

# HOUSE BILL REPORT

## HJM 4026

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### As Amended by the Senate

**Brief Description:** Requesting a review of migratory bird predation on salmonid stocks.

**Sponsors:** Representatives Doumit, Buck, Anderson, Sump, Eickmeyer, Hatfield and Schoesler.

**Brief History:**

**Committee Activity:**

Natural Resources: 2/1/00, 2/2/00 [DP].

**Floor Activity:**

Passed House: 2/11/00, 96-0.

Senate Amended.

Passed Senate: 3/3/00, 35-12.

<h3>Brief Summary of Bill</h3>
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| <ul style="list-style-type: none"><li>· The President and Congress are petitioned to pass legislation that amends the Migratory Bird Treaty Act of 1918 to provide a more effective means of protecting and restoring salmonid populations.</li></ul> |
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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 10 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

**Staff:** Carole Richmond (786-7114).

**Background:**

The Migratory Bird Act of 1918 declares that all migratory birds and their parts are fully protected. The Migratory Bird Treaty Act is the domestic law that affirms or implements the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. The law has

been amended many times. The Caspian tern is one of the species protected under the act.

The largest colony of Caspian terns in the United States resides on a sand island near Astoria, Oregon, called Rice Island. About 20,000 terns live on the two-mile long island formed by dredged spoils. From this vantage point, the birds feast on young salmon migrating to the ocean. In 1998, the terns were thought to have eaten between 6 and 25 million salmon smolts, out of an estimated 100 million heading for the ocean. Scientists say that predation would not be a problem if salmon runs were stronger, but with listed species any stress can be serious.

Wildlife officials have been trying to relocate the birds by creating habitat on another island closer to the ocean. The effort seems to have had some success. Fifteen hundred terns have moved off of Rice Island to the other island. The goal is to relocate all of the terns. The initial project, which cost \$560,000, was paid for by the Bonneville Power Administration.

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**Summary of Bill:**

The state of Washington is acknowledged as having invested a great deal of effort and funding to recover salmon populations. Predation by Caspian terns is viewed as a significant issue for recovery of listed fish species in Washington. The Migratory Bird Treaty Act is viewed as ineffective in managing migratory bird predation on salmonids. Therefore, the President and Congress are asked to amend the Migratory Bird Treaty Act of 1918 to provide a more effective means to allow for the protection and restoration of salmonid populations. Congress is also asked to fund joint federal and state research on migratory bird interactions with salmonids and to grant at least limited management authority for state and federal agencies to remove those migratory birds preying on listed fish stocks at areas of restricted fish passage.

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**EFFECT OF SENATE AMENDMENT(S):** Adds a request that Congress prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other areas.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** The idea is to focus on targeted populations. There never were this many terns in the past.

(With concerns) It may be premature to mend the Migratory Bird Treaty Act, until all other existing management techniques have been used. We need to be sure the act should be amended, because it is very difficult to amend international treaties. The Joint Caspian Tern working group is working to move the bird to an island downstream.

**Testimony Against:** This amendment is not necessary. The problem is human-caused. Snake River sockeye disappeared before the terns arrived. Terns eat hatchery fish. There are behavioral differences between hatchery and wild salmon. The answer is to move the island.

**Testified:** (In support) Terry Wright, Northwest Indian Fisheries Commission; Frank Urabeck, Northwest Maritime Trades Association; and Bill Robinson, Trout Unlimited.

(In support with concerns) Rocky Beach, Washington Department of Fish and Wildlife.

(Opposed) Eric Espenhorst, Friends of the Earth.