

mortality of returning adult spawners; (2) the vulnerability of returning adult spawners to sea lion predation at the Ballard Locks and the lack of feasible and effective non-lethal measures to eliminate the problem this season; (3) the insignificant impacts to the California sea lion population of lethal removal of relatively few male, sea lions; (4) the analysis of alternatives (presented in the EA) that indicates lethal removal, with conditions, is the most appropriate course of action.

In accordance with section 120 of the MMPA, NMFS has approved the lethal taking of individually identifiable California sea lions at the Ballard Locks and sent the State of Washington a Letter of Authorization stipulating the conditions on the authorization for lethal removal. Lethal removal is authorized only if the State is in compliance with the following terms and conditions.

1. Non-lethal deterrence efforts, such as acoustic deterrence, must be attempted prior to lethal removal. If an "acoustic barrier" is implemented, sea lions that enter and remain in the ensonified area exhibiting predatory behavior should be captured and placed in captivity, if temporary holding is feasible and practical.

2. Only "predatory" California sea lions may be lethally removed. A "predatory" sea lion is an individually identified sea lion (i.e., an animal with a brand mark, tags, or other distinguishable natural marks) that has been observed preying on steelhead at any time (including past years) in the Lake Washington Ship Canal.

3. If feasible and practical, predatory sea lions are to be captured, and placed by the state in temporary holding facilities for the duration of the run.

a. The State must contact aquarium and zoo facilities in the Northwest to determine availability of suitable holding enclosures for temporary care and feeding of sea lions for up to 5 months. If appropriate facilities are available, the State shall make the necessary arrangements for holding sea lions.

b. The State also shall explore the possibility of alternate enclosures that meet animal care requirements.

c. The State shall ensure that holding facilities minimize any public observation of, or interaction with, captive animals.

4. Lethal removal of predatory sea lions is authorized only if the State determines, and obtains concurrence with such determination from the NMFS Northwest Regional Director, that: (1) Adequate holding facilities are

unavailable, or (2) temporary holding is infeasible or impractical.

5. Lethal removal is not to occur unless and until the sea lion predation rate exceeds 10 percent of the available steelhead in any consecutive 7-day period after January 1, 1995. If, after the initiation of lethal removals, the predation rate equals or falls below 10 percent for 14 consecutive days when steelhead have been recorded passing through the fish ladder, removals of newly-identified predatory sea lions will cease until the predation rate again exceeds 10 percent for any consecutive 7-day period. However, predatory sea lions identified prior to the end of a 14-day reduced predation period may still be removed.

6. Active capture methods utilizing entangle nets and potential use of drugs that may result in sea lion mortality are authorized only during the period when lethal removal is authorized in accordance with Condition 5. above.

7. The State will convene an Animal Care Committee (ACC) to provide recommendations on the handling of the sea lions.

a. The ACC membership is: (1) To consist of veterinarians, marine mammal caretakers, and Federal and State marine mammal biologists; and (2) to be approved by the NMFS Northwest Regional Director.

b. The ACC shall review and make recommendations on the adequacy of the temporary holding enclosures and the means of feeding and caretaking.

c. The ACC shall review any complications with captive holding and make recommendations regarding the care of the sea lions, including euthanasia if, in their opinion, it is necessary.

d. The ACC shall review active capture protocols and make recommendations on the procedures and use of any drugs.

e. The ACC shall develop protocols for euthanizing sea lions.

8. Predatory sea lions that are identified for lethal removal are to be captured and euthanized using protocols developed by the ACC. However, the State shall provide the sea lions identified for lethal removal to an Indian tribe with treaty rights to harvest marine mammals in the Lake Washington Ship Canal that requests the animals for subsistence use. In that circumstance, the State shall allow the tribe to dispatch the animal in a humane manner that allows for subsistence use.

9. The State must notify NMFS if 15 sea lions are removed (nonlethal or lethal). NMFS will immediately reconvene the Task Force for the purpose of evaluating the effectiveness

of the measures implemented and making recommendations on further actions.

10. This authorization may be modified or revoked by NMFS based on any Task Force recommendations provided under Condition 9. above.

11. This authorization is valid until June 31, 1997, although it may be modified as needed.

a. On September 1 of each year that this authorization is valid, the State must submit a report on efforts undertaken to reduce predation, its compliance with the conditions in this authorization, and how the State will comply with the conditions in the following year.

b. Pursuant to 16 U.S.C. 1389(c)(5), after receipt of the report, NMFS will ask the Task Force to evaluate the State's report and the effectiveness of the alternative actions and any lethal take. NMFS will consider the report, the Task Force's recommendations, and the issues set out in 16 U.S.C. 1389, and may modify the authorization and conditions for the following year, or revoke the authorization for lethal take.

National Environmental Policy Act (NEPA)

NEPA requires that Federal agencies conduct an environmental analysis of their actions to determine if the actions may affect the environment. Accordingly, NMFS and the Washington State Department of Fish and Wildlife produced an EA that explores the environmental consequences of a combination of actions including lethal removal as a last resort to protect the depressed Lake Washington winter-run of wild steelhead migrating through the Lake Washington Ship Canal and Ballard Locks from predation by California sea lions. The number of steelhead escaping to spawn has declined from about 2,600 fish in the 1983 season to only 70 fish last season. Action to reduce or eliminate predation is necessary, because California sea lions have consumed as much as 60 percent of the returning adult wild steelhead as they migrate through the Ballard Locks area, and such exploitation rates can have a significant impact on the status or recovery of the Lake Washington winter-run steelhead.

The proposed action is to lethally remove individually identifiable sea lions as a last resort, only after non-lethal deterrence in combination with captive holding are not sufficient to remove predatory sea lions from the Locks area. All practicable attempts would be made to capture and place the predatory sea lions in captivity during the duration of the run prior to lethal