

# HOUSE BILL REPORT

## HJM 4023

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**As Passed House:**  
February 10, 2000

**Brief Description:** Requesting federal support for Washington's efforts toward salmon recovery.

**Sponsors:** Representatives Buck, Doumit, Sump, Regala, G. Chandler, Anderson, Ericksen, Rockefeller, Clements, Stensen, Eickmeyer, Lovick, Edwards, O'Brien, Linville, Parlette, Mulliken, Dickerson, Conway, Mitchell, Wolfe, Edmonds, Veloria, Santos, Skinner and Kagi.

**Brief History:**

**Committee Activity:**

Natural Resources: 2/1/00, 2/3/00 [DP].

**Floor Activity:**

Passed House: 2/10/00, 97-0.

**Brief Summary of Bill**

- The President and Congress are petitioned to pass legislation that amends the federal Marine Mammal Protection Act of 1972 to be responsive to the recommendations of the National Marine Fisheries Service as contained in their report on impacts of California sea lions and Pacific harbor seals on salmon and west coast ecosystems submitted to Congress in 1999.

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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 Marine Mammal Protection Act was enacted in 1972, due in part to a high level of dolphin mortality in the eastern tropical Pacific tuna purse seine fishery. The act established a moratorium on the "taking" of marine mammals in U.S. waters and by U.S. nationals on the high seas.

Several stocks of salmon in the Pacific Northwest were listed as threatened or endangered in 1998 and 1999. Several species of groundfish are also proposed for listing. Concurrently, the population of California sea lions and Pacific harbor seals has been increasing. The National Marine Fisheries Service conducted a scientific investigation in 1997 to determine the effect of pinniped (seal and sea lion) predation on salmonid populations and west coast ecosystems. The National Marine Fisheries Service (NMFS) found that predation by pinnipeds was not a principal factor in the listing or proposed listings of salmon under the Endangered Species Act, but that it was a factor that may affect the recovery of depressed salmonid populations.

In 1999, NMFS issued a report to Congress that included the findings of the investigation and a set of four recommendations to address the adverse impacts of pinniped predation. The report's recommendations were:

- Implement site-specific management for California sea lions and Pacific harbor seals;
- Develop safe, effective non-lethal deterrents;
- Selectively reinstate authority for the intentional lethal taking of California sea lions and Pacific harbor seals by commercial fishermen to protect gear and catch; and
- Develop additional information about pinniped predation.

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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 pinnipeds is viewed as a significant issue for recovery of listed fish species. The Marine Mammal Protection Act is viewed as ineffective in managing harbor seal and California sea lion predation on salmonids. Therefore, the President and Congress are requested to enact legislation that amends the Marine Mammal Protection Act of 1972 to be responsive to the recommendations contained in the report to Congress entitled "Impacts of California sea lions and Pacific harbor seals on Salmonids and West Coast Ecosystems." Congress is also requested to fund joint research on pinniped interactions with salmonids and to provide at least limited management authority for state and federal agencies to remove pinnipeds preying on listed fish species at areas of restricted fish passage.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** A more active role for states is important in resolving this issue. The NMFS has been too slow in acting. Pinnipeds have very healthy populations. This is a balanced approach. Pinniped population is robust and salmon need protection. We're not trying to eliminate predators, but to introduce an element of control.

**Testimony Against:** Predation is natural. Seals and salmon have coexisted for thousands of years. The problems are human-caused. Killing them will not solve the problem.

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

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

(Opposed) Dan Ayers.