



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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Delivered via Email

Ms. Harriet Hageman, Chair
Subcommittee on Water, Wildlife and Fisheries
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Honorable Subcommittee Chair Hageman:

Thank you for the invitation to testify at the legislative hearing on H.R. 9621 "Northwest Endangered Salmon Predation Prevention Act of 2026" before the Subcommittee on Water, Wildlife and Fisheries on Tuesday, July 21, 2026. I am glad to hear that the information I provided was helpful to the Subcommittee and I appreciate the opportunity to respond to additional questions submitted by Representative Baumgartner on this important legislation.

My responses to the supplemental questions (bolded) are as follows:

Critics of H.R. 9621 claim that this bill will lead to widespread removals of pinnipeds. How do you envision working with tribes to implement a removal program as authorized by this legislation?

Currently, under the Marine Mammal Protection Act (MMPA) Section 120(f), the Washington Department of Fish and Wildlife (WDFW) works with the Oregon Department of Fish and Wildlife, the Idaho Department of Fish and Game, Yakama Nation, Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe to submit an application to conduct removals in the eligible waters of the Columbia River.

The team consists of those entities, along with the Columbia River Inter-Tribal Fish Commission (CRITFC), and we are fully integrated into all operations for implementing the permit, including conducting trapping operations and removing pinnipeds, monitoring, and reporting.

We envision a similar approach to working with the western Washington treaty tribes under the new MMPA Section 120(k) proposed in H.R. 9621. We anticipate working as co-managers to submit a single application to NOAA Fisheries that identifies predation hotspots in watersheds where intervention is warranted to protect covered fish and we would establish sub-quota removal levels within each area to ensure the overall permitted level is not exceeded. The co-

managers would convene regular check-ins to monitor progress, similar to what is done for co-managed fisheries. We envision developing a consensus-based management structure for managing pinnipeds under this authority which provides checks on time, area, and amount of lethal removals that would be authorized by a NMFS-issued permit.

Additionally, the legislation establishes sideboards on removals which not only reference the Potential Biological Removals (PBR), but also establishes a cap of 10 percent of the PBR for the removal of each species or stock of eligible pinnipeds. The PBR is the estimated maximum number of animals, not counting natural deaths, that can be removed from a marine mammal population while maintaining it at the 'optimum sustainable population' size.

Under the new proposed 120(k), what types of information and criteria would the states and treaty tribes use to determine whether to pursue a permit or not for a particular area of concern?

WDFW and the western Washington treaty tribes conduct extensive population viability monitoring of ESA-listed salmon and steelhead in Puget Sound and the Pacific Coast. The co-managers operate smolt traps to estimate juvenile production in freshwater habitats, count returning adults to estimate run size of adult fish, and conduct spawning ground surveys to estimate abundance of adults. These data and others are used to track smolt-to-adult survival and smolts-per-spawner, which are important performance indicators for salmon and steelhead population performance. They are also used to develop run forecasts and track overall status and trends. We also have intensive in-season monitoring and adaptive management of fisheries to understand how returns may differ from forecasts. These baseline monitoring programs are widespread throughout Puget Sound and the Pacific Coast and they will be used to prioritize areas of concern based on population bottlenecks.

Co-managers have not coordinated comprehensive pinniped predation surveys in every watershed because the current Section 120 was not deemed a viable option for intervention in areas suspected to be impacted negatively by pinniped predation. Without a viable authority pathway to address predation, the co-managers have directed limited resources to addressing other threats to salmon recovery.

With this new authority in H.R. 9621 and coupled with existing monitoring capabilities, co-managers would maintain existing salmon recovery work and seek funding to initiate new programs to enumerate pinnipeds and evaluate predation impact in watersheds of concern.

Where there is an Endangered Species Act (ESA)-listed salmon or steelhead or a species of concern, and it is determined that predation is at a level such that intervention is deemed necessary to assist with recovery of 'covered fish' and protect vulnerable life history stages in the 'eligible waters,' then that 'hotspot' would be included in a future permit application. Both the localized pinniped predation and the population response of fish would be monitored using indices described above, and actions would be scaled within that watershed depending on the effectiveness of the pinniped intervention.

How do you plan to interpret the phrase “species of concern” in 120(k)(8)(A)(ii)?

