniped Removal Program at Bonneville Dam

Based on bioenergetic models that produce estimates of food requirements, not food consumption, the CSL that have been permanently removed (2008-2017), are estimated to have prevented the loss of approximately **23,000 to 30,000** salmonid fishes.

# **Brief History of Willamette Falls and the Willamette River**

**Presenter:** Shaun Clements

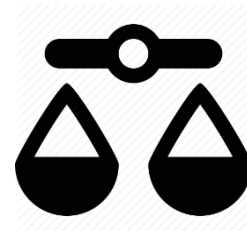
**Corresponding Summary**

**Page(s): 6-7**

# WILLAMETTE FALLS | PRE-EUROPEAN



Tribal Fishing Resource



Regional Trade Center





# WILLAMETTE FALLS | POST-EUROPEAN

- 1851 ● First boat landings
- 1864 ● First wool mill finished
- 1866 ● First paper mill in PNW
- 1873 ● Navigation locks finished
- 1889 ● DC Transmission to Portland
- 1895 ● Sullivan Hydro built
- 2017 ● Last paper mill closed



# WILLAMETTE FALLS | HISTORIC FISH RUNS



Spring Chinook  
Winter Steelhead



Lamprey



# WILLAMETTE FALLS | FISH PASSAGE

- 1882 ● First Fishway constructed
- 1893 ● Fish Ladder Modified
- 1904 ● New Fishway constructed
- 1971 ● Current Fishway completed