

Marine Mammal Commission
4340 East-West Highway, Room 700
Bethesda, MD 20814

25 February 2008

Robert Lohn, Regional Administrator
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Dear Mr. Lohn:

On 19 February 2008 the Marine Mammal Commission submitted comments on the National Marine Fisheries Service's draft environmental assessment on Reducing the Impact on At-risk Salmon and Steelhead by California Sea Lions in the Area Downstream of Bonneville Dam on the Columbia River, Oregon and Washington. The Commission's comments were confined to the alternative actions being considered—whether or not, and under what conditions, to authorize the lethal removal of California sea lions under section 120 of the Marine Mammal Protection Act. The Commission believes that it would be useful to place these comments in the larger context of the goals of the Marine Mammal Protection Act.

The primary objective of the Marine Mammal Protection Act is to maintain the health and stability of the marine ecosystem. Consistent with that goal, precedence must be given the conservation of the endangered and threatened salmonid stocks at Bonneville Dam. The situation at Bonneville is complicated by uncertainty, and the Service will be required to make judgments about how to protect those salmonid stocks based on imperfect information. In this case, the Service should be precautionary in favor of salmonid conservation—the first priority should be to conserve and recover these stocks. Nothing in this letter or in the Commission's previous letters concerning this issue should be construed as inconsistent with achieving that goal.

The Bonneville Dam situation is complex because a variety of factors have contributed to the decline of salmonid populations in the Columbia River. Predation by California sea lions in the area below the dam is a fairly recent addition to this mix and must be addressed along with other factors to ensure salmonid recovery. The Commission anticipates that it will be necessary to lethally remove a number of sea lions as part of recovery efforts for the salmonid populations. We have advocated predator removal in another situation where sharks are causing a high level of mortality of juvenile Hawaiian monk seals. We see a number of parallels between these two situations.

The Commission also recognizes that extensive efforts have been made to address salmonid mortality from other sources and that any removals of sea lions to reduce predation should be viewed as part of a much larger management effort to conserve these salmonid stocks and return these disturbed ecosystems to a healthier and more stable state. We appreciate your willingness and that of your staff to take on such difficult challenges.

Unfortunately, the situation at Bonneville Dam is not an isolated case. Similar conflicts have arisen elsewhere involving a host of factors that must be addressed to ensure the conservation of northwest salmonid stocks. The history of these stocks is replete with human-related impact and salmon decline, as was most recently evident with the listing of the steelhead runs recognized collectively as the Puget Sound steelhead distinct population segment. The long-term pattern argues for more aggressive management if these stocks are to be conserved. These situations are further confounded when potential solutions involve the lethal removal of one species to protect another, as was evident at Ballard Locks and is again evident at Bonneville. As stated clearly above, the Commission believes such removal is likely to be an unfortunate but necessary part of the solution.

In such cases, the debate as to whether and to what extent predators should be removed to protect other species should be based on the best available information, coupled with a clear risk analysis to ensure the conservation of the affected salmonids. We recognize that extensive effort already has been undertaken by biologists from a host of agencies to bring clarity to this situation. Their efforts have provided crucial insights into patterns of sea lion predation over the past half decade, they have diligently sought to deter sea lions with non-lethal methods, and they have provided important information on which to base management decisions and actions.

A number of uncertainties remain, many of which will be difficult to address given the state of marine mammal science. Clearly, the Service cannot wait for perfect information. Stakeholders should expect that the Service's decisions will be consistent with the pertinent statutes (in this case, section 120 of the Marine Mammal Protection Act), that those decisions are based on the best available information, that the Service fully describes its rationale for those decisions, and sufficient follow-up is conducted so that all parties involved can learn from this case and transfer that learning to future situations at Bonneville Dam or other sites where similar situations might arise. Most of the recent comments that the Commission has sent the Service regarding Bonneville Dam have focused on the need to better develop and describe the rationale for proposed actions. The Commission believes that explanation of the rationale behind the Service's actions is essential both for purposes of judging the appropriateness of actions taken and learning from the results.

There are two issues about which the Service should be particularly clear in its rationale. The first is the basis for determining the extent to which predation must be reduced to promote conservation and recovery of the salmonid stocks. We recognize that, given the fundamental uncertainty in this situation, the proposed reduction in predation will necessarily include a buffer to ensure salmonid conservation. The second is the manner and rationale by which the Service is, in effect, allocating allowable salmonid mortality among different sources of mortality. Although both of these matters may be implicit in whatever action the Service decides to take, there is much to be gained by making them explicit. Doing so will strengthen the Service's decision process and facilitate the learning process needed to achieve salmonid conservation throughout the region.

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Again, we recognize the difficulty of the challenge the Service faces in addressing this situation. We encourage you to contact us if we can be of assistance in reaching a resolution that ensures salmonid conservation while minimizing unnecessary sea lion mortality.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a prominent initial "T" and a long, sweeping underline.

Timothy J. Ragen, Ph.D.
Executive Director