In the MMPA Section 120(f)(1), removals can be conducted for the purpose of protecting ESA-listed salmon, steelhead, and eulachon as well as “species of lamprey or sturgeon that are not so listed as endangered or threatened but are listed as a *species of concern* (emphasis added).” The phrase in the proposed Section 120(k) does not reference an ESA designation, such as ‘endangered,’ ‘threatened,’ or ‘candidate’ but is a term describing an imperiled species and is designated as such by natural resource managers of a species that requires additional monitoring.

We would interpret “species of concern” to be a species not currently listed by the ESA, but that NOAA Fisheries, the state, and the treaty tribes view as a species that requires management attention, may be on the verge of an ESA listing, or perhaps was recently delisted and is in a post-delisting monitoring phase and we don’t want populations to “backslide.” We would also consider whether the impact of pinniped predation could impact population growth. For instance, if there was a salmon and steelhead stock that was not ESA-listed, but was also not at a healthy, sustainable population size, and if it were determined by the co-managers that localized pinniped predation in a watershed was having an outsized influence on its population dynamics and could undermine other conservation efforts, then state and tribal managers may seek a permit to conduct localized removals of pinnipeds to benefit that salmon stock that is a ‘species of concern.’

Further, NOAA Fisheries maintains a ‘Species of Concern Program’ which, according to their website, “proactively identifies and supports conservation of species with serious threats or declining populations.”

Section 120(f) currently limits eligible entities to only using chemical euthanasia to dispatch sea lions. What are the challenges of that limitation and what other methods could be employed under H.R. 9621?

There are several challenges with the limitation of only using chemical euthanasia. The first is that it requires habituating animals to the presence and utilization of large live traps. While pinnipeds get accustomed to the presence of the trap and hopefully start to haul out on it and utilize the platform, they continue to prey on salmon and steelhead during that entire time.

Some pinniped species, like harbor seals, might not ever use a trap, and the methodology would be completely ineffective for those species.

Once an animal is in the trap, it needs to be transferred to a squeeze chute and then transported to a secure site to administer the chemical euthanasia. Pinnipeds are large, wild carnivores; male Steller sea lions can weigh over 2,000 pounds. Staff safety around handling large animals on boats and barges is paramount and having the appropriate infrastructure in the field and immediately adjacent to the capture site is critical for a successful and safe operation.

It is logistically impossible to use the large barge traps that are needed for trapping in the more rural parts of Washington's watersheds. There are stretches of rivers that do not have road access or are located in canyon reaches without shore access. Trapping is infeasible in these areas and pinniped management in these areas would not be possible if co-managers were to be limited to trapping and chemical euthanasia.

Animals dispatched with chemical euthanasia cannot be used for human consumption and doing so limits treaty tribes' ability to utilize carcasses for ceremonial and subsistence purposes.

Another method that could be used under H.R. 9621 is the use of a firearm. Firearms are an effective, safe, and humane method to dispatch pinnipeds, as noted by the American Veterinary Medical Association guidance for free-ranging marine mammals. If this legislation were to pass, the co-managers would train staff engaged in this activity on marksmanship and anatomy and develop protocols that consider environmental factors as well as staff and public safety. The co-managers are dedicated to the humane and safe removal of pinnipeds. Pinnipeds humanely euthanized by natural resource management staff using a firearm can be transferred and utilized by tribes for ceremonial and subsistence purposes, versus being submitted to a rendering plant.

Who do you envision conducting pinniped removals?

The humane removals at Bonneville Dam and Willamette Falls are currently conducted by professional staff of the state fish and wildlife agencies and the Columbia River treaty tribes. A licensed veterinarian is currently part of the team and they administer the euthanasia injection.

Under H.R. 9621, professional staff of the eligible entities would conduct the humane removals. Both the state and tribes have fisheries and wildlife biologists with expertise in handling wildlife according to humane protocols. The bill also allows the ability to contract entities, and thus the tribes may delegate removal authority to a tribal consortium, like the Northwest Indian Fisheries Commission or CRITFC. The co-managers could contract an entity like the USDA Wildlife Services which has expertise in managing wildlife conflict and removals across the nation.

Under no circumstances would members of the public or non-professional staff of the state and tribes be enlisted to conduct removals on their behalf.

Is there evidence supporting that pinniped removals work? How do current and future removals differentiate from a cull?

