

WRITTEN TESTIMONY OF

Mr. Guy R. Norman
Regional Director
Washington Department of Fish and Wildlife
State of Washington

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BEFORE THE
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Introduction

I am Guy Norman, Southwest Washington Regional Director for the Washington State Department of Fish and Wildlife (WDFW). I oversee agency policy in Southwest Washington, including management of natural resources in the lower Columbia basin. I have been involved in Columbia River salmon management for over 30 years, including participation in collaborative inter-governmental and public processes focused on recovering Columbia basin fishery resources.

The WDFW appreciates the opportunity to present the following written testimony on H.R. 946 to the Chair and members of this Subcommittee regarding sea lion predation on threatened and endangered salmon and steelhead of the Columbia River. The sea lion predation is a serious and growing concern and the magnitude of the impact to salmon has the potential to void other major investments the region is making to restore these fishery resources.

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 these 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 the Northwest and economies that depend on these natural resources will continue to be seriously compromised.

Columbia Basin Salmon Decline and Recovery Efforts

Northwest states, federal agencies, and tribes have been involved in efforts to restore wild salmon and steelhead populations in the Columbia basin for several decades. Washington has worked cooperatively with Oregon, Idaho, and the Columbia River Treaty Indian tribes for over 40 years to manage fisheries and to rebuild salmon populations through a series of management agreements. However, due to a combination

of factors, most Columbia River basin wild salmon and steelhead populations have declined to a level where they are listed under the Endangered Species Act (ESA) as threatened or endangered. This decline is not associated with just one factor, but a cumulative effect of increased mortality throughout the salmon life cycle. From their beginning as juveniles in a stream, to their migration through the Columbia River, to their ocean residence, and return to the stream of origin as adults to spawn, the Columbia River salmon are subjected to various sources of mortality.

In response to the endangered or threatened status of many wild salmon populations, there has been an extraordinary and unprecedented cooperative effort in the Columbia River region to protect and recover salmon and steelhead. ESA-guided recovery plans have been developed and implementation is underway in every watershed; to restore important habitat, improve dam passage survival, re-tool hatchery programs to assist wild populations, and closing or reshaping fisheries to focus on selectively harvesting healthy hatchery fish. These are comprehensive recovery plans that identify and provide an implementation strategy to reduce all sources of mortality throughout the salmon's life cycle.

Examples of salmon recovery commitments include:

1. **Habitat** - Local area watershed recovery boards have been established and funded for every region (or domain) in which ESA-listed salmon and steelhead populations originate. These recovery boards have been charged with developing action plans aimed at recovery of local salmon populations. These board members include representatives of local county and city governments, tribes, state and federal agencies, and local citizens. The recovery boards take inventory of the primary limiting factors and develop a corresponding suite of actions needed to remedy those factors. The action plans cover changes in land use, water access, and restoration of local habitat, local utility dam operations, as well as changes in salmon hatchery practices and restricted or closed fisheries. There is also an established Columbia River Estuary Partnership that consists of state, federal and tribal representatives and includes active involvement of local habitat restoration-focused environmental organizations. Estuary recovery actions address habitat restoration, water flow, and predation in the lower 145 miles of the Columbia River in which all listed populations pass through on the way to and from the ocean. The recovery plans include reduction of excessive bird, fish, and marine mammal predation as a key component of a comprehensive recovery strategy.
2. **Hydropower** - The Federal Columbia River Power System (FCRPS) is operated to benefit the citizens of the Northwest through flood control and generated clean energy. Operation of the system also includes a legal obligation to operate in a manner that mitigates the effects of the Columbia River federal hydro-system so as to not jeopardize the continued existence of endangered and threatened salmon and steelhead populations. A collaborative process led to the most recent plan for salmon protection and recovery in 2008 that commits the federal power system operators to invest hundreds of millions of dollars to support both operational

changes to improve fish passage through the hydro-system as well as funding support for other important actions involving habitat restoration, hatchery reform, fishery management, and reducing predation by fish, birds, and marine mammals. This mitigation commitment provides much of the funding for the actions developed in the local ESA recovery plans.

