

**FINAL REPORT AND RECOMMENDATIONS**  
**OF THE**  
**BONNEVILLE PINNIPED-FISHERY INTERACTION TASK FORCE**  
**MARINE MAMMAL PROTECTION ACT, SECTION 120**  
**5-YEAR EXTENSION**

**June 2016**

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**National Marine Fisheries Service  
Bonneville Pinniped-Fishery Interaction Task Force  
Marine Mammal Protection Act, Section 120  
5-Year Extension Report**

**June 2016**

**BACKGROUND**

**History of the Current Application**

In December 2006, National Marine Fisheries Service (NMFS) received an application co-signed by the directors of the Washington Department of Fish and Wildlife (WDFW), the Oregon Department of Fish and Wildlife (ODFW), and the Idaho Department of Fish and Game (IDFG), on the States' behalf, requesting authorization for take under Section 120 of the Marine Mammal Protection Act (MMPA). The request from the States was to intentionally take, by lethal methods, individually identifiable, predatory California sea lions (CSL) in the Columbia River, which were having a significant negative impact on the recovery of threatened and endangered Pacific salmon and steelhead. NMFS partially approved, with restrictions, the State's 2006 request in 2008, issuing its Letter of Authorization (LOA) on March 18, 2008.

Shortly after NMFS issued the LOA, the Humane Society of the United States (HSUS) filed a lawsuit in the U.S. District Court in Oregon, alleging that NMFS' LOA violated Section 120 of the MMPA and the National Environmental Policy Act (NEPA). In November 2008, the District Court issued an order upholding NMFS' approval of the lethal removal program and its evaluation of impacts under NEPA. Plaintiffs appealed to the Ninth Circuit Court of Appeals, which declined to halt the removal program while the appeal was pending. On the merits, the Ninth Circuit vacated and remanded the LOA in November 2010.

In response to the court's 2010 decision, the States submitted a new request for lethal removal authorization on December 7, 2010. NMFS considered the request and new information available since its prior authorization, including the Bonneville Pinniped-Fishery Interaction Task Force's (Task Force) recommendations. NMFS again authorized lethal take, under similar conditions to the 2008 authorization (albeit with modifications), issuing a new LOA on May 13, 2011. HSUS again filed suit this time in Federal Court for the District of Columbia, alleging, among other things, that NMFS had not followed procedural requirements under MMPA Section 120 prior to issuing the new authorization (including public notice and comment on the States' application). In coordination with the States, NMFS revoked the May 13 authorization on July 22, 2011, and HSUS voluntarily withdrew their lawsuit.

On August 18, 2011, the States submitted a new request for lethal removal of CSL at Bonneville Dam under essentially the same conditions as the prior authorizations. NMFS reconvened the Task Force in October 2011 to evaluate the States' application and public comments and to recommend whether NMFS should approve or deny the proposed intentional lethal taking program. The Task Force's final report and recommendations were provided to NMFS on November 14, 2011. On March 15, 2012, NMFS issued the current LOA to the States. Unless modified, extended, or suspended, the current LOA remains in effect through June 30, 2016.

The States have now conducted removal activities during part or all of five seasons of salmonid migration (2012- 2016) since issuance of the 2012 LOA. During these activities, the States and the Columbia River Intertribal Fish Commission (CRITFC) also conducted non-lethal on-water

hazing of sea lions, and the U.S. Army Corps of Engineers (Corps) modified the fish passage facilities at the dam to exclude sea lions and conducted active hazing from the dam and shoreline. The Corps has also continued to monitor predation and fish passage at Bonneville Dam.

As of May 13, 2016, the States had permanently removed (transferred to public display or euthanized) a total of 156 individually identified predatory sea lions. NMFS has routinely updated the list of identified predatory sea lions authorized for removal, to include animals that have met the criteria since the authorization was first issued. NMFS has provided the Task Force with periodic updates of these activities, including updates on salmonid predation and passage, as well as predatory sea lion removal reports and updated lists of predatory sea lions.