Yes, as noted in my written testimony, we are seeing improvements at both Bonneville Dam and Willamette Falls where limited sea lion removals are humanely conducted by professional staff. The permitted removal efforts at Bonneville Dam show signs of success, with declines in sea lion presence at the dam and tens of thousands of salmon saved. A great example of the benefits is from Willamette Falls. Prior to lethal removals, listed winter steelhead faced an 89 percent risk of extinction. After two years of targeted removals, the risk of extinction fell to 11 percent.

Additionally, we have an example of a time when failing to manage pinniped predation had major consequences. In the 1990s, unmanaged sea lion predation extirpated a winter steelhead run at the Ballard Locks.

Because of the authorities and the ability to use MMPA Section 120 from 2008-2019 and 120(f) from 2020 to present in the Columbia River at Bonneville Dam and Willamette Falls, the co-managers have a lot more information about pinniped management and the associated population response by salmon. Less is known about the effectiveness of pinniped management of harbor seals to protect outmigrating smolts or returning adults in the Pacific Northwest. Further, fish and wildlife managers do not have a good estimate of the proportion of seal predation on outmigrating smolts that might be compensatory or additive mortality. However, given the size and stability of harbor seal stocks and the imperiled status of ESA-listed salmon, co-managers utilizing this new authority will conduct close monitoring of both pinniped and salmon response to assess the effectiveness of the program and judiciously use the authority in areas determined as ‘hotspots’ where intervention is expected to yield benefits. This is consistent with the recommendations of the Washington State Academy of Sciences that suggested adaptive management, including lethal removals, and monitoring is needed to assess the effectiveness of the program.

H.R. 9621 does not imply “hunting” or a “culling” of pinnipeds in order to reduce their populations; rather, this is a limited removal of individual pinnipeds in hotspots that are foraging in freshwater and having an outsized impact on predation of salmon. In fact, the bill limits removals to a ceiling of 10 percent of the PBR. As mentioned earlier, PBR is a conservative limit of sustainable human-caused removals that keeps marine mammal populations at the ‘optimum sustainable population’ size. The calculation of PBR is described in the MMPA as the minimum population size times one-half of the growth rate times a recovery factor. For pinnipeds subject to this legislation, the recovery factor is 1.0 because they are not ESA-listed and are not classified as a strategic or depleted stock under the MMPA.

Professional natural resource staff from the state and tribes would conduct limited removals of animals where there are identified ‘hotspots’ (as described above) where predation of outmigrating smolts or returning adults is determined to be a factor inhibiting salmon recovery. The states and tribes are not proposing ‘depopulating’ pinnipeds by ‘hunting’ or ‘culling’ with this legislation; those are terms and descriptions used by opponents of the legislation to invoke ugly images of a bygone era when pinnipeds were persecuted to benefit fisheries. Rather, focused, humane removals of pinnipeds is proposed in limited areas to reduce impacts of predation to protect vulnerable life history stages of ESA-listed salmon and steelhead.

As I shared in my written testimony, we have a proven track record of working across threats to aid in species recovery across various species, including intervening to mitigate effects of predation where it is determined to be a contributing factor to inhibiting recovery. Whether removing birds of prey, corvids, coyotes, invasive species, or other wildlife to benefit ESA-listed species, this tool is used by the professional fish and wildlife managers at WDFW judiciously and humanely, the prey and the predator species are monitored, and it is part of a comprehensive approach to protect vulnerable life history stages while a suite of other simultaneous recovery

efforts take hold. This legislation is consistent with other authorities wildlife managers utilize to recover and conserve fish and wildlife species.

What are the specific challenges for removing sea lions in the Columbia River tributaries and the mainstem below River Mile 112 (i.e., the I-205 bridge)?

There are two primary challenges with the current MMPA Section 120(f): 1) the geographic limitation of the mainstem Columbia River above river mile 112 and 2) the limitations on the method of removal.

Sea lions prey on salmon and steelhead in the tributaries to the Columbia River, where removals could occur, but often haul out on sand bars, rocks, or manmade structures located in the mainstem. We have placed a trap in a tributary to see if sea lions would use it, and they have not utilized it yet. Co-managers need the ability to capture and remove animals that are hauling out in the mainstem if we are going to reduce localized predation in the tributaries.

