
**Agriculture & Natural Resources
Committee**

HJM 4004

Brief Description: Requesting Congress to modify the Marine Mammal Protection Act.

Sponsors: Representatives Chase, Nance, Dent, McClintock, Bernbaum, Engell, Schmick, Orcutt, Springer, Marshall, Volz, Reeves, Jacobsen, Parshley, Klicker, Eslick and Schmidt.

Brief Summary of Bill

- Requests that Congress modify the Marine Mammal Protection Act to allow greater flexibility for states and tribes to use adaptive management tools for pinniped predators of endangered salmon stocks across all marine shorelines and Puget Sound.

Hearing Date: 2/21/25

Staff: Rebecca Lewis (786-7339).

Background:

The federal Marine Mammal Protection Act (MMPA) prohibits, with certain exceptions, the taking of marine mammals in United States waters and by United States citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. Marine mammals covered by the MMPA include pinnipeds, such as seals and sea lions. Three federal agencies share responsibility for implementing the MMPA, including the National Oceanic and Atmospheric Administration (NOAA) Fisheries, which is responsible for the protection of whales, pinnipeds, and other marine mammals. Permits and exemptions are given for incidental takes, scientific research, and for first-time import or capture of wild marine animals for public display.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A state may apply to NOAA Fisheries for the lethal taking of individually identifiable pinnipeds that are having a negative impact on salmonid fishery stocks which are listed under the federal Endangered Species Act (ESA), are approaching federal ESA threatened or endangered status, or that migrate through the Ballard Locks in Seattle. An application must include a description of the problem interaction, expected benefits of the taking, and the means by which the state will identify individual pinnipeds for removal. NOAA Fisheries may not approve removal of pinnipeds from species or stock that are listed as threatened or endangered under the ESA, depleted, or identified as a strategic stock.

If NOAA Fisheries determines that there is sufficient evidence for an application to move forward, it must establish a Pinniped-Fishery Interaction Task Force (task force) to analyze and recommend whether to approve or deny the application, suggest nonlethal alternatives if applicable and a recommended course of action, and, if the application is approved, evaluate the effectiveness of the permitted lethal taking or alternative actions taken. This permit allows for a 1 percent potential biological removal level (PBR), which under the MMPA is the maximum number of animals that may be removed from a marine mammal stock while still allowing the stock to reach optimum sustainable population, and does not include natural mortalities. Since 2008, Washington, Oregon, and Idaho have received federal approval to remove California Sea Lions in the vicinity of the Bonneville Dam on the Columbia River under this authority.

In 2018 the United States Congress amended the MMPA to create a separate process to authorize legal takings of individually identifiable sea lions in the Columbia River and its tributaries; however, the same timelines and application procedure apply as from the pre-2018 MMPA pinniped take process. This new take authority under the MMPA:

- may address any sea lion, rather than just California Sea Lions. The lethal taking of other pinnipeds, such as seals, is not changed;
- expands the area in which sea lion take is permitted to locations in the main stem of the Columbia River upstream of river mile 112 and downstream of McNary Dam, or in any tributary with spawning habitat of endangered salmon or steelhead;
- makes the Nez Perce, Umatilla, Warm Springs, and Yakama Indian Tribes and the states of Washington, Oregon, and Idaho eligible to apply for take authorization; and
- establishes a maximum take of 10 percent of the PBR.

Summary of Bill:

The Legislature requests that Congress modify the Marine Mammal Protection Act to allow greater flexibility for states and tribes to use adaptive management tools, including the use of lethal removal, for pinniped predators of endangered salmon stocks across all marine shorelines and Puget Sound.

Appropriation: None.

Fiscal Note: Not requested.