#### **Purpose of Reconvening the Task Force in 2016**

NMFS convened the Task Force on May 31, 2016 to provide NMFS with a recommendation to either approve or deny the States' January 27, 2016 application for a 5-year extension to the existing LOA. The States' are not requesting any modifications to the existing LOA.

In formulating its recommendation, NMFS advisors requested that the Task Force follow the process and address the questions identified in the section titled "The Role of the Task Force and NMFS' Expectations of the Task Force", found in the Task Force Instructions e-mailed on May 18, 2016.

Furthermore, in the March 2, 2012 Report on Consideration of Statutory Factors under Section 120 of the MMPA, NMFS stated that, following the expiration of the 2012 LOA, they intend to reconvene the Task Force to evaluate the effectiveness of the 2012-2016 program and recommend whether it has or has not been effective in eliminating the problem interaction. To prepare for this step, NMFS requested that the May 2016 Task Force provide them with applicable information, data, and analyses that the Task Force believed would be necessary in order to: evaluate the effectiveness of the 2012-2016 program; recommend whether it has or has not been effective in eliminating the problem interaction; and, if not effective, recommend changes to improve the program in the future.

#### **The Role of the Task Force and NMFS' Expectations of the Task Force**

In evaluating the States' application for a 5-year extension, NMFS reconvened the Task Force to develop recommendations that document the areas of agreement reached by the group, as well as the alternate points of view if agreement was not reached. NMFS asked that the Task Force recommendations fairly reflect the full range of opinion of the group, acknowledging differences of opinion and including minority views. NMFS contracted for professional impartial facilitation services to enhance the process by providing facilitation of the meeting itself, a meeting summary and report, and then assisting the group in assembling its recommendations. This report was drafted by the facilitators, and Task Force members' feedback was incorporated into the final version of this report.

#### **Evaluating the States' Application for the 5-year Extension**

For the evaluation, NMFS requested that the Task Force review the States' application, the public comments that were received in response to the application as published in the Federal Register (81 Fed. Reg. 17141, March 28, 2016), the available information regarding problem interactions, the Task Force's prior recommendations, and the terms and conditions of the current LOA.

At the May 31, 2016 Task Force meeting, the States (ODFW and WDFW), Corps, and CRITFC presented information on implementation of lethal removals and non-lethal measures taken, sea

lion presence at the dam, observed predation on salmonids, and fish passage timing and numbers at the dam. These presentations, along with the documents sent in advance of the meeting, were deemed to provide the most recent data available in order to inform the Task Force's recommendations.

In considering whether the States' application for a 5-year extension should be approved or denied, NMFS requested that the Task Force consider the following questions:

- (1) Is pinniped predation on at-risk salmon and steelhead still a problem?

In answering this question, and consistent with Section 120(d) of the MMPA, the Task Force, in considering whether the States' application should be approved or denied, shall 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 nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal 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.

- (2) Taking into consideration the States' application, the public comments, the available information regarding the problem interaction, prior recommendations, terms and conditions of the current LOA, the four MMPA Section 120(d) considerations, and the available information regarding the problem interaction, does the Task Force recommend that NMFS approve or deny the States' application to continue the program through June 30, 2021?

#### **Evaluating the Effectiveness of the 2011-2016 Program**

In considering NMFS' request for the Task Force to evaluate the efficacy of the 2012-2016 program, NMFS requested that the Task Force consider the following question:

- (1) What information/data does the Task Force require that would help to evaluate the effectiveness of the 2012-2016 program, and recommend to NMFS whether the program has or has not been effective in eliminating the problem interaction and, if not effective, what changes does the Task Force recommend to improve the program in the future? (*Section 120 Evaluation and Task Force Instructions, May 2016*)

#### **Public Participation**

As required by the MMPA, the May 31<sup>st</sup> Task Force meeting was open to the public and the date, time and location of the meeting was provided through a Federal Register Notice, posted on the NOAA Fisheries West Coast Region website, and announced through NOAA press releases. The public was not allowed to discuss or debate issues with the Task Force during the work session, however, time was allocated during the meeting to allow the public to provide or identify new or relevant information that could assist the Task Force in its deliberations. One member of the public provided oral comment (see below).

