



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

December 09, 2009

Mr. Roy Elicker, Director
Oregon Department of Fish and Wildlife
3406 Cherry Avenue Northeast
Salem, Oregon 97303-4924

Phil Anderson, Director
Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, Washington 98501-1091

Dear Messrs. ^{Roy}Elicker and ^{Phil}Anderson:

Thank you for your November 4, 2009 letter regarding the States' activities under the Marine Mammal Protection Act (MMPA) Section 120 Letter of Authorization (LOA) issued on March 17, 2008, for the intentional lethal taking of California sea lions that prey on salmon and steelhead (salmonids), listed under the Endangered Species Act (ESA), below Bonneville Dam in the lower Columbia River. Your letter transmits the States' 2009 annual Field Report and outlines your plans for work in 2010, as required by the LOA. Your Field Report satisfies the LOA requirements of annual reporting on this project.

In addition to providing information responsive to the conditions of the LOA, your letter alerts us to several emerging issues at Bonneville dam. The first concern, as initially reported in last year's annual report, is the pre-December arrival of California sea lions at the dam and the expansion of predation losses to fall runs of listed salmonids. The U.S. Army Corps of Engineers (COE) reported in their 2009 Field Report that Corps personnel observed individually identifiable California sea lions taking salmonids at the dam between September and December 2008 but the Corps has not estimated predation losses. We encourage you to work with the COE to observe and estimate the level of fall predation to the extent possible.

The next issue concerns the increase in Steller sea lion predation on salmonids below the dam. We recommend that non-lethal deterrence measures continue to be used pursuant to the regulations at 50 CFR 223.202 in an attempt to reduce predation on listed salmonids.

Finally, for the reasons stated in your letter, we do not believe C697 meets all of the criteria to be classified a predatory sea lion. While the animal is identifiable and has been subject to non-lethal deterrence, it has yet to be observed taking salmonids in the "observation area" below Bonneville Dam between January 1 and May 31. Rather, the observations of C697 preying upon salmonids have been made above the dam, thus outside the "observation area" as referenced in NMFS' LOA.



NMFS intends to revisit whether the definition of “predatory sea lion” should be modified, and will request input from the Pinniped Fishery-Interaction Task Force at next year’s meeting. For the time being, C697 will not be added to the list. However, you may amend your request in the future should the COE record salmonid predation by this animal in the observation area below the dam.

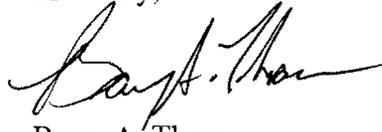
The States’ 2009 Field Report includes the sighting information for two California sea lions you request be added to the list of predatory sea lions. NMFS has reviewed the information and concurs that these animals meet the conditions outlined in Condition 1 of the LOA. Both of the animals identified below returned to the observation area following non-lethal deterrence. Accordingly, I have amended Appendix 1 to include those individuals (listed below) that are authorized for permanent removal. A copy of Appendix 1, as amended, is enclosed.

These newly identified predatory sea lions include:

- 1) C934/B300 – Observed at the dam on 8 days in 2009 with 3 documented salmonids consumed; and
- 2) B299 – Observed at the dam on 8 days in 2009 with 13 documented salmonids consumed.

I look forward to our continued cooperation with the States. Please contact Garth Griffin at (503) 231-2005, if you have any questions or comments related to this correspondence.

Sincerely,



Barry A. Thom
Acting Regional Administrator

Enclosure

bcc: Hodor, Eagle, Griffin, Norberg – NMFS
Williams, Brown – ODFW
Norman, Jeffries – WDFW
Willis, Stansell - COE

APPENDIX 1 – AMENDMENT 5

APPENDIX 1 - AMENDMENT 5 - December 9, 2009

PREDATORY CALIFORNIA SEA LIONS AUTHORIZED FOR IMMEDIATE REMOVAL

<u>Serial Number</u>	<u>Appendix Date</u>	<u>Appendix Id.</u>	<u>aka</u>	<u>Brand Date</u>	<u>Removal Date</u>	<u>Disposition</u>
1	3/17/2008	C319	B239	9/18/2002	4/24/2008	Transfer to Sea World
2	3/17/2008	C265	B237	4/5/2002	3/10/2009	Killed by injection - health fail
3	3/17/2008	C309	B238	8/29/2002		
4	3/17/2008	C643	B242, B152	4/4/2007	3/17/2009	Killed by injection - health fail
5	3/17/2008	C404		3/11/2003		
6	3/17/2008	C192		3/12/2001		
7	3/17/2008	C699	B246	5/17/2007		
8	3/17/2008	C443		4/18/2003		
9	3/17/2008	C507	B145	3/31/2004	3/18/2009	Transfer to Shedd Aq.
10	3/17/2008	C322		9/23/2002		
11	3/17/2008	C440	B52, B189	4/16/2003		
12	3/17/2008	C417		3/27/2003		
13	3/17/2008	C247		2/22/2002		
14	3/17/2008	C398		2/27/2003		
15	3/17/2008	C444		4/25/2003		
16	3/17/2008	C257		3/15/2002		
17	3/17/2008	C390		2/10/2003		
18	3/17/2008	C635	B240	3/5/2007	3/11/2009	Killed by injection - health fail
19	3/17/2008	C287		5/8/2002		
20	3/17/2008	C554		9/6/2005	4/1/2009	Killed by injection - health fail
21	3/17/2008	C379		1/31/2003		
22	3/17/2008	C640	B241	3/5/2007	4/28/2008	Transfer to Sea World
23	3/17/2008	C668	B244	4/25/2007	4/28/2008	Transfer to Sea World
24	3/17/2008	C360		12/10/2002		
25	3/17/2008	C455		5/1/2003		

