



July 12, 2018

Honorable Ron Wyden
United States Senate
Washington, DC 20510

Honorable Jeff Merkley
United States Senate
Washington, DC 20510

Honorable Patty Murray
United States Senate
Washington, DC 20510

Honorable Maria Cantwell
United States Senate
Washington, DC 20510

Honorable Mike Crapo
United States Senate
Washington, DC 20510

Honorable Jim Risch
United States Senate
Washington, DC 20510

Dear Senators:

We greatly appreciate your focused work on legislation that will allow Columbia River fisheries managers to more effectively respond to the growing threat posed by predatory sea lions to endangered and threatened salmon and steelhead. Sea lions many miles upriver from their normal habitat are also creating substantial impacts on lamprey and sturgeon, treaty-reserved species that also suffer from low numbers. These impacts are felt most acutely in our communities affecting ceremonial and subsistence life as well as our fishers who depend on these fish for their livelihoods. Sea lion predation over 100 miles upriver was not a problem we had even 20 years ago; clearly this is a learned behavior. Of further note is the study by NOAA researcher Dr. Michelle Wargo-Rub indicating that in 2014, spring chinook non-fisheries mortality between the mouth of the Columbia and Bonneville Dam reached 43 percent, caused predominantly by sea lions.

We are heartened by the tremendous bipartisanship and complete unity of the Northwest House delegation in its passage of HR 2083 on June 26, a success buoyed by the support of the governors of Idaho, Oregon, and Washington; the NW Power and Conservation Council; recreational and commercial fish advocacy groups; industry; groups from across the political spectrum; editorial boards throughout the region; and our tribes.

We understand that much of your consideration of this legislation has focused on the issue of tribal eligibility. For both practical and important legal reasons, HR 2083 and S. 3119 as reintroduced support the evolution of the four Columbia River treaty tribes'¹ ongoing sea lion management efforts. The bills appropriately recognize the geographic scope of the problem as described by the federal, state, and tribal fisheries co-managers. The delegation provisions also allow for fiscal efficiencies by allowing any entity to delegate its permit to another co-manager.

¹ Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Walla Walla, Cayuse and Umatilla Tribes, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

It is appropriate to include our sovereign tribes and our jointly managed entity, CRITFC, as fully eligible. The four Columbia River treaty tribes have long-standing federally adjudicated and federally recognized fishery co-management authority. That authority is recognized by the states and by the Federal agencies that play a role in the management of the fishery resource and the sea lions that are damaging it as well as by international regulatory bodies, such as the Pacific Salmon Commission. Both HR 2083 and S. 3119 recognize this reality and provide eligibility only to these four tribes who possess the legal status of fisheries co-managers and our intertribal organization, the CRITFC, which pursuant to our direction and exclusive control, has been conducting sea lion research and hazing on the Columbia River for a decade.²

A key difference between the two bills is the “Coordination with other tribes” section in S. 3119. We suggest removing this section as any federally recognized tribe may request consultation at any time already. This only adds a layer of process that may be unwelcome or unnecessary and could lead to lengthy delays at a time when action is needed.

For these reasons, we urge the Senate to adopt HR 2083 as amended and passed by the House of Representatives.

Very truly yours,



Shannon Wheeler, Chairman
Nez Perce Tribe



Gary Burke, Chairman
Confederated Tribes of the Umatilla Indian Reservation



Eugene Austin Greene, Chairman
Confederated Tribes of the Warm Springs Reservation of Oregon



JoDe L. Goudy, Chairman
Confederated Tribes and Bands of the Yakama Nation

² See <http://www.critfc.org/blog/projects/sea-lion-predation-rate-estimation-and-non-lethal-hazing/>.