

The Honorable Doc Hastings
Statement on the Endangered Salmon Predation Prevention Act
House Natural Resources Committee
Subcommittee on Fisheries, Wildlife and Oceans
August 2, 2007

Chairwoman Bordallo, Ranking Member Brown, and Members of the Subcommittee:

Thank you for holding this important hearing this morning on H.R. 1769, the Endangered Salmon Predation Prevention Act. Mr. Baird and I have worked in a bipartisan manner for more than a year now trying to find a solution to the growing problem of unnaturally high rates of California sea lion predation of endangered salmon in the lower Columbia River.

The Columbia River is the heart of our region – and runs right through my district in Central Washington state. This river is critical for power production, irrigation, transportation, recreation, and fish and wildlife habitat. The Columbia is renowned for its salmon, which are an important part of our regional economy and way of life, and of great cultural significance to the Native American people of the Pacific Northwest. Unfortunately, there currently are a number of salmon and steelhead runs that are listed as threatened or endangered under the Endangered Species Act in our region. Many of these are in the Columbia River and its tributaries.

Salmon recovery is an important priority for all of us from the Pacific Northwest. We have made great strides over the last ten years to address the many factors that influence salmon populations – including the hydrosystem, habitat, hatcheries, harvest, and predation by birds and marine mammals. In addition, we have learned more about the correlation between ocean conditions and salmon returns.

By focusing on predation impacts today, we are not saying that all the other factors affecting salmon are unimportant. In fact, our region continues to work rigorously to improve salmon survival throughout the Northwest. What we are saying today is that the time has come for the Congress and the Administration to take seriously this relatively new phenomenon of rapidly increasing rates of predation of endangered fish in the lower Columbia River by a growing population of California sea lions.

The population of California sea lions is more than robust. Their numbers have increased by nearly 30 times over the past few decades. While these animals have always been present in and around the lower Columbia River, they now routinely appear more than one hundred and forty miles upstream at the base of the Bonneville Dam during the spring salmon returns. Just a few years ago, one or two individual sea lions might be observed in the tailrace below the dam, where the salmon gather before entering the fish ladders. Now it is becoming the norm to see nearly 100 individuals during the spring months.

Despite efforts by federal, state, and tribal officials to discourage predation through aggressive nonlethal hazing, the sea lions appear to be becoming more brazen with each passing year. Even with the more intense hazing measures employed this year, a record level of salmon predation by sea lions was observed at Bonneville Dam – about four percent of the returning salmon. Keep in mind that these observations do not even begin to account for predation that occurs elsewhere up and down the river. In addition we are now witnessing marine mammal predation of sturgeon and lamprey, which are not ESA-listed species but are of great importance to tribes and fishermen.

California sea lions are clearly smart animals. They have learned this behavior in just the last few years and they have discovered there are no real consequences from camping out at Bonneville every spring. I believe that lethal removal of some of the worst actors is necessary to deter this sea lion behavior and to protect our substantial investment in salmon recovery.

Similar conflicts between protected marine mammals and ESA-listed fish have occurred in the Northwest before. In fact, the Marine Mammal Protection Act was amended in 1994 to address the problem of California sea lions eating returning winter steelhead at the Ballard Locks in Seattle. The process established by that amendment – known as the “Section 120” process – allows states to apply to the Commerce Department for legal authority to remove marine mammals under certain conditions. However, in practice, this process takes years to come to a conclusion and moved too slowly to prevent the winter steelhead population from being decimated at Ballard Locks.

To respond to the growing problem of sea lions below Bonneville Dam, Mr. Baird and I – along with Reps. Norm Dicks and Greg Walden – collaborated to develop the Endangered Salmon Predation Prevention Act. This legislation would provide temporary expedited authority for states and tribes to manage the sea lion problem while the states concurrently apply for longer-term authority through the existing Section 120 process under the Marine Mammal Protection Act. There are numerous protections in this proposal to ensure that only a limited number of sea lions are removed and that only sea lions that have preyed upon salmon stocks and that are unresponsive to nonlethal hazing are targeted.

I would also note that the four lower Columbia River tribes are co-managers of the salmon fishery with the states of Oregon and Washington, and this bill recognizes this fact and provides them with an appropriate role on par with their state co-managers. In addition, the proposal calls upon the Commerce Secretary to report to Congress on the need for amendments to the Marine Mammal Protection Act to address conflicts between protected marine mammals and fish species that are listed under the Endangered Species Act. We would hope that this report could form the basis for a longer term resolution to this issue after this five year pilot authority has expired.

Rep. Baird and I worked hard to address concerns that were raised about this legislation after we first introduced it last year. We reached out to critics of our proposal and tried to resolve as many of these issues as we could. For example, we added an

annual reporting requirement so that the impact of this pilot authority could be monitored more closely. We also required a greater level of consultation between the states and tribes and NOAA-Fisheries when identifying individual sea lions to be removed. We also allowed the Secretary of Commerce to end the program at any point that he determines it is no longer necessary to protect salmon.

This proposal is a measured, common-sense and bipartisan response to the very real problem of California sea lion predation of threatened and endangered salmon. I hope that my colleagues will allow us to move this legislation forward in coming months. I again thank the Subcommittee for holding this hearing today and I look forward to working with you on this matter and answering any questions you may have.

I would ask unanimous consent to enter into the record editorials on this legislation from the Portland *Oregonian*, *Tri-City Herald*, Vancouver *Columbian*, *Tacoma News-Tribune*, and *Yakima Herald-Republic*.