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January 8, 2018

Mr. Robert Anderson, Acting Branch Chief

Protected Resources Division

NOAA Fisheries' West Coast Region.

Re: NOAA-NMFS-2017-0126 *Public Comment on ODFW's application for lethal take of California sea lions at Willamette falls.*

Transmitted via: <http://www.regulations.gov>.

<https://www.regulations.gov/docket?D=NOAA-NMFS-2017-0126>.

Acting Branch Chief Anderson,

On behalf of the Northwest Sportfishing Industry Association, I am writing in support of the Oregon Department of Fish and Wildlife's Section 120 application under the Marine Mammal Protection Act to authorize lethal removal of sea lions from the Willamette River. NSIA is a trade organization consisting of nearly 300 businesses members dedicated to the preservation, restoration and enhancement of sport fisheries and the businesses dependent upon them. We appreciate the opportunity to comment.

In 1999, Willamette River winter steelhead were listed as threatened under the Endangered Species Act and for more than 20 years, harvest of wild Willamette winter steelhead has been prohibited. During this same time, tens of millions have been invested in restoring thousands of acres in the floodplain and riparian areas, a flow agreement for fish has been instituted with the ACOE, and hydro improvements for fish are ongoing. With the limiting freshwater factors being addressed in the upper basin, roughly ten years ago Willamette winter steelhead were hitting many of the benchmarks for delisting, with a population of over 15,000 fish.

By 2017, there was less than 1,000 Willamette winter steelhead crossing the falls from 4 population groups. ODFW's analysis demonstrates that the extinction risk to at least one of the four populations is over 90%, if the current rates of consumption by sea lions (15-25% of the returning adult population) continues. There is little hope of the consumption rates declining when the number of sea lions staging at the base of the Willamette Falls is increasing and their duration of residence extending. In 2017, sea lions departed near the end of the spring chinook migration over the falls in May. However, according to Bryan Wright in ODFW's Marine Mammal Program, by August 24th, sea lions were returning to the falls. This is the earliest observation and by Nov. 7, 2017, 6-8 California sea lions were staging at the base of the falls.

ODFW biologists expect this number to rise to over forty by April of 2018. In short, the problem is worsening; sea lion numbers are increasing, and they are spending more time at the falls; no reasonable person would expect an outcome other than extinction of winter steelhead. History at Ballard Locks supports this outcome, if left unchecked.

Dedicated to the preservation, restoration and enhancement of sport fisheries and the businesses dependent upon them. Call 503.631.8859 or visit www.nsiafishing.org

According to ODFW, “Winter steelhead counts over Willamette Falls continue to be poor and are paralleling last year’s record low escapement. Through December 27, only 110 winter steelhead have passed upstream, which is the exact number passed through this same date in 2016. The recent 5 year average passage for the same period is 202 fish. The preceding 5 year average for run years 2007-2011 was 742 winter steelhead.”

Nearly a decade ago, our family would observe a small number of sea lions, primarily at the base of the falls near the fish ladder. On February 18, 2010, I was at a Compact meeting on Tumwater Street overlooking the falls in Oregon City. I remember being surprised to observe a feeding sea lion that early, tossing a steelhead into the air. Each year the numbers grew, and so did the area they inhabit. This last year, we regularly observed several dozen in the water, on the docks and on the rocks in the area from Gladstone to the Falls. Members of NSIA have spotted them more than a mile up the Clackamas River. Every year, we observe California sea lions consuming steelhead, salmon and sturgeon. For the first time in 2018, I saw a California sea lion consuming a lamprey eel. Last year, my husband and I noticed what first appeared to be a seal, but upon closer examination we found our first very young animal with all the other sea lions.

For more than three years, ODFW has attempted to address the problem using non-lethal means. Given the urgency of the situation, we believe ODFW should be given maximum flexibility under the law to address the issue. We support the conditions proposed by ODFW in their application.

Furthermore, we believe that ODFW should not have to conduct further hazing as it has been demonstrated over many years, and numerous locations to have no effect. Not only is this activity costly, it is dangerous to implement. We all recall the tragic loss of life during the 2017 hazing program in the Columbia.

Harvesters, landowners, state and federal agencies, tribes, utilities and other entities are working to protect and restore Willamette River winter steelhead. Our investments, which are significant, will be for naught if we are unable to address the largest limiting factor for adult mortalities. The steelhead are stalled at the base of the falls, sitting ducks for a small number of problem sea lions.

The Marine Mammal Protection Act has been a remarkable success story, increasing the population coastwide nearly tenfold since the law was passed. It would be a horrible tragedy for the success of the MMPA to eliminate our chances for a similar success story with wild Willamette Winer Steelhead. We trust NOAA Fisheries will approve ODFW’s Application.

Request to serve on the Task Force

As a representative of over 300 affected fishing community businesses and organizations, I respectfully request consideration as a taskforce member. I am willing to serve without compensation.

On a personal note, I live and work in Oregon City just minutes from Willamette Falls, and since I was five years old, my family has lived on or near the river. My very first salmon was a 25 lb spring chinook caught from the catwalk at the base of the falls in the mid 1980’s. My husband and I, children and grandchildren spend roughly two to three weeks fishing the Willamette in Oregon city every year. I personally have done so for decades. This has provided me a first-hand view of the growing numbers and extended stays of California sea lions at Willamette Falls.

NSIA's Oregon Government Affairs Director currently lives on the river and reports observing sea lions eating steelhead and sturgeon for many weeks now.

Attached please find a one-page resume as part of my submission to serve on the Willamette Falls Sea Lion Task Force. Twenty-five years of service as the Executive Director of NSIA has provided decades of experience in participating in (and sometimes convening) multi stakeholder processes. It would be an honor to serve. Below is a partial list of current and former multi stakeholder processes and other accomplishments.

- Appointed as the advisor to the United States Secretary of Commerce to the Marine Fisheries Advisory Committee
- Appointed to Columbia Basin Partnership Task Force
- Oregon advisor to the Pacific States Marine Fisheries Commission
- Member of the Habitat Committee for Pacific Fishery Management Council
- Hall of Fame inductee in 2005 and current Honorary Board member of the Association of Northwest Steelheaders
- Published author of articles relating to hydro, habitat, harvest and fish hatcheries
- Appointed by Oregon Governor to the Lower Columbia Recovery Domain Stakeholder Team
- Past Board Member and founding member, For the Sake of the Salmon-Fishing Industry
- Appointed by Oregon Governor to the Forest Practices Committee on Salmon and Watersheds
- Oregon Wildlife Heritage Foundation volunteer fundraiser
- Former board member of the Northwest Power and Conservation Council's Fish Passage Center Oversight Board
- Nationally recognized in Sport Fishing Magazine: "Making a Difference" Award
- Board member of National Wildlife Federation
- Board member of Save our Wild Salmon
- Appointed by Oregon Governor to Coastal Salmon Restoration Task Force
- Participant and Advisor, ODFW warmwater fishery management, workshop and workgroup
- Former member, Columbia River Recreational Fisheries Advisory Group

On behalf of NSIA and myself, thank you for the opportunity to comment on ODFW's 120 application. It would be an honor to provide service and expertise to the Task Force. I'm available to answer any further questions.

Sincerely,



Liz Hamilton, Executive Director
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