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August 14, 2009

Mr. William C. Maslen
Manager, Fish and Wildlife Division
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

Dear Mr. Maslen:

The purpose of this letter is to advise you of the Council's decision on a Columbia River Fish Accord proposal. This recommendation was made by the Council at its meeting on August 12, 2009.

In addition, a purpose of this letter is to inform the project sponsor and other interested parties of the status of this Council action. The following is a summary of the action taken by the Council at the meeting in August.

Sea Lion Non-Lethal Hazing, Project #2008-004-00

In 2008-2009, Bonneville, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation (the "Action Agencies") signed agreements with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs Reservation (CTWSRO), the Confederated Tribes and Bands of the Yakama Nation (YN), and the Columbia River Inter-Tribal Fish Commission (CRITFC). The agreement with these Tribes and CRITFC is referred to as the Three Treaty Tribes MOA. The Action Agencies also signed agreements with the Confederated Tribes of the Colville Reservation (CCT), the Shoshone-Bannock Tribes (SBT), and the states of Idaho, Montana and Washington. These agreements, the Columbia Basin Fish Accords, fund actions that will deliver specific, scientifically-sound results for the region's fish and wildlife.

As set forth in the guidance document outlining the review process for the Accords, the Council recognizes Bonneville's commitment to Accord projects. The Accords do not, however, alter the Council's responsibilities with respect to independent science review or the Council's role following such review. As with all projects in the Fish and Wildlife Program, Accord projects are subject to review by the Independent Scientific Review Panel (ISRP) and the Council provides funding recommendations based on full consideration of the ISRP's report and the Council's Program.

On November 4, 2008, the Council received from Bonneville a Columbia Basin Fish Accord proposal from the Columbia River Inter-Tribal Fish Commission (CRITFC) for #2008-004-00, *Sea Lion Non-Lethal Hazing*.¹ The proposal was submitted to the ISRP for review, and on December, 12, 2008 the ISRP provided a review (ISRP document 2008-15). The ISRP members requested additional information before they could determine if the proposal met scientific criteria.

On May 19, 2009 the Council received a response from the CRITFC, and on June 11, 2009 the Council received the final review from the ISRP (ISRP document 2009-21). The ISRP found that the proposal “Meet scientific review criteria in part (qualified).” No public comment was received on the ISRP review.

The goal of this proposal is to assist in the nonlethal hazing component, provide assistances to the states with capture efforts, plus implement a project to estimate sea lion predation in areas outside of the U.S. Army Corps of Engineers (the Corps) observation area, and track movements (at various scales) of individual animals. This project is a collaborative effort with the States of Oregon and Washington, and the Corps. The project has three objectives, as follows.

- Objective 1. Conduct boat-based non lethal sea lion hazing annually generally between March 1 and May 31.
- Objective 2. Develop a video system to enumerate sea lions and estimate predation.
- Objective 3. Track movements of individual sea lions at various spatial scales in the Columbia River using acoustic telemetry.

The ISRP found that the proposal “Meet scientific review criteria in part (qualified).” The specific recommendations are as follows.

Objective 1 – does not meet scientific review criteria

Objective 2a, Acoustic Telemetry – meets scientific review criteria (qualified)

- *Qualification: The ISRP recommends collaboration with the ongoing BPA-funded Pacific Ocean Shelf Tracking (POST) project (2003-114-00) and the U.S. Army Corps of Engineers-funded acoustic tracking projects.*

Objective 2b, Video Monitoring – meets scientific review criteria (qualified)

- *Qualification: the ISRP recommends limiting the trial to one location, specifically at Bonneville Dam, where visual observations are being made by the Corps and ground-truthing is possible.*

The goal and objectives of the project, due to the administrative directive of the activities associated with the project and current ongoing effort, are difficult for the science review panel to grapple with. The CRITFC is one member of a task force that is addressing the concerns surrounding predation by sea lions on salmonids and other species of concern in the lower Columbia. The CRITFC participates and are seeking assistance in continuing these activities (i.e., Objective 1) and pursue other activities that may provide better certainty to the efforts currently being implemented (i.e., Objective 2 a and b).

¹ The proposal is listed in the May 2008 agreement in Attachment B.2, New, Category 3.

This disconnect between science and policy is evident in the ISRP's recommendation regarding Objective 1 (i.e., hazing). CRITFC respects the concerns raised by the ISRP, but are only assisting with the currently permitted measure below Bonneville. The science is much larger than even the ISRP touched on in their review and that ecological understanding and context is beyond the intent of the current activities. The programmatic issue with Objective 1 can not be resolved through science review, but can be enlightened by refining current understand of the situation that exist as it relates to sea lion predation on species of concern.

CRITFC appreciates the ISRP review and feels that all the comments received are helpful and will be taken into account as the project is further implemented and designed. This is especially true in regards to the helpful comments received on Objective 2a and b. Currently they are collaborating with the other acoustic tracking projects (e.g., Pacific Ocean Survey Tracking (POST), Project #2003-114-00) in the program that are compatible to the technology being used with sea lions. In addition, this entire effort is closely coordinated with the Corps and efficiencies are gained through that channel, as well as through contracting with Bonneville. The effort associated with video monitoring (i.e., Objective 2b), as qualified by the ISRP, is intended to be a "ground-truthing" exercise. The CRITFC is only interested, if the opportunity arise, that they explore the mobility of the tool to confirm and document exploitation out side the established observation zone below Bonneville Dam. As the ISRP points out the emphasis on the tool will be focused on the existing observation zone.

Based on the ISRP review, and the confidence that the sponsor understands the need to address the items raised by the ISRP in the implementation of this project, the Council supports this project for implementation.

Sincerely,

Tony Grover
Director, Fish and Wildlife Division

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