### **NMFS' Decision and Implementation Process**

Once the Task Force completes its deliberations and submits its recommendations, NMFS will review all information and determine a course of action informed by scientific data, public comments and the Task Force recommendations.

### **Other Applicable Laws**

In addition to the MMPA and the process described above, NMFS must also comply with National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and other relevant statutes in considering the States' application.

## **TASK FORCE RECOMMENDATIONS**

To inform their recommendation, the Task Force reviewed the States' application, the public comments, the available information regarding problem interactions, prior recommendations and the terms and conditions of the current LOA. In considering whether the States' application for a 5-year extension should be approved or denied, the Task Force discussed and considered:

### ***NMFS Question 1: Is pinniped predation on at-risk salmon and steelhead still a problem?***

In answering this question, and consistent with Section 120(d) of the MMPA, the Task Force, in considering whether the States' application should be approved or denied, considered:

- (a) Population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurred, and how many individual pinnipeds were involved;
- (b) Past efforts to nonlethally deter such pinnipeds, and whether the applicant had demonstrated that no feasible and prudent alternatives exist and that the applicant had taken all reasonable nonlethal 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 have exhibited behavior that presents an ongoing threat to public safety.

The Task Force reviewed the available information and deliberated on the question and considerations.

### **1(a) Population trends, feeding habits, the location of the pinniped interactions, how and when the interaction occurs, and how many individual pinnipeds are involved:**

The Task Force discussed the recent increase in abundance of CSL in the Columbia River and at Bonneville Dam, with some members noting that the interaction of CSL and salmonids is a river-wide issue. There has been an increase in pinnipeds in the Columbia River in recent years from roughly 45 in 2012 to 195 in 2015 at the Bonneville Dam. Additionally, the number of salmonids consumed by CSL has also increased, as has the number of CSL removed through the States' program, with twice as many CSL removed in 2015 as in 2014.

The States explained CSL demographics, behavior, and migration patterns, noting that the pattern is for males to migrate north from the rookeries in California, towards food. Warm ocean conditions (i.e., several recent El Niño years) have led more pinnipeds to travel further north to find food, including into the Columbia River. The States also indicated that increased smelt runs may have contributed to attracting CSLs to the river. A Task Force member commented that the residency time of CSL in the river has shortened throughout the past five years. Further, it was

suggested, that the abundance of CSL in the lower Columbia River will influence the abundance of the subset of CSL seen at the Bonneville Dam.

The Task Force discussed the numbers of CSL in the Columbia River versus the total coast-wide population of CSL and the uncertainty of the impact of the removal program on the overall population. Some Task Force members expressed an opinion that taking CSL from the Columbia River in the numbers permitted would not negatively impact the long-term health of the overall population. The Task Force asked if there has been a recent update in the status of the protected CSL population. The most recent status report is from 2011 and a new one is forthcoming, but not available to the Task Force to consider population trends of CSLs.

The data reviewed showed that the location of interaction between CSL and Bonneville dam has not changed much over the past five years, and many of the interactions are outside of the monitoring observation zone at the dam. There have been limited observations of predation away from the Dam. Accelerometers that track movements of animals in the water column also have been placed on CSL to study their movement. The degree of impact to salmonids downstream of Bonneville is uncertain and remains a concern to many Task Force members. NMFS has tagged salmon as part of an ongoing study that hopes to assess salmonid passage loss and the potential impact of CSL predation on salmonids throughout the river system; however, the results had not been peer reviewed and publicly released for the Task Force to review. The States and CRITFC reported their perspective that most of the CSL are eating more than one fish while in the river system: in order for CSLs to get up river to Bonneville, they expend energy and need food for their journey. The estimated predation of salmonids by pinnipeds at Bonneville in 2012 was approximately 2,000 and had increased above 8,000 for 2015 and 2016.

