

Section 120 Task Force Instructions
(Oct 24, 2011 meeting)

Purpose of Convening the Task Force

Today, we are convening a Pinniped Fishery-Interaction Task Force – Welcome Task Force members and thank you all for agreeing to join us on the third time through this process. Today, the Task Force is charged with discussing the States’ 2011 request for removal authority of certain California sea lions in the Lower Columbia River. In addition, the group is charged with discussing other background information, the factors contained in Section 120(d), and the public comments on the States’ application as required by Section 120 of the Marine Mammal Protection Act. After such consideration the Task Force will recommend to NMFS whether to approve or deny the States’ 2011 application.

Background - History of the States’ Application for Removal Authority in the Columbia River Basin

On December 5, 2006, NMFS received an application co-signed by the Washington Department of Fish and Wildlife, the Oregon Department of Fish and Wildlife and the Idaho Department of Fish and Game, requesting authorization to kill individually identifiable California sea lions in the Columbia River, which are having a significant negative impact on the recovery of threatened and endangered Pacific salmon and steelhead, under Section 120 of the Marine Mammal Protection Act. The application described the affected salmon and steelhead runs; the means of identifying individual pinnipeds; the problem interactions between pinnipeds and listed salmonids at and below Bonneville Dam; and the expected benefits of the potential taking of pinnipeds. The application also documented past non-lethal efforts to prevent the problem interactions.

We determined that the application provided sufficient evidence to warrant establishing a Task Force and published the required *Federal Register* notice on January 30, 2007. In the notice we solicited public comment on the States’ application and requested additional information. The 2007 Task Force considered the available information and public comments and formally transmitted its recommendations to NMFS on November 5, 2007. NMFS considered the Task Force recommendations and on March 17, 2008, notified the States of its partial approval of their application in a letter of authorization. The letter of authorization specified the terms and conditions for authorized lethal removal of individually identifiable predatory California sea lions.

One of those terms and conditions called for the Task Force to reconvene following three years of removal program implementation to review and evaluate the success of the actions taken and make additional recommendations to NMFS. In 2010, you did that and provided your thoughts to us about this time last year.

We are now back together in order for you to provide us with your recommendations on the States’ **NEW** 2011 application.

The Role of the 2011 Pinniped-Fishery Interaction Task Force

Your task is to consider relevant information and recommend to NMFS whether to approve or deny the States' request. If the Task Force recommends approval, we ask that you again include a description of the specific pinniped individuals, the proposed location, time, and method of taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority. You should also suggest non-lethal alternatives, if available and practicable. In formulating your recommendations, the Task Force is to review public comments received by NMFS in response to its *Federal Register* notice, and also consider:

- (a) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;
- (b) 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;
- (c) 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
- (d) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

We asked you to participate on the Task Force again so as to take advantage of your familiarity with the history of the sea lion-salmonid conflict at Bonneville Dam. As a previous Task Force member, you participated in the review of the States' 2006 sea lion lethal removal application and the 2010 review of the removal program's first three years of implementation. Your previous thoughts, comments, and recommendations are in the public record. I am specifically interested in your comments or new recommendations that are in addition, or contrary, to the advice you provided to us in 2007 and 2010.

Just a couple more thoughts before you get started. Besides the several meetings we have had on this topic since 2007, I have tried to keep you apprised of all things salmonid v. sea lion in the Columbia Basin by providing you with updates from the field and other task force members, and the state of litigation. I hope you will keep all of this in mind as you consider the current application. And lastly, if you have already provided written comments on the 2011 application, you can assume that those comments are part of the record and need not feel compelled to reiterate those points in today's session.

Today, in consideration of the States' 2011 application, please consider and answer the following four questions.

- (1) If we do not have the ability to quantify the impact of pinniped predation on extinction risk of salmonid populations, are there qualitative criteria you recommend we consider in determining whether pinniped predation is significant?
- (2) If we had the ability to quantify the impact of pinniped predation on extinction risk of salmonid populations, do you have advice on how to approach setting a

- threshold for significance? For example, are you aware of other contexts in which managers consider a level of impact to be significant and what those levels are?
- (3) As noted in the materials we sent in advance of today and that you reviewed today, Steller sea lion presence at Bonneville Dam appears to be growing, as does the numbers of salmonids being consumed by Steller sea lions. Do you recommend that we consider re-allocating funds away from California sea lion non-lethal deterrence in order to focus more on Steller sea lion non-lethal deterrence? Do you have any specific thoughts/recommendations on non-lethal deterrence measures for Stellers?
 - (4) Does anything in the States' NEW application or the new information that you have reviewed in consideration of the application, change your support for or against a removal program consistent with the States' application?

It is my expectation that the facilitation team will provide NMFS with a summary of today's Task Force conference call that highlights today's discussion and recommendations by November 14.

Public Participation

As required by the MMPA, Task Force meetings are open to the public. The public will not be allowed to discuss or debate issues with the Task Force during today's sessions. Time has been allocated between 10:15 and 11:00 am during this call to allow the public to provide or identify new or relevant information that may assist the Task Force in its deliberations. That said, the public will be allowed to listen to the entirety of today's Task Force discussion.

NMFS' Decision and Implementation Process

Once you have submitted your recommendations to us, NMFS will determine a course of action informed by the Task Force recommendations. In addition to the Marine Mammal Protection Act process described above, NMFS must also comply with the National Environmental Protection Act, the Endangered Species Act and other relevant statutes in considering the States' application. We intend to announce our finding on the States' application by the end of February 2012.