3. **Harvest** - Fisheries that effect Columbia River salmon populations have been progressively reduced over the past several decades in response to the declining salmon populations. The states and tribes have implemented actions through management agreements to ensure fisheries are operated in a manner that protects the weaker salmon populations while ensuring federal court orders that require salmon harvest to be shared equitably between treaty Indian and non-Indian citizens are upheld. Formal actions include International Agreements through the Pacific Salmon Treaty with Canada as well as *U.S. v. Oregon* court ordered agreements for Columbia River fisheries that include ESA provisions to ensure that Columbia River harvest does not jeopardize wild salmon populations. These harvest actions have greatly reduced fisheries from past levels with significant economic consequences to Northwest communities that rely on fisheries as well as economic and cultural effects on the Columbia River tribes. State managers, with federal assistance, are further developing selective fishery practices to enable better fishery access to hatchery-produced fish while avoiding or minimizing impacts to wild fish.
4. **Hatcheries** - The federal, state, and tribal managers in the Columbia basin have been and continue to develop and implement operational plans for Columbia River salmon hatcheries to ensure that they are operated in a way that supports wild salmon recovery while continuing to provide hatchery fish to support Pacific Ocean and Columbia River fisheries and the economies that depend on these fisheries. A federally supported process included a recent basin-wide inventory by a panel of scientists called the Hatchery Scientific Review Group (HSRG). The HSRG has provided a set of recommendations for operation of each Columbia Basin hatchery consistent with wild fish recovery. The agencies and tribes are cooperatively addressing hatchery management measures in the basin and the federal power system agencies have committed to investing in hatchery reform and monitoring as part of their support of basin-wide salmon recovery efforts.
5. **Predation** - The effects of certain natural predators of salmon in the basin has increased dramatically from historical levels. This is partly due to changing habitat more appealing to certain fish and birds and partly due to increased numbers of predators due to various protection measures, including the Marine Mammal Protection Act (MMPA). Although the predation of salmon by birds, fish, and marine mammals may be natural, there are specific circumstances in the Columbia basin where the predation has grown to a level where it is significantly out of balance with historic levels and cannot be ignored in a comprehensive recovery strategy. Because of this reality, the hydro- power operators fund large programs to reduce northern pike minnow fish predation on juvenile salmon by

reducing their numbers through a bounty reward program and to re-locate record numbers of Caspian terns to alternative bird colony locations to reduce the impact on migrating salmon juveniles. The states were authorized and funded to remove certain identifiable predatory California sea lions at Bonneville Dam beginning in 2008 and have made some progress to date. However, the conditions associated with the current requirements of Section 120 of the MMPA are difficult to implement and legal challenges have slowed the progress towards reducing impacts to salmon.

The habitat, hydro, harvest, hatchery, and predation recovery actions represent a major monetary and social investment in the region, underscoring the importance of maintaining salmon populations to the citizens and governments of the four states and tribes that reside in the Columbia basin. The people of the Northwest have supported restoration efforts, and are willing to bear 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 communities. State and federal agencies, tribal and local governments, and the public, have developed these salmon recovery plans through an extraordinary collaborative effort and are committed to rebuild these depleted salmon populations.

Sea Lion Predation and the Future of ESA Listed Salmon Populations

There are thirteen separate Columbia River salmon and steelhead population segments that were listed under the ESA during 1991-2005. There are multiple individual populations within each population segment that are at various levels of extinction risk. The aforementioned recovery plans and associated actions are designed to reduce extinction risk for each individual population and provide the conditions for recovery of each of the thirteen population segments.

In order to ensure the survival and recovery of the listed salmon it is important to have protection and recovery actions that are tailored to the needs of each individual population. To accomplish this, actions are planned and implemented in each watershed where these unique populations reside. Additional survival improvement actions are implemented in places the various populations share as they all migrate downstream through the Columbia River to the ocean as juveniles and back upstream through the Columbia River and into various tributaries to spawn as adults. The efforts to improve survival in the local watersheds can include significant land use changes effecting urban and rural development, logging, agriculture, dam operations, reductions in hatchery fish produced, and closure of local fisheries. These local efforts, and associated costs, cannot alone adequately protect and restore salmon. The local actions must be combined with additional actions outside of the watershed, including predation reduction, to achieve a cumulative increased survival effect. Each incremental survival improvement during the salmon's life experience becomes an essential component of recovery.

The National Marine Fisheries Service (NMFS) has endorsed recovery plans that list predation (including sea lion predation) as one of the highest limiting factors in the estuary portion of the salmon migration route.

There has been a significant change in behavior of an increasing number of male California sea lions during the past nine years. Instead of concentrating forage activity in the ocean or in the lower estuary area of the Columbia River, they began swimming 145 miles up the Columbia River in the winter and spring to prey on threatened and endangered adult salmon while the fish attempt to locate and pass through fish ladders at Bonneville Dam. Having survived various sources of mortality as downstream migrating juveniles and again as returning adults, many of these adult wild salmon still have over 500 miles to travel before completing their journey from the river mouth to their spawning grounds, if they make it past the foraging sea lions. There are 32 separate ESA-listed wild spring Chinook salmon populations, at various levels of extinction risk, that are exposed to this concentrated sea lion predation during the late winter and spring period.

In contrast, both sport and commercial fishing regulations for spring salmon in these same waters require that only marked hatchery fish can be retained, while unmarked wild salmon must be released unharmed. Harvest opportunity on the healthy hatchery salmon is controlled by limits on incidental impacts to wild salmon that are released while fishing for hatchery fish. Tribal fisheries are prosecuted consistent with federal treaty trust responsibility, but are also limited by status of wild fish and often reduced to levels below their minimum cultural and subsistence needs. The harvest impact limits are established in Federal Court agreements that comply with ESA, are reduced significantly from past levels, and represent an increase in survival of wild salmon through this particular source of mortality. The NMFS endorsed comprehensive recovery plans recognize and count on this increase in survival of salmon through the fisheries. Fisheries are closely monitored to ensure the expected salmon recovery contribution is met.

