



# MARINE MAMMAL COMMISSION

28 August 2009

Scott Rumsey, Ph.D.  
National Marine Fisheries Service  
1201 NE Lloyd Boulevard, Suite 1100  
Portland, OR 97232

Attention: Draft Pacific Northwest Monitoring Guidance

Dear Dr. Rumsey:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft Guidance for Monitoring the Recovery of Pacific Northwest Salmon and Steelhead Listed under the Federal Endangered Species Act (Idaho, Oregon, and Washington). The Commission also has reviewed the National Marine Fisheries Service's 29 June 2009 *Federal Register* notice (74 Fed. Reg. 31008) concerning the draft guidance. The Commission offers the following recommendation and rationale.

## RECOMMENDATION AND RATIONALE

Section 9.0 of the monitoring guidance document pertains to marine mammal predation on salmonids and states on page 76: "If more adult salmon and steelhead are to pass upstream, then seals and sea lions must be denied access to areas where the fish congregate and problem animals must be transported and/or removed from the area." The actions recommended in this statement involve the taking of pinnipeds, possibly by non-lethal and lethal means. As such, those actions must be carried out in a manner consistent with existing statutes and regulations. Section 120 of the Marine Mammal Protection Act is pertinent here and, depending on the species involved, the provisions of the Endangered Species Act also may be pertinent. For that reason, the Marine Mammal Commission recommends that the National Marine Service revise its monitoring guidance document to ensure that any guidelines for managing pinnipeds involved in the taking of endangered salmonids are based on the best possible information and meet the standards set forth in the Marine Mammal Protection Act, the Endangered Species Act, and any other pertinent statutes.

Please contact me if you have any questions concerning the Commission's recommendation and rationale. The Commission would be happy to assist the Service in any way it can in developing the guidance document.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.  
Executive Director