

WRITTEN TESTIMONY OF

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LEGISLATIVE HEARING ON H.R. 1769

BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS
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Introduction

I am Guy Norman, Southwest Washington Regional Director for the Washington State Department of Fish and Wildlife. I am responsible for agency policy in Southwest Washington, including management of natural resources in the lower Columbia Basin. I have been involved in Columbia River salmon management since 1977, including 27 years with state Fish and Wildlife agencies and two years as a consultant developing Columbia River salmon recovery plans.

The Washington State Department of Fish and Wildlife appreciates the opportunity to present the following written testimony on H.R. 1769 to the chair and members of this subcommittee on the issue of California sea lion predation on threatened and endangered salmon and steelhead of the Columbia River Basin.

WDFW serves Washington citizens by protecting, restoring and enhancing fish and Wildlife and their habitats, while providing sustainable and wildlife-related recreational and commercial opportunity. We hold this public trust in high esteem and strive to meet the challenges that put our focus on fish and wildlife sustainability to the test. We understand that without abundant populations of fish and wildlife, the quality of life in our region would be seriously compromised.

Columbia Basin Salmon Recovery Efforts

WDFW has been involved in efforts to restore wild salmon and steelhead populations in the Columbia Basin for several decades. We have worked cooperatively with Oregon, Idaho, and the Columbia River Treaty Indian tribes for over 40 years to manage fisheries and to rebuild salmon populations. Because of these efforts, some salmon and steelhead populations have improved, however, most Columbia River basin wild salmon and steelhead populations have declined to a level where they are listed under the Endangered Species Act as threatened or endangered.

In response to their endangered or threatened status, there has been an extraordinary and growing effort in the Columbia River region to protect and recover salmon and steelhead. Endangered Species Act-guided recovery plans are being developed in every watershed, to restore important habitat, improve dam passage survival, re-tool hatchery programs to assist wild populations, and reshape fisheries by focusing on selectively harvesting healthy hatchery fish.

This salmon recovery effort has involved a major investment by the region and will continue as recovery plans are completed and more actions are implemented. The people of the Northwest have supported restoration efforts, and borne the costs, because of the importance of salmon to our heritage, the cultural value to Native Americans, and the economic value of salmon to our fishing communities. State and Federal agencies, Tribal and local governments, and the public have collaborated in an effort to rebuild these depleted salmon populations.

As we address impacts limiting salmon and steelhead recovery in the Columbia Basin - increasing predation by birds, fish, or marine mammals must be addressed as part of an overall recovery process. There is currently a bounty reward system for fishermen to remove pike minnow fish from the Columbia River, which are documented as significant predators of juvenile salmon. Predatory birds are being re-located in the lower Columbia River to areas where juvenile salmon are less vulnerable to predation.

California Sea Lion Predation on ESA-Listed Salmon in the Columbia River

WDFW also works with these same resource management partners to deal with marine mammal-related management issues under various regulatory processes allowed by provisions of the Marine Mammal Protection Act. We have worked closely with NOAA-Fisheries on implementing various management options related to resolving marine mammal fishery interactions including use of provisions of Section 109. Following the 1994 amendment to the Act that added Section 120, we used both Section 109 and 120 authorities in our efforts to resolve the well documented case of predation by male California sea lions on a population of winter steelhead that migrated into the Lake Washington watershed through the Ballard Locks near Seattle. Even with these tools, by the time we had implemented all actions allowed under these sections of the Marine Mammal Protection Act to try and control sea lion predation at the Locks, the Lake Washington winter steelhead population had become biologically extinct.

In recent years, another threat has emerged where federal, state and tribal resource managers now have to deal with California sea lion predation at another location. This time it is in the Columbia River at Bonneville Dam where male California sea lions are now preying on a number of ESA-listed salmon and steelhead runs.

Male California sea lions have learned a new behavior, with many of the animals swimming 145 miles up the Columbia River in the winter and spring to prey on threatened adult salmon while the fish attempt to pass through fish ladders at Bonneville Dam. Having survived various sources of mortality as downstream migrating juveniles and again as returning adults, many of the adult wild salmon still have over 500 miles to

travel before completing their journey from the river mouth to the spawning grounds if they make it past the California sea lions feeding just below the dam.

The rate that California sea lions are eating wild and hatchery origin salmon at Bonneville Dam has been increasing since 2000 when a small number of sea lions were present. There were 31 sea lions observed in the area in 2002. The numbers have ranged from 85 to over 100 in the years since 2002. These sea lions have been observed consuming an estimated 3-4 percent of the spring salmon passing Bonneville Dam. These estimates are conservative and do not include the salmon consumed by more than 1,000 sea lions that work the 140 miles of the Columbia River and tributaries downstream of Bonneville Dam.

In contrast, both sport and commercial fishing regulations for spring salmon require that only marked hatchery fish can be retained, while unmarked wild salmon must be released unharmed. Tribal spring fisheries are often reduced to levels below their minimum cultural and subsistence needs.