Management Objective

The fundamental objective shared by states, federal agencies, and tribes is to reduce the sea lion predation of salmon so there is an increase in the overall survival of the wild salmon. Additionally, the region cannot afford to allow sea lion predation of wild salmon to continue to increase, or it would effectively cancel out a portion of other more costly recovery actions. The idea is to reduce predation, not eliminate it, which is consistent with the approach taken to manage other sources of impact to the salmon. Sea Lions, birds, and fish should be able to continue to predate on salmon, just as people that benefit from the Columbia River water, power, and fishery resources should not be completely extracted from a manageable level of those benefits. However, if salmon are to continue to exist and rebuild, all sources of mortality must be managed within a balance that makes it possible to achieve recovery. It is the combined effect of these reductions that will make it possible to meet the goal.

Sea Lion Predation on Columbia River Sturgeon

While managers have focused on California sea lion predation of salmon, a new management problem has arisen with Steller sea lion predation of Columbia River sturgeon. Since 2008, the number of Steller sea lions present in the Columbia River as far as 145 miles inland to Bonneville Dam has increased significantly. The Steller sea lions are arriving in the Columbia River in the fall and concentrating on sturgeon as a primary

food source before the salmon begin to return to the Columbia River in the spring. The Steller sea lion consumption of listed salmon is also increasing, but the most dramatic increase has occurred with sturgeon. Washington and Oregon biologists have projected that sea lion consumption of sturgeon will increase to over 10,000 fish in 2011. The Columbia River sturgeon population below Bonneville Dam rebounded from depressed levels 60 years ago. However, recent years have seen a decline in sturgeon numbers and managers have repeatedly reduced harvest and added protections in an attempt to maintain a healthy sturgeon population. State managers are concerned about the increasing and unregulated impact of Steller sea lions on the future health of the sturgeon population. There is particular concern with increasing predation of large female sturgeon (above five feet in length) that are of mature reproduction size. There is currently no provision in Section 120 to manage sea lion predation of a fishery resource other than ESA-listed salmon and steelhead.

Need for a Reasonable Resource Management Tool

It is important that state and tribal natural resource managers have the necessary tools to restore a balance between abundant and healthy sea lion populations and the endangered and threatened salmon and steelhead populations in the Columbia River, and in other areas where sea lion predation develops into an additional new threat to ESA-listed salmon recovery efforts. It is also important that managers have the tools to address other developing resource management challenges such as increasing threats to sturgeon in the Columbia River.

The benefit of a law that enables efficient and timely permanent removal of California sea lions that travel far inland to feed on wild salmon is to reduce a recent and significant source of mortality and avoid compromising the ongoing federal, state and tribal efforts to recover ESA-listed salmon and steelhead populations in the Columbia River basin. 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 issues.

The current Section 120 provisions require that an individual and identifiable sea lion is causing a significant impact to the decline or recovery of ESA-listed salmon or steelhead stocks before it is eligible for removal by the states. These provisions require a significant amount of added work by state and federal biologists to meet the requirements of removal authority under section 120. These requirements have increased costs, reduced the numbers of sea lions removed, limited the geographic area in which the problem can be managed, and slowed progress towards reducing the impact to salmon.

We appreciate the current authority that has been granted by NMFS through Section 120 and will work directly with NMFS to defend that authority as we address the most recent legal challenge. We believe it is important to maintain this authority to provide some level of relief and hopefully prevent the California sea lion predation level from increasing further while we await additional legislation.

We appreciate the work of the Natural Resource Committee Chairman, Representative Doc Hastings, and representatives Norm Dicks, Jaime Herrera-Beutler, and Greg Walden in drafting H.R. 946 in an effort to provide the states and tribes a more effective and efficient means to protect Northwest salmon and steelhead resources. We are thankful that our Northwest Congressional representatives understand the enormous investment that the region is making to recover salmon and are prepared to assist us in effectively managing for those recovery goals.

NMFS convened a Pinniped Task Force in 2010 to review the progress of the states Section 120 authority in the Columbia River. The majority of the Task Force members recommended increasing the level of removal of California sea lions that occurred in the first three years. A more efficient and effective legal tool through H.R. 946 would provide the opportunity for state and tribes to more adequately manage the sea lion predation.

I want to thank the Subcommittee Chairman, Representative John Fleming, M.D., for the opportunity to provide this written testimony and to speak to the members of this Subcommittee regarding our concerns for recovery of salmon in the Northwest. We look forward to development of this legislation to enable appropriate management of predatory sea lions that threaten Northwest salmon and other fishery resources.