The Corps and NMFS stated that salmon runs, specifically runs of threatened and endangered salmon, are not trending up in the same way that some hatchery returns have over the last few years. They acknowledged that, while salmon runs in 2015 were the second highest since 2002, and many of the stocks are reported as stable or trending upwards, this does not mean that the threatened or endangered runs are prolific. In addition, data shows that CSL predation is independent of the salmonid run size. Task Force members supported the need to look at the cumulative effects of all sources of adverse impacts to salmonids, specifically as ocean productivity conditions have worsened since 2013.

**1(b) Past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success:** Task Force members noted that NMFS held a workshop in 2015 to discuss and assess the variety of non-lethal deterrents being used to deter adverse interactions with marine mammals. The Corps and CRITFC reported to the pinniped task force that they have continued to use cracker shells, rubber bullets, seal bombs and boat chase, yet still the predation problem continues. Additionally, Sea Lion Exclusionary Devices (SLEDs) and Floating Orifice Gates (FOGs) were installed as non-lethal obstructions to deter sea lions from entering fish-ways. Although not recommending it, one Task Force member mentioned that there is a company in Scotland that has utilized a pulse powered system in fish farming which reduced predation mortalities to zero. Some Task force members noted that this system is not expected to work below Bonneville, as it is not effective in turbulent waters.

**1(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:** Task Force members noted that information in presentations at past meetings and in a previous report, indicated that the diet of CSL is likely 80% unlisted fish and 20% listed salmonids. It was noted

that the majority of the listed fish consumed are wild or unmarked, and while this statistic varies from year to year, the general statement of an aggregate wild: hatchery ratio of 20:80 is believed to be accurate by some of the Task Force members. *[Facilitator's Comment: NMFS provided additional information via edits, noting that the 2008 Final Environmental Assessment indicates that 25-35% of spring Chinook and 28-60% of steelhead passing Bonneville Dam during the period of time that Pinnipeds are present are listed species.]*

During recent hazing observations, 21.2% of observations include a predation event, with CSLs primarily consuming salmonids. Chinook were the main pinniped prey species observed in 2016, followed by lamprey and then steelhead. As noted above, the estimated predation of listed and non-listed salmonids by CSL in 2012 was reported to be approximately 2,000 and had increased above 8,000 for 2015 and 2016. The Task Force clarified that their focus must be on the CSL impact to listed salmonids, as Section 120 of the MMPA specifically addresses salmon and steelhead that are 'threatened, endangered, or trending towards listing', not on other species in the ecosystem. However, ODFW stated that relative to the question of "imbalance with, other species in the ecosystem, including fish populations" there are significant concerns about predation on white sturgeon – particularly spawning sized fish, and lamprey.

The Task Force discussed the definition of 'undue' injury or impact and the meaning of this term, without reaching a conclusion. It was noted that many factors, including the presence of the hydro-system, cause undue harm to salmonids. CSL predation on salmonids has been occurring for millennia; however, because the fish passage is impeded by the dam, the density of the prey is increased and, as such, an efficient, easy feeding system is produced for CSL leading to increased predation.

A Task Force member pointed out that the States' application acknowledged that "the ultimate goal of eliminating the significant negative impact of CSL predation on listed salmonids in the lower Columbia River has not yet been achieved". The States are requesting the same program continue for another five years. Reasons stated for the request for a straight 5-year extension instead of a new program, included the increased success of trapping CSL as well as the increased administrative efficiency of NMFS' approval responses to requests for removal of individual animals, both of which have resulted in increased removals in the past two years. Most Task Force members believed that without the program's continuation, the undue harm would be greater because, as reported, up until 2013 when ocean conditions warmed and reduced food availability for CSL in more southern waters; the Corps and CRITFC were seeing decreases in the CSL abundance at the dam and a decrease in the proportion of spring Chinook lost to CSL predation. Because the efficacy of the program is improving as a result of more efficient approval from NMFS and faster removal of predators, many on the Task Force believed the positive impact of the program in reducing significant adverse impacts will be shown within a few years. Still, at least one Task Force member thought if the program were to continue, it would have to show real benefits, which are not evident to date, and those expected benefits would need to be clearly articulated.

