

Fisheries Subcommittee Hearing on the Endangered Salmon Predation Prevention Act
Statement for Congressman Brian Baird

Thank you, Chairwoman Bordallo and Ranking Member Brown. I appreciate the Subcommittee holding this important hearing to discuss the *Endangered Salmon Predation Prevention Act*.

I introduced this legislation, along with my colleagues Congressman Doc Hastings, Congressman Greg Walden, and Congressman Norm Dicks. As residents of the Pacific Northwest, we all share the desire of our constituents to preserve salmon. We recognize that Pacific Northwest salmon is a national treasure and appreciate that salmon are critical to our Northwest economy, environment, and culture.

The federal taxpayers have made a significant investment to recover endangered salmon. Over the last ten years, 11 different federal agencies have spent billions of dollars to recover Columbia River Basin salmon and steelhead. This is in addition to sizable expenditures by tribal, state, and local governments. The Bonneville Power Administration (BPA) is currently spending hundreds of millions of dollars each year - dollars that come from Northwest electric ratepayers - to help fish and wildlife, most of which goes towards salmon recovery. Partly as a result, BPA rates are higher than they should be, impacting Northwest jobs, output, and income.

Salmon-motivated land and water-use restrictions continue to impact homeowners, fisheries, farmers, and cattle ranchers, as well as the forestry, mining, and shipping industries. Property owners near salmon-bearing rivers or shorelines are enduring much of the cost of salmon recovery by being told how to use their land and their resources.

At the same time, however, thousands of endangered and threatened salmon have been consumed by a species that is not endangered or threatened.

California sea lions have turned the Columbia River into a salmon buffet.

The sea lions are present in the Columbia River basin during the time that eight different listed stocks migrate up the river to spawn. Just as each of the female salmon are ready to lay thousands and thousands of eggs which will give rise to the fish that are needed to sustain the population, they run the very real risk of being killed by a California sea lion. This year, a staggering 4% of the total salmon run was consumed by sea lions.

As you are aware, although not endangered, California sea lions are covered by the Marine Mammal Protection Act. And the MMPA has done significant good for the California sea lion. Since 1972, when the MMPA was enacted, the number of California sea lions has increased six-fold,

growing from 50,000 to nearly 300,000. This is good news for the California sea lion, but bad news for the salmon along the Columbia River.

The number of sea lions along the Columbia River has tripled since 2002 alone. And with each passing year, the sea lions arrive earlier and stay longer. The result is that more and more endangered and threatened salmon are being eaten. In 2002, approximately one thousand salmon were consumed by sea lions. This year, a staggering 3,500 salmon were observed being killed by sea lions. We do not know how many more salmon were eaten and not seen. One sea lion in particular, C265, gained a shocking 484 lbs in two and a half months, most of it spent at Bonneville Dam eating salmon.

These increases come despite sustained efforts to use non-lethal hazing methods to reduce the number of sea lions. For years, federal, state, and tribal entities have engaged in a variety of hazing methods, including rubber bullets and noisemakers. However, these efforts have simply not been effective at deterring the California sea lions. In fact, this year, hazing took place every day of the week. Despite this unprecedented effort, the sea lions

remained throughout the season and, as we noted, consumed record numbers of endangered and threatened salmon.

The Marine Mammal Protection Act actually anticipated the need to lethally take marine mammals in certain situations under Section 120. Our limited experience with Section 120 at the Ballard Locks in Seattle demonstrated that the potential for litigation and the volume of data that needs to be collected result in a process that will almost certainly take years. These are years that the salmon population in the Pacific Northwest cannot afford.

My legislation would provide relief before the next sea lions arrive to feed on listed salmon next year. Our legislation allows the Secretary of Commerce to issue permits on a temporary basis to Washington, Oregon, or Member tribes of the Columbia River Intertribal Fish Commission to lethally take California sea lions. Permits can be issued only if it is determined that non-lethal alternative measures have not adequately protected endangered salmon.

We made sure to include many protections in the legislation. The bill includes important limitations on the Secretary's permitting authority,

including an opportunity for public comment and restrictions on the number and length of permits that can be issued. There are also limitations on permit holders relating to the particular animals that can be taken.

Perhaps most importantly, though, the bill includes an annual limit of lethal take of only 1% of the potential biological removal level of California sea lions. As you know, the potential biological removal level is defined under the Marine Mammal Protection Act as the maximum number of animals that may be removed from a marine mammal stock without threatening the survival of the species. Given the current potential biological removal level for California sea lions of 8,333 sea lions, a maximum of 83 sea lions could be taken under our legislation by all eligible permit holders. It should be noted that I share the view of many that far less than 83 sea lions will ever need to be taken to solve the problem on the Columbia River.

Some critics of our legislative approach, including the witness here today from the Humane Society, have accused us of distracting from the real issues impacting the survival of salmon in the Pacific Northwest and have wrongfully accused us of not doing anything meaningful. While I have great respect for the Humane Society and commend the Society for its efforts to

protect animals, I also want to express my utmost disagreement with these claims. We fully recognize that sea lions alone do not determine the fate of salmon runs. Many factors, including habitat, hydropower, harvest, and ocean conditions, contribute. We absolutely must continue – and, in some cases, enhance – our investment in these areas and I will continue to be a steadfast advocate for these efforts

However, before us is an opportunity to do something to address one factor that is having an undeniable impact on endangered salmon. There is no doubt in my mind, or in the minds of the people who are working to solve this problem in the Pacific Northwest every day, that the *Endangered Salmon Predation Prevention Act* will have a measurable effect in helping salmon return up the Columbia River safely.

I want to make clear that I am personally saddened that lethal measures are necessary. I certainly do not celebrate the death of any animal.

Unfortunately, an endangered species is at serious risk and we have the means to do something about it.

Thank you again for holding this hearing. I look forward to working with you on the legislation under consideration.