In the past three years, there has been a multi-agency effort to assert non-lethal hazing methods in an attempt to change the behavior of the sea lions in the area near Bonneville Dam. The hazing temporarily moves animals, but many of the California sea lions return within a few hours. Many learn to avoid the hazing and continue to eat threatened salmon. Some individual California sea lions have learned to repeatedly return to Bonneville Dam each spring to eat salmon. This year the hazing was increased to seven days per week yet the predation of salmon by sea lions was the highest yet recorded.

Need for a Reasonable Resource Management Tool

It is important that resource managers have the necessary tools to restore a balance between an abundant California sea lion population and the endangered and threatened salmon and steelhead populations in the Columbia River and in other areas where sea lion predation is developing into an additional new threat to other ESA-listed salmon recovery efforts.

In all areas where wild salmon are vulnerable, we need to use every available wildlife management tool to restore that balance. In the case of the Columbia River, when our best efforts to change a sea lion's behavior fail, we need the authority to remove those individual animals that continue to prey on threatened salmon in areas such as Bonneville Dam.

No action on revising the Section 120 process and continued use of non-lethal methods allowed under Section 109, will likely result in an expansion of the problem by allowing increasing numbers of sea lions to become recruited into the pool of nuisance animals. The longer we are delayed in dealing with this predation, the worse it will become. The expected benefit of a timely permanent removal of the animals in question will be to reduce a recent, unnatural, and significant source of mortality and avoid compromise of

the ongoing federal, state and tribal efforts to recover ESA-listed salmon and steelhead populations in the Columbia River Basin.

We contend that recent losses to California sea lions, which are known to represent the minimum amount of California sea lion predation in the Columbia River, represent a significant negative impact on the recovery of ESA-listed salmon because: 1) it is a new, growing, and unmanageable source of mortality, while other sources of in-river mortality are actively managed and are stable or decreasing (e.g., through harvest reductions, fish passage and habitat improvements, and hatchery reform); and 2) hydro modifications of the river have altered the natural predator-prey relationship to artificially favor predatory California sea lions which congregate below Bonneville Dam to feast on returning ESA-listed salmon.

It is not our contention that California sea lion predation is more significant than other sources of mortality to Columbia River ESA-listed salmon, but simply that it is significant and that resource managers must have the ability to deal with sea lions predation in a timely and reasonable manner as we do with other resource management situations. However, based on our experience trying to control sea lion predation at the Ballard Locks, the existing Section 120 process may be too lengthy and cumbersome when needed in other areas such as the Columbia River.

In the meantime, the Fish and Wildlife agencies of Washington, Oregon and Idaho have applied to the Secretary of Commerce for limited authority to remove California sea lions in the Columbia River at Bonneville Dam through the existing Marine Mammal Protection Act's Section 120 process.

Comments on H.R. 1769

Following our experience with California sea lions predation on the Lake Washington winter steelhead run at the Ballard Locks, the Washington Department of Fish and Wildlife worked with NOAA-Fisheries, Oregon Department of Fish and Wildlife and California Department of Fish and Game as well as the Pacific States Marine Fisheries Commission to develop recommendations to Congress for a number of changes in the Marine Mammal Protection Act to improve our ability to manage these types of conflicts including allowing federal, state or tribal resource managers the authority to take actions in a timely manner using sound conservation and wildlife management principles. This report was submitted to Congress by NOAA-Fisheries in 1999 and has resulted in no changes or improvements in the Section 120 process that we must use as resource managers to try and resolve these types of issues.

H.R. 1769 is needed to hasten the process and include participation by the four lower Columbia Treaty Indian tribes as well as the states in the resolution of this situation. This introduced amendment limits the number of animals that could be removed and only applies to California sea lions that have not responded to non-lethal hazing attempts.

We believe H.R. 1769 could be a key to ensure sea lion predation on Columbia River salmon does not increase further. The evidence acquired has convinced us that an

additional tool is now needed to restore the balance between sea lions and salmon in areas where endangered salmon are highly vulnerable. H.R. 1769 provides a mechanism to deal with the sea lion predation on ESA-listed salmon in the Columbia in the near term as well as allowing NOAA-Fisheries and the respective resource management agencies to work with Congress to craft a better management tool for resolving future conflicts. Meanwhile, Washington, Oregon and Idaho are jointly proceeding with the Section 120 application process through the Marine Mammal Protection Act.

We appreciate the work Congress and members of this subcommittee have put into developing H.R. 1769 to protect the salmon and steelhead resources of the Northwest. We look forward to working with you to craft a workable management tool to deal with predatory sea lions consistent with regional investments to restore Columbia Basin salmon and other ESA-listed salmon runs that may become at risk from sea lion predation in the future. Thank you for your work and your service to the citizens of the Northwest.