Most task force members supported assessing impacts to salmonids "river-wide" and not simply at the Dam. They pointed to the need to use all available options to address the myriad factors that negatively impact salmonids (e.g., predation, pollution, dams, competition with non-native fish, etc.). Task Force members noted that the cumulative impacts on salmonids need to be considered: the CSL is one source of impact that is affecting the recovery of salmonid populations. Similar to other negative impacts, most Task Force members felt that pinnipeds need to be managed. There were differences of opinion about whether this management should include removal under Section 120: some felt that, although the larger context is important to



consider, the CSL removal program is not eliminating the significant negative impact and Section 120 of the MMPA says that the “expected benefit of the take” needs to be clear and determinable.

**1 (d) The extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety:** The Corps, CRITFC and Task Force members reported on accounts of fishermen having interactions with CSL during netting of caught fish, some of which have been documented. Accounts ranged from being thrown from boats to stealing fish from nets, making for dangerous situations for the public. Tribal fishers upstream of Bonneville say they have experienced threats from pinnipeds, leading to a request to add additional criteria which would allow for the remove animals above the dam. To address the concern with CSL presence upstream of Bonneville Dam, a Task Force member recommended that the criteria for placing new animals on the removal list be modified to include any animals that move upstream of Bonneville Dam.

***NMFS Question 2: Taking into consideration the States’ application, the public comments, the available information regarding the problem interaction, prior recommendations, terms and conditions of the current LOA, the four MMPA Section 120(d) considerations, and the available information regarding the problem interaction, does the Task Force recommend that NMFS approve or deny the States’ application to continue the program through June 30, 2021?***

Task Force members were asked to respond to question 2 with their recommendation to approve, conditionally approve, or to deny approval. A total of twelve (12) Task Force members recommended approving the States’ application; one (1) recommended conditional approval with a shorter permit granted in order to allow the Task Force to consider the program evaluation and explore additional data about population status and trends; and one (1) Task Force member recommended denying the States’ application due to the State’s acknowledgement that it had failed to achieve the stated goal of eliminating predation or reducing it to insignificant levels.

NMFS restated that they have made no decision about whether they will approve, conditionally approve or deny the States’ application. Instead, they will consider the data reviewed and the Task Force’s input about the application to extend the program. They further clarified that, even if approved, NMFS would retain the right to revoke or modify the permit at any time, with 72-hour notice to the States.

#### **Basis of Recommendation on Question 2:**

Approve: Task Force members who recommended approving the State’s application did so because of cumulative effect of factors impacting salmon runs: in order to improve salmon runs, Columbia River managers need to concurrently implement multiple solutions. They noted that there are many factors impacting the runs and in order to protect the species, a multi-faceted management approach is needed. Climatic changes, poor ocean conditions, struggling salmon runs, lack of other options, increase in CSL presence in the Columbia, and fear of not acting to limit CSL predation were among the reasons that Task Force members stated for their support of approving the application.

Conditionally Approve: An agency Task Force member who recommended conditional approval did so because, while he was concerned with not acting to limit predation, he felt more information was needed in order to make a fully informed decision. He noted that information is needed on the CSL population as a whole and how the fate of the CSL population in the Columbia River impacts the broader CSL population. Also, he felt the Task Force should review

specifics about which runs of salmon, if any, are at greatest risk from the CSL predation. He suggested approving a limited permit in order to allow time for the Task Force to delve deeper into the status and impacts of the situation and consider the results of the valuation of the effectiveness of the 2012-2016 program.

Deny: The Task Force member who recommended that NMFS deny the States' application did so because, despite the increased number of CSL that have been removed, the number of CSL at the dam is not decreasing and the number of salmon consumed is not decreasing. Thus, the program as implemented is not showing a benefit to salmonids. Continuing a program to lethally remove CSL in the same way as has been done thus far is not an appropriate response.

