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FISHERIES**

Marine Mammal Protection Act
§120(f)–Temporary Marine Mammal Removal Authority on the
Waters of the Columbia River and its Tributaries

MMPA §120(f) Pinniped–Fishery Interaction Task Force

MMPA § 120(c)(5) Program Evaluation

Columbia River Basin

Robert Anderson
National Marine Fisheries Service
March 7, 2024

Marine Mammal Protection Act §120 Program Overview

- Overview of MMPA Section 120(f) removal program in the Columbia River basin
- MMPA Section 120(f) Permit - Program Summary
- MMPA Section 120(c)(5) - Program Evaluation
 - Purpose of convening the Task Force



Eligible Entities MMPA §120 Application



June 13, 2019

Mr. Barry Thom
West Coast Regional Administrator
NOAA Fisheries
7600 Sand Point Way NE
Seattle, WA 98115

Dr. Scott Rumsey
West Coast Deputy Regional Administrator
NOAA Fisheries
7600 Sand Point Way NE
Seattle, WA 98115

Dear Mr. Thom and Dr. Rumsey:

The Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), and Idaho Department of Fish and Game (IDFG), on behalf of their respective states ("the States") and the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSR), the Confederated Tribes and Bands of the Yakama Nation (CTBYN), and the 3.6.D Committee submit this application to the National Marine Fisheries Service (NMFS) under subsection 120(f) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. §1389 et seq.; section 120 of the MMPA) for the intentional lethal removal of individually identifiable California sea lions (CSL) and Steller sea lions (SSL) that are located in the mainstem of the Columbia River between river mile 112 and McNary Dam, or in any tributary to the Columbia River that includes spawning habitat of salmon or steelhead that are listed as threatened or endangered under the Endangered Species Act of 1973 (ESA; 16 U.S.C. §1531 et seq.). For the purposes of this application, we propose that a California or Steller sea lion present within this geographic area is deemed to be individually identifiable and to be having a significant negative impact within the meaning of Section 120(b)(1) as defined by Section 120(f)(7) & (8) (MMPA; 16 U.S.C. 1389(f)(7) and (8)).

On June 13, 2019, the Oregon Department of Fish and Wildlife, the Washington Department of Fish and Wildlife, the Idaho Department of Fish and Game; the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation; and the Willamette Committee (hereafter called – “Eligible Entities”) submitted an application to NMFS pursuant to Section 120(f)(2) of the MMPA requesting authorization to intentionally take, by lethal methods, sea lions in the Columbia River between river mile 112 (I-205 bridge) and river mile 292 (McNary Dam), or in any tributary (below river mile 292) to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead.



MMPA §120(f) Task Force

On May 12, 2020, NMFS established and convened the Task Force.

On May 12 through May 14, 2020, the Task Force met to consider the eligible entities' application.

The majority of Task Force members present at the meeting (16 of 22) recommended approving, with certain terms and conditions, the eligible entities' application requesting authorization for lethal removal. Two Task Force members recommended denying the eligible entities' application, one Task Force member abstained, and three Task Force members were intermittently absent and did not provide a recommendation.



2020 MMPA Section 120(f) Permit



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232

August 14, 2020

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Salem, OR 97302

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Phillip Rigdon
Superintendent, Department of Natural
Resources, Confederated Tribes and Bands of
the Yakama Nation
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**RE: Permit Authorizing the Intentional Taking on the Waters of the Columbia River
and its Tributaries of California Sea Lions and Steller Sea Lions**

Dear Mr. Melcher, Mr. Susewind, Mr. Schriever, Mr. Johnson, Mr. Scheeler, Mr. Brunoe, and
Mr. Rigdon:

After consideration of your June 13, 2019, application requesting a permit for the lethal removal
of California sea lions and eastern stock of Steller sea lions (sea lions) to reduce or eliminate sea
lion predation on certain at-risk fish species in the Columbia River Basin, the National Marine
Fisheries Service (NMFS) hereby issues you a permit under Marine Mammal Protection Act¹
(MMPA) section 120(f) to carry out lethal removal activities consistent with the terms and
conditions set forth below. The purpose of the permit is to protect from sea lion predation the
following species listed as threatened or endangered under the Endangered Species Act (ESA):

¹ 16 U.S.C. Section 1389 et seq.



On August 14, 2020, NMFS issued a 5-year permit under Section MMPA 120(f) to the Eligible Entities to intentionally take, by lethal methods, California sea lions and Steller sea lions in the Columbia River between river mile 112 (I-205 bridge) and river mile 292 (McNary Dam), or in any tributary (below river mile 292) to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead.

The Eligible Entities were authorized to remove (i.e., place in permanent captivity or kill) up to 540 California sea lions and 176 Steller sea lions over the 5-year period of the permit.

MMPA §120(f) Permit - Program Summary

As of December 31, 2023, the Eligible Entities have removed a total of 138 sea lions under the MMPA Section 120(f) permit, and a total of 146 sea lions***

Of the 146 removals, 68 were CSL and 78 were SSL.

All removals have taken place at either Bonneville Dam (135) or Willamette Falls (11).

*** Eight of the 68 CSL removed were previously authorized for removal under the Bonneville Dam MMPA 120 Authorization (4) and the Willamette Falls MMPA 120 Authorization (4).



Marine Mammal Protection Act §120(c)(5) Program Evaluation

Purpose of Convening the Task Force

MMPA 120(c)(5) ACTIONS IN RESPONSE TO APPLICATION.

After implementation of an approved application, the Pinniped-Fishery Interaction Task Force shall evaluate the effectiveness of the permitted intentional lethal taking or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.



Questions?

