HOUSE BILL REPORT
HJM 4004

As Passed House:
January 29, 2026

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 History:
Committee Activity:
Agriculture & Natural Resources: 2/21/25 [DP].
Floor Activity:
Passed House: 1/29/26, 80-16.

Brief Summary of Joint Memorial

- 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.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Nance, Orcutt, Richards, Schmick and Springer.

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

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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.

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 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 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 (PBR) level, 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 an 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:

- 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;
- establishes a maximum take of 10 percent of the PBR; and
- may address any sea lion, rather than just California Sea Lions. The lethal taking of other pinnipeds, such as seals, is not changed.

Summary of Joint Memorial:

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.

Staff Summary of Public Testimony:

(In support) An unchecked sea lion population is a threat to fish passage. Pinnipeds kill half of the salmon going up the Columbia River, intercepting many before they have a change to spawn. Having more tools to address pinnipeds would increase the salmon in the river and be a win-win solution for everyone including tribes, sportspeople, and farmers. There are markets in other countries for seal skins. Tribes and commercial fishers have made sacrifices to save salmon. There is no need to choose between salmon and sea lions. It is important to find balance, and federal action is necessary to do so. It is an unfortunate predicament pitting the Marine Mammal Protection Act (MMPA) against the Endangered Species Act. No endangered species of pinnipeds will be impacted, and it would impact a miniscule population of pinnipeds. The Makah Tribe has treaty rights to hunt marine mammals and have experience in navigating the MMPA. The House Joint Memorial (HJM) should ask that further management options apply to all Washington state waters.

(Opposed) It's true that there is a need for more salmon, but removing more pinnipeds is not the solution. A working group has identified many effective nonlethal alternatives. There are more actions needed to support orca and salmon recovery including removing fish passage barriers, addressing stormwater, removing dams after mitigating the impact on people, reducing vessel noise, restoring wetlands, and reducing water pollution. Pinnipeds are an indicator of ecosystem health. The focus should be upstream on salmon generation. Pinnipeds also eat fish that are salmon predators. More lethal management will cause predator fish to increase, resulting in the opposite of the desired effect. There is no clear scientific evidence that removing pinnipeds will have an outsize impact on salmon populations. A better action would be to direct the Washington Department of Fish and Wildlife to implement place-based or terminal fisheries and prevent fishing out of salmon nurseries. Bigg's orcas can do this work free of cost. The Washington State Academy of Sciences study is mischaracterized in the HJM.

Persons Testifying: (In support) Representative Rob Chase, prime sponsor; Nello Picinich; and Timothy Greene Sr., Makah Tribal Council.

(Opposed) Shanti Nelson; Teri Wright; Heather Nicholson; Marie Wilson; David Moskowitz, The Conservation Angler; and David Bain, Orca Conservancy.

Persons Signed In To Testify But Not Testifying: None.