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July 30, 2009

DECISION MEMORANDUM

TO: Council Members

FROM: Mark Fritsch, project implementation manager

SUBJECT: Council decision on Project #2008-004-00, *Sea Lion Non-Lethal Hazing*, a Columbia Basin Fish Accord project.

PROPOSED ACTION: The Council staff recommends that the Council support this project for implementation.

BUDGETARY/ECONOMIC IMPACTS

The total amount associated with this Accord project equals \$2,190,905 (e.g., ranges from \$200,000 to \$243,681 per year¹) in expense funds for Fiscal Years 2008 through 2017. The current contract associated with Fiscal Year 2009 with a performance period of January 1, 2009 to December 31, 2010 at \$192,820.

BACKGROUND

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 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 are known as the Columbia Basin Fish Accords.

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

¹ This range includes the anticipated 2.5-percent annual inflation adjustment, beginning in Fiscal Year 2010.

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*.² 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.

Background

In 2007, program funds were used for the first time to assist co-managers' attempts to haze sea lions near Bonneville Dam. The request was made by CRITFC to use savings from project 1998-031-00,³ at an amount of \$18,778. On May 9, 2007, a decision was made to create a new work element in this project to address sea lion hazing.

In preparation for the anticipated needs in 2008 CRITFC requested a new project (Project #2008-004-00) to address the needs associated with the sea lion predation below Bonneville Dam. The new project had two objects. The first objective is to estimate sea lion predation rates on salmon below Bonneville Dam by adapting a video fish counting technology to enumerate sea lions and salmon predation, and the second objective is to implement a non-lethal hazing program. The request details a boat based non-lethal hazing on sea lions in the area from Bonneville Dam downstream to navigation marker 85 (approximately 6 miles). On February 12, 2008 the Council recommended that Bonneville fund, not to exceed \$75,000, to address the non-lethal hazing elements (objective 2) of the request to support existing activities on the river and to build

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

³ *Implement Wy-Kan-Ush-Mi Wa-Kis*

upon the Council actions the previous year. The other proposed activity (i.e., objective 1) would be dependant on a future review and decision.

ANALYSIS

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).

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 staff recommends that the Council support this project for implementation.