



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

May 12, 2020

The Honorable Jaime Herrera Beutler
U.S. House of Representatives
Washington, DC 20515

Dear Representative Herrera Beutler:

Thank you for your recent letter regarding the Marine Mammal Protection Act (MMPA) section 120 application submitted by the Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, and Idaho Department of Fish and Game, on behalf of their respective states; the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and Confederated Tribes and Bands of the Yakama Nation; and the Willamette Committee¹ (hereafter – eligible entities). As requested, this letter addresses the status of the MMPA section 120 application and impacts of the current pandemic on the application process.

On June 13, 2019, the National Marine Fisheries Service (NMFS) received an application from the eligible entities, pursuant to section 120(f) of the MMPA. The eligible entities are requesting authorization to intentionally take, by lethal methods, California sea lions and Steller sea lions (Eastern stock) that are located in the main stem of the Columbia River between river mile 112 and McNary Dam (river mile 292), or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead.

Section 120(c)(1) of the MMPA requires the Commerce Secretary to determine whether an application has produced sufficient evidence of the problem interaction and expected benefits of the taking to warrant establishing a Pinniped-Fishery Interaction Task Force. On June 18, 2019, NMFS determined that the eligible entities' application contained sufficient evidence to warrant establishing a Task Force.

On August 29, 2019, NMFS published a Federal Register notice requesting comments on the eligible entities' application, and solicited names and affiliations of experts from the academic and scientific community, tribes, federal and state agencies, and the private sector for consideration as potential Task Force members. The public comment period closed on October 29, 2019. We received 22,225 public comments, which we are required to review and provide to the Task Force members prior to convening the Task Force.

¹ The Willamette Committee is a committee established under MMPA section 120(f)(6)(D)(ii), and consists of the state of Oregon and each of the following: (I) The Confederated Tribes of Siletz Indians or the Confederated Tribes of the Grand Ronde Community, or both. (II) The Confederated Tribes of the Warm Springs or the Confederated Tribes of the Umatilla Reservation, or both.



We have formed the 22-member Task Force and scheduled a meeting for May 12 to 14, 2020. Due to the current pandemic, we reformatted the planned in-person Task Force meeting as a virtual-only meeting. The meeting dates remain unchanged despite the change in format.

The Task Force must provide a report to NMFS within 60 days of the Task Force meeting that includes a recommendation to either approve or deny the June 13, 2019, application. NMFS must make a decision to either approve or deny the application within 30 days of receipt of the Task Force meeting report and recommendation. Despite the current pandemic, NMFS still anticipates making this decision by the fall of 2020, in advance of problem sea lions returning to the Columbia River.

I appreciate your interest in this matter. Please let me know if I can help answer any additional questions regarding the application process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry A. Thom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry A. Thom
Regional Administrator