APPENDIX 1 - AMENDMENT 5 - December 9, 2009
PREDATORY CALIFORNIA SEA LIONS AUTHORIZED FOR IMMEDIATE REMOVAL

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26	3/17/2008	C622		10/12/2006		
27	3/17/2008	C578		8/28/2006	4/1/2009	Killed by injection - health fail
28	3/17/2008	C579	B216,B156	8/31/2006	4/1/2009	Killed by injection - health fail
29	3/17/2008	C644		4/4/2007		
30	3/17/2008	C586		9/1/2006	4/1/2009	Transfer to Gladys Porter Zoo
31	3/17/2008	C645	B243	4/4/2007	5/13/2009	Killed by injection - health fail
32	3/17/2008	C653		4/18/2007		
33	3/17/2008	C669	B110, B245	4/25/2007	4/1/2009	Killed by injection - health fail
34	3/17/2008	C652		4/16/2007		
35	3/17/2008	B130				
36	3/17/2008	B9				
37	3/17/2008	B108				
38	3/17/2008	B63				
39	3/17/2008	B66			4/28/2008	Transfer to Sea World
40	3/17/2008	B214				
41	3/17/2008	B136	C739	9/18/2007	4/24/2008	Transfer to Sea World
42	3/17/2008	B32				
43	3/17/2008	B46				
44	3/17/2008	B137				
45	3/17/2008	B2	B257			
46	3/17/2008	B47	B221			
47	3/17/2008	B208	C805	4/28/2008		
48	3/17/2008	B194				
49	3/17/2008	B220				
50	3/17/2008	B127	C657, B191	4/20/2007	4/1/2009	Transfer to Gladys Porter Zoo

APPENDIX 1 - AMENDMENT 5 - December 9, 2009

PREDATORY CALIFORNIA SEA LIONS AUTHORIZED FOR IMMEDIATE REMOVAL

<u>Serial Number</u>	<u>Appendix Date</u>	<u>Appendix Id.</u>	<u>aka</u>	<u>Brand Date</u>	<u>Removal Date</u>	<u>Disposition</u>
51	3/17/2008	B198			4/28/2008	Died in anesthesia
52	3/17/2008	B88				
53	3/17/2008	B81				
54	3/17/2008	B204	B263			
55	3/17/2008	B40				
56	3/17/2008	B132	B90			
57	3/17/2008	B97				
58	3/17/2008	3341		1995		
59	3/17/2008	4140		1996		
60	4/25/2008	C606		9/11/2006	4/24/2008	Transfer to Sea World
61	4/25/2008	C700	B247	5/17/2007	3/18/2009	Transfer to Shedd Aq.
62	4/25/2008	C347		11/14/2002	5/4/2008	Died on the trap
63	4/25/2008	C441		4/18/2003		
64	12/4/2008	C147		4/1/2000		
65	12/4/2008	C674		4/30/2007	5/14/2009	Killed by injection - health fail
66	12/4/2008	C706		5/21/2007		
67	12/4/2008	C796		4/26/2008		
68	12/4/2008	C797		4/26/2008		
69	12/4/2008	B22	B205			
70	12/4/2008	B100				
71	12/4/2008	B265				
72	12/4/2008	B267				
73	12/4/2008	B31				
74	4/13/2009	B254				

APPENDIX 1 - AMENDMENT 5 - December 9, 2009

PREDATORY CALIFORNIA SEA LIONS AUTHORIZED FOR IMMEDIATE REMOVAL

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75	4/13/2009	B258				
76	4/13/2009	C926	B278,B169	4/1/2009		
77	4/13/2009	B295				
78	4/13/2009	C858		8/28/2008	5/11/2009	Killed by injection - health fail
79	4/13/2009	C795	B281	4/26/2008		
80	5/19/2009	C927	B283	4/8/2009		
81	5/19/2009	C928	B288	4/16/2009	8/24/2009	Killed by injection - no facility
82	5/19/2009	B296				
83	5/19/2009	B285	B56,B272			
84	5/19/2009	B298				
85	5/19/2009	B297				
86	12/9/2009	C934	B300	5/14/2009		
87	12/9/2009	B299				

Appendix 1, "Predatory California Sea Lions Authorized For Immediate Removal" was originally compiled by the National Marine Fisheries Service as informed by R. Stansell, Appendix D, Table 3.3 of the Final Report and Recommendations of the Pinniped-Fishery Interaction Task Force: Columbia River (November 5, 2007). The Appendix was transmitted to the states of Oregon, Washington, and Idaho in a Letter of Authorization issued March 17, 2008. The Appendix has been periodically amended to accurately report those individual California sea lions that meet the description contained in the Letter of Authorization and thus are authorized for removal.

Serial Number = A tally of the sea lions authorized for removal.

Appendix Date = The issuance date of the Appendix 1 list that first included this animal.

Appendix Id. = The unique alpha-numeric brand number or identification code assigned to this animal when first listed.

aka = Other known identification codes or brands applicable to this animal.

Brand Date = The date a unique alpha-numeric brand was applied to this animal.

APPENDIX 1 - AMENDMENT 5 - December 9, 2009

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Serial Number Appendix Date Appendix Id. aka Brand Date Removal Date Disposition
Removal Date = The date the animal was permanently removed (killed, transferred to captivity, found dead).

Note: The original Appendix 1 list issued on March 17, 2008 included two sea lions (C579 and B216). A review of identification data, following the removal of C579 on April 1, 2009 revealed that C579 and B216 were the same animal and therefore B216 has been moved to the "aka" adjacent to C579 in order to maintain a correct tally of animals authorized for removal. Similarly, additional review of observation records showed that sea lions B47 and B221 from the original list are the same animal. Accordingly, B221 has been moved to the "aka" adjacent to B47 to maintain a correct tally of animals authorized for removal.