The following votes and rationales were provided by the Task Force:

- **Humane Society of U.S.: DENY** - Despite high numbers of CSL removal, the number of CSL at the dam and the salmon take is at an all-time high since the program was implemented. There is no net benefit to the program as it is currently configured and we see no benefit to salmonids.
- **Oregon Anglers: APPROVE** – Recognizing that current efforts may be somewhat ineffective because of imposed limitations; Oregon Anglers would like to see a broader approach to removal upstream of the I-5 Bridge. The CSL numbers are at an all-time high and are not getting better anytime soon.
- **Confederated Tribes of Warm Springs: APPROVE** – Would hate to see what would happen in the absence of this effort. This is one of many efforts and needs to be part of the solution.
- **Confederated Tribes of the Umatilla Indian Reservation – APPROVE**: We need to work to increase the effectiveness of the program to target animals and remove constraints.
- **Columbia River Intertribal Fish Commission: APPROVE** – Pinniped predation on salmon is still a problem, and this is the only tool, although not the best, we have to deal with it. Would like to encourage NMFS to broaden authority.
- **Nez Perce Tribe: APPROVE** – For much of same reasons stated.
- **Yakama Nation: APPROVE** – Lethal removal is a tool in the toolbox that should remain. Some fish runs are being eliminated due to many factors, including predation and climate change. Removing one tool is not the best action going forward. Moreover, the few male CSLs being removed are likely not impacting the CSL population as a whole.
- **National Marine Fisheries Service – Marine Mammal Specialist: APPROVE** – There are increasing numbers of CSL in the River and increasing numbers of CSL are finding Bonneville Dam. The States' program is just now getting better capabilities to trap and remove successfully. We will need to take more CSL annually in order to protect the runs and ultimately evaluate the success of the program under the Section 120 Authorization.
- **Washington Department of Fish and Wildlife: APPROVE** – The impact is significant on spring Chinook; removal is comparable to what is being done with other tools to mitigate other sources of impact to the listed populations. With the increase of CSL in the river and potentially increasing climate change and ocean productivity having a negative impact on fish, we need to ensure the CSL impacts are continued to be managed as effectively as possible. Efficiency of removal is getting better: need to extend the program to really give it a shot.

- **Lower Columbia Estuary Partnership: APPROVE** – Due to concerns over changing climatic conditions and ocean conditions, this is not the right time to discontinue this approach.
- **Salmon for All: APPROVE** – We need to do what we can to reduce predation and improve salmonid populations. The program must continue.
- **Oregon Department of Fish and Wildlife: APPROVE** – There is undue impact on salmonids and evidence that predation has been reduced from what it otherwise would have been. We are already seeing impacts of El Nino and will likely have productivity changes on northern stocks.
- **National Marine Fisheries Service: CONDITIONAL APPROVAL** - The priority is the listed salmonid species; more information is needed about which salmonid species are at greatest risk of predation and about the population status of CSL. Instead, suggest that there is more work to do before giving the full 5-year permit: provide a shorter permit in order to give the Task Force time to evaluate the effectiveness of the 2012-2016 program as called for in the 2012 report and explore all available information and issues before giving the full extension.
- **U.S. Army Corps of Engineers: APPROVE** – This is a problem we need to approach from a variety of methods and that is what we are doing here. Salmon recovery on the Columbia River is not something we can come at from one angle, there are many factors created by this problem and many factors will solve it. The Corps has done a lot in terms of capital investment; we see this as another piece that unfortunately needs to be done to address this problem.

***NMFS Question 3: What information/data does the Task Force require that would help to evaluate the effectiveness of the 2012-2016 program, and recommend to NMFS whether the program has or has not been effective in eliminating the problem interaction and, if not effective, what changes does the Task Force recommend to improve the program in the future?***

*NMFS stated that, because the term of the authorization had not yet concluded, it was inappropriate to discuss its effectiveness through 2016 but indicated that the Task Force would be asked to review it at a later date.*

The Task Force generated a list of data and information that would assist the effectiveness evaluation of the 2012-2016 program, once it is completed (June 30, 2016). Again, NMFS clarified that even if they approve the application to extend, it could be modified or revoked after the data has been compiled and reviewed by the Task Force and NMFS.

