



# Northwest Indian Fisheries Commission

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**TO:** The Honorable Harriet Hageman  
Chair, House Natural Resources Subcommittee on Water, Wildlife and Fisheries

**FROM:** Chairman Ed Johnstone, Northwest Indian Fisheries Commission

**SUBJ:** “*Sea Lion Predation in the Pacific Northwest.*” December 3, 2025, Oversight Hearing- House Natural Resources Subcommittee Water, Wildlife and Fisheries- Response to Questions.

**DATE:** December 19, 2025

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The Northwest Indian Fisheries has received the following questions from Chair Hageman regarding testimony at the December 3, 2025, oversight hearing. We appreciate the opportunity to further respond to Chair Hageman’s questions. As such, we submit the following response for the record, and to be incorporated into our previously submitted written testimony.

**Question:**

*In your testimony you mention that the current implementation of Optimum Sustainable Population, or OSP, currently “does not promote or ensure sustainability for either marine mammals or the ecosystems that they depend upon.” Could you expand on how this current framework has posed a challenge to the Northwest Indian Fisheries Commission’s Tribes?*

**Response & Analysis:**

The current implementation of Optimum Sustainable Population (OSP) under the Marine Mammal Protection Act (MMPA) has posed significant challenges for the Northwest Indian Fisheries Commission’s member Tribes because it evaluates marine mammal populations largely in isolation, rather than within the broader ecological and treaty-based resource management schema in which treaty tribes operate. As it is currently applied, OSP focuses on maintaining marine mammal populations at or near their maximum net productivity level, without adequately accounting for ecosystem balance, prey availability, or the cumulative impacts on other species—particularly treaty-reserved aquatic resources.

This framework has resulted in rapidly growing populations of certain marine mammals, particularly pinnipeds, whose predation pressure on already depleted and ESA-listed salmon stocks has become substantial, and in some watersheds has led to the functional extirpation of

some runs of salmon species all together <sup>1</sup>. These salmon populations are central not only to ecosystem health, but also to the Tribes' treaty rights, cultures, subsistence practices, and economies. When OSP prioritizes marine mammal abundance without integrating the status of their prey or the functional capacity of the broader ecosystem, it effectively places marine mammals in conflict with salmon recovery and broader fisheries management efforts and ultimately undermines Tribal co-management responsibilities and places undue burden on tribal communities and fisheries to then bear the brunt of conservation.

Additionally, the current OSP framework limits timely and effective management responses. Tribes face regulatory and legal barriers when seeking to address site-specific or population-level impacts of marine mammals on critical fisheries, even when those impacts are well documented. This has forced Tribes into a reactive posture—expending significant resources to protect fisheries, restore habitat, and recover salmon—while lacking comparable tools to address unchecked predation that erodes those investments.

In essence, the way OSP is currently implemented fails to reflect modern ecosystem-based management principles or the federal government's trust and treaty obligations to Tribes. By not promoting sustainability across interconnected species and ecological relationships, it has created an imbalance that disproportionately burdens Tribal fisheries, compromises salmon recovery, and threatens the long-term resilience of the ecosystems upon which both marine mammals and Tribal communities depend.

Finally, the Northwest Indian Fisheries Commission appreciates the ongoing dialogue this topic has produced and the time and attention that this Committee and its members have dedicated to the issue. We provide our comments as a means to continue these important discussions and to identify solutions going forward. If you have any additional questions regarding these comments or this issue generally, please contact Cecilia Gobin, NWIFC Conservation Policy Analyst at [cgobin@nwifc.org](mailto:cgobin@nwifc.org) or (360) 438-1180.

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<sup>1</sup> *Technical Report & Recommendations on Pinniped Predation on Salmon at the Ballard Locks*. (2024). Water Resource Inventory Area (WRIA) 8, Salmon Recovery Council. Seattle, WA. *See also*: Cram, J., N. Kendall, A. Marshall, T. Buehrens, T. Seamons, B. Leland, K. Ryding and E. Neatherlin 2018. *Steelhead At Risk Report: Assessment of Washington's Steelhead Populations*. Washington Department of Fish and Wildlife Report FPT 19-03.