



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way NE  
Seattle, Washington 98115

March 28, 2013

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

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

Dear Directors Elicker and Anderson,

This letter responds to your recent letter notifying the National Marine Fisheries Service (NMFS) that the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife will exercise their authority under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) to non-lethally remove nuisance California sea lions and Steller sea lions from the Columbia River and its tributaries below John Day Dam. As you note, federal, state, tribal, and other entities have taken significant steps over the years to restore and protect Pacific Northwest salmonids. These efforts have included, among others, reductions in harvest levels, modifications to hydropower operations, restoration of habitat, and predator-control programs. To the latter point, we recognize that increasing numbers of pinnipeds have contributed substantially to the loss of adult fish and have led to problematic interactions with tribal, sport, and commercial fisheries in the Columbia River and its tributaries below John Day Dam.

While we celebrate the substantial population growth of California sea lions and the eastern stock of Steller sea lions, we share your concern that these animals are having a negative effect on salmonids and sturgeon populations. We agree with your assessment that the states possess authority under the MMPA and ESA to non-lethally remove or deter these nuisance pinnipeds. We also support the various non-lethal deterrence and research activities described in your letter being employed along the Columbia River. Finally, please ensure that the states continue to comply with all applicable laws, regulations, and biological opinions when engaged in these activities and those taken under your Section 120 Letter of Authorization.

It is our expectation the states will continue to report any take of marine mammals under 16 U.S.C. § 1379(h)(1), 50 C.F.R. § 223.202(b)(2), and 16 U.S.C. § 1389, and that the states will submit an annual report documenting the prior year's research and removal activities at Bonneville Dam and elsewhere in the Columbia River and its tributaries. If the States experience any unforeseen impacts on California sea lions, Steller sea lions, or salmonids we need to be

notified immediately. Your NMFS point of contact for this project continues to be Garth Griffin (503-231-2005) in our Portland office.

Sincerely,



Barry A. Thom  
Deputy Regional Administrator

cc: Columbia River Inter-Tribal Fish Commission - Hatch  
United States Army Corps of Engineers - Stansell