

drugs, are not proposed for use at Willamette Falls because protocols for their implementation in the moving river environment have not been developed. The final EA has been modified to clarify that active capture using tangle nets in the river is not proposed.

*Comment 31:* Non-lethal removal of sea lions should not occur until the salmonid stocks are threatened with extinction by predation.

*Response:* Section 109 of the MMPA does not require that salmonid stocks must be approaching an endangered status before non-lethal taking of sea lions can occur. The intent of the proposed action is to be proactive and prevent predation from increasing to a point where it may have a negative impact on the salmonid stocks.

*Comment 32:* The EA should provide more detail on the dams, hatcheries, rivers and tributaries, river flows over time, fluctuations in salmonid populations, numbers of salmonids using the locks, and suitable conditions for passage. The commenters also stated that it would be helpful if the document was expanded to explain the operation of the locks, the paper mill and power generation, and the allocation of water between fish passageways, and to provide more information on genetic relationships of runs, limiting factors on salmonid populations, water quality or industrial outflows, redd counts, habitat considerations, harvest regulation, and hatchery surpluses.

*Response:* The EA has been modified to address additional background information, and references that provide more details have been incorporated in the EA.

*Comment 33:* The information on fish runs and passage should be presented in a tabular format for clarification.

*Response:* The EA has been modified to include tables on spring chinook and steelhead runs and passage.

*Comment 34:* The EA does not demonstrate that sea lions are having a significant, deleterious effect on passage.

*Response:* Non-lethal removal of sea lions from the fish passage facility are authorized under section 109(h), which does not require a demonstration that a significant, deleterious effect is occurring; however, NMFS and ODFW have investigated fish passage at the Willamette Falls facility. Observations suggested that sea lions were adversely affecting fish passage by foraging at the entrance to the fish ladder and preventing access, and consuming and dispersing adult salmonids that were attempting to enter the fishway to progress upstream. Until a barrier was

installed in entrance 1 to the fish ladder, sea lions were foraging on salmonids inside the fish ladder, thereby preventing fish passage.

*Comment 35:* The EA should describe the possibility that the California sea lion population, with its population growth, may be poised for a population crash.

*Response:* There is no evidence of density dependent signals to indicate that the sea lion population is approaching carrying capacity. When that occurs, the population will fluctuate in response to factors that limit continued growth.

*Comment 36:* The EA should explain why Willamette River chinook salmon are candidates for listing under the ESA.

*Response:* A coastwide status review of chinook salmon on the Pacific coast is in progress to determine the status of chinook salmon populations with respect to the ESA; therefore, until the status review is completed, Willamette River spring chinook are considered candidate species under the ESA. The EA has been modified to include this clarification.

*Comment 37:* The EA does not specify which run of steelhead was consumed by sea lions.

*Response:* Winter and summer steelhead are present below the Falls concurrently, and observers are not able to differentiate steelhead when predation is observed.

*Comment 38:* Summer steelhead are hatchery-produced fish with no shortage of availability; management strategies can provide flexibility for the time being.

*Response:* The focus of the proposed action is to prevent predation on winter steelhead and spring chinook, and summer steelhead are present during the same period. Nonetheless, the summer steelhead population also has declined in spite of hatchery production due to reduced ocean survival conditions that are also affecting winter steelhead and spring chinook salmon. If ocean survival conditions do not improve and run numbers continue to decline, management options will continue to erode and hatchery operations could be jeopardized.

*Comment 39:* The EA incorrectly states that there is no controversy or uncertainty on the effects of the proposed non-lethal removal measures.

*Response:* The proposed action is to use non-lethal measures that have been used and assessed at the Ballard Locks. These actions have been demonstrated to have no adverse effect on California sea lions, and, therefore, there is no scientific controversy or uncertainty on the effects of the proposed non-lethal

removal actions. The final EA includes a complete description of the finding of no significant impact of the proposed action.

*Comment 40:* The decline in winter steelhead from 1995 to 1996 was reported as 72 percent, but it should be 62 percent.

*Response:* The steelhead run declined from 4,693 in 1995 to 1,801 in 1996, which is a 62 percent decline. The EA has been corrected.

*Comment 41:* The total time that sea lions were present in 1995 and an estimate of total predation are not in the EA.

*Response:* Observations in 1995 were quite limited and no data were collected on the total time spent foraging by sea lions that year; therefore, no extrapolation of predation was attempted. An estimated kill rate for the limited time observed in 1995 is included in the EA.

*Comment 42:* The EA mischaracterizes animal protection groups' support for the no-action alternative because the benefit is that sea lions would not be disturbed.

*Response:* NMFS has received comments favoring no action to prevent sea lion foraging and predation, and the EA has been modified to reflect this.

*Comment 43:* The EA incorrectly states that the no-action alternative will likely result in a negative reaction by a large sector of the public. The commenter suggested that this applies only to the opinions of fishers.

*Response:* NMFS and ODFW have received numerous telephone calls from members of the public requesting that the resource agencies take some action to remove sea lions from Willamette Falls. The characterization of total representation in comparison to general population has been deleted from the EA.

*Comment 44:* The EA is not correct that many people would resent their tax dollars being spent on hatchery production that results in food only for sea lions. The commenter felt that many people would resent tax dollars spent on non-lethal removal of sea lions.

*Response:* NMFS and ODFW have received numerous complaints from members of the public regarding the past lack of action by resource agencies to stop sea lions from feeding on salmonids at Willamette Falls while fisheries are being restricted and fish numbers are low. The EA has been modified to indicate that comments have been received favoring no action as well.

*Comment 45:* The EA should provide more detailed information on the barrier gate and its effectiveness. One