The following list of data and information needed to evaluate the program's effectiveness was generated by the Task Force in response to question 3:

- Data presented in reports across the years and within the same year
- Better CSL tracking data and identification data
- Data presented in a manner that clearly distinguishes CSL and Steller sea lion impacts, not just lumping together all "pinnipeds"
- Status of the CSL population
- Data on recruitment levels – numbers and demographics of CSL in the entire Columbia River, not just at the Bonneville Dam

- Trends in general and trends at Bonneville – what proportion of the overall CSL population is counted in river, and what proportion of the population in the lower river is moving up to the dam?
  - Use the annual high counts in the lower river to compare proportional prevalence there to the counts at Bonneville.
- Raw numbers of impact (e.g. fish consumed), not just percentages of run consumed
- Run timing of listed salmonid populations and timing of predation – are specific runs at greater risk? Look into:
  - Scat testing to get at stock identity
  - PIT tag data from Bonneville
  - Michelle Rubs’ ‘river at large’ tracking data
- Salmonid genetic and life history impact from CSL
- River-wide predation
- Accelerometer study results for better understanding predation
- Are there highly effective predators at Bonneville that are there for multiple years and are not being trapped and removed?
  - Are there animals that are not susceptible to trapping for removal purposes?
  - Are there individuals that are hard to capture and are having a big impact?
  - Data showing whether removed animals are repeat animals, juveniles or new to Bonneville.
    - If repeat animals, how many years were they observed at the dam?
    - How many fish has the Corps seen them eating?
- Impact of changes in the timing of approval to remove (paperwork processing efficiencies)
- What would make the program successful?

## **CONCLUDING REMARKS OF THE FACILITATOR**

The Pinniped-Fishery Task Force met on a conference call on May 31<sup>st</sup>, 2016. During this meeting, the members heard information from a team of resource advisors and shared additional information that served as the foundation for their gaining a deeper understanding of the complexities underlying the Columbia River pinniped-fishery conflict. Additionally, the Task Force heard from a member of the public, who expressed the view that the program should be discontinued due to the current state of the CSL population affected by the El Niño’s and the greater adverse impacts on fish from other factors. Furthermore, the Task Force generated a list of information needed in order to evaluate the effectiveness of the 2012-2016 program. All of these deliberations have been summarized in the meeting notes included in Appendix B.

A total of twelve (12) Task Force members recommended approving the States’ application; one (1) member recommended conditional approval with a shorter permit granted in order to allow the Task Force time to further explore data; and one (1) Task Force member recommended denying the States’ application due to a lack of evidence that the program has been successful in meeting the mandates of the MMPA.

Task Force members shared their rationale behind their recommendations, which have been included in this report for NMFS to consider in making a finding in relation to whether to extend the States’ application for lethal removal of California Sea Lions under Section 120 of the MMPA.

While the complexities of this issue continue and the problems have not been solved, the Task Force gained valuable insight into the on-going interactions between these species, the effectiveness of the removal program and the impacts to endangered salmon in the Columbia River system. Together with their resource advisors, the Task Force continued to discuss these difficult issues and began the process of evaluating the 2012-2016 program.

*[Facilitator's Note: This report was written by the facilitation team at DS Consulting. Task Force members were given the opportunity to review an initial draft, and their edits were included in a 'near final' draft. The near final draft was sent again for final review and refinements. Seven Task Force members and one Technical Support staff responded to one or both drafts with edits. The final report was approved with consensus by the Task Force members (all 1s, 2s, and a 4 using the Five Fingers of Consensus). During final approval, HSUS noted that although the report is, in fact, an accurate reflection of Task Force discussions, HSUS does not want to register total agreement because they continue to disagree with granting the States' application since the Task Force was not permitted prior to voting to analyze how effective the program was from 2012-2016. Further, HSUS noted that they have serious concerns about the States' ability to individually identify CSL due to the recent incident with 1-68/1-60 in which the wrong animal was put on the list and killed before the mistake was only inadvertently discovered as a result of a citizen's photos.]*

*Final Summary respectfully submitted this 22nd of June, 2016.*

*Donna Silverberg  
Owner, DS Consulting*