The limitation requiring chemical euthanasia means that co-managers must trap the pinniped before removing it. This poses logistical, management, and conservation challenges as described above. Co-managers need the ability to use firearms to humanely dispatch pinnipeds in areas where trapping is not feasible, or in situations where waiting for a trap to be deployed and used by sea lions allows for pinnipeds to become habituated and recruit others to the area.

Critics of H.R. 9621 are raising concerns about 1) how this bill might affect prey availability for transient killer whales that eat pinnipeds and 2) that pinnipeds also eat fish that eat salmon, and removing pinniped[s] could result in the population growth of other piscivorous predators which ultimately could be more detrimental to salmon. What are your thoughts on these claims?

WDFW and tribal co-managers take an ecosystem-based approach to fish and wildlife management and would apply those same principles in addressing pinniped predation. The MMPA Section 120(k) limiting permitted removals to 10 percent of PBR ensures that the pinniped populations remain at the 'optimum sustainable population' size. Adding a permit ceiling is helpful to provide certainty about limits of human-caused mortality under this program and it establishes a level that is high enough to preclude asking Congress to revisit the acceptable level of removal under the MMPA for this program. In practicality, for species like California sea lions and Steller sea lions, the 10 percent PBR limit will likely not be reached in the Section 120(f) or 120(k) programs combined.

In recent years, mammal-eating transient killer whales have increased in both total abundance and time spent in Washington's waters. Marine mammal researchers have modeled the minimum number of harbor seals likely to have been consumed by transient killer whales in the Salish Sea using sighting data from 2011 – 2017 and estimated that 1,090 seals were likely to have been consumed in 2017 alone, which the researchers note is greater than two percent of the total

Salish Sea harbor seal abundance estimate for 2014. The 10 percent PBR limit, a small fraction of robust, recovered populations that are near carrying capacity, would not approach a level to have a population-level impact of harbor seal abundance. For this reason, we do not anticipate any negative impacts to transient killer whales, nor do we anticipate that the level of removed pinnipeds would have a demonstrable change to the population-level of predation by pinnipeds on other piscivorous predators of salmon.

Implementation of this legislation still ensures that pinnipeds would continue to be a “significant functioning element in the ecosystem” and maintained at their “optimum sustainable population size” as required by the MMPA.

Do you have any suggested amendments to this bill?

Thanks for the question and would respectfully offer the following considerations based on discussions I have had with Congressional members, staff, tribal consortiums, and other non-governmental organizations:

- In the new section that establishes Section 120(k), it would be helpful to prescribe specific timelines and deadlines for the Secretary to review permit applications and issue permits to eligible entities.
- Add specificity on who would conduct the removals in Section 120(k); that is, staff of state fish and wildlife agencies, staff of tribes, staff of tribal consortiums, or contracted USDA Wildlife Services.
- Add a requirement that co-managers include in their Section 120(k) permit application rationale and defined areas where pinniped predation intervention is warranted and plans for monitoring effectiveness. This will help address concerns about documenting the scientific basis for the intervention as well as address concerns about ‘widespread’ removals.
- Clarify the humane methods for removal, which include but are not limited to, chemical euthanasia, a captive bolt, and firearms and include a requirement that co-managers would use protocols approved by an institutional animal use and care committee.
- Specify the species intended under ‘species of concern’ in Section 120(k).
- Shift the mainstem Columbia River geographic limit in Section 120(f) from river mile 112 to river mile 27 (i.e., Pillar Rock), rather than the mouth of the river as proposed in H.R. 9621. River mile 27 approximates the edge of the influence of the ‘saltwater wedge.’
- In the list of ‘covered waters’ in Section 120(k), specifically include human made, channelized, or areas where infrastructure has been installed that alters waterways and have become predation bottlenecks.
- Consider adding the permit review by a pinniped task force in Section 120(k), similar to the task force that is convened by NOAA Fisheries to review Section 120 and 120(f) permit applications.

Chair Hageman
August 6, 2026

I recognize the bill, as written, provides the much-needed authority to the states and treaty tribes and appreciate the confidence in the co-managers and recognition of our role and proven track record we have in conserving fish and wildlife species. I have full confidence that the co-managers could successfully implement the bill as written; however, in recognition of the challenges of amending the MMPA, I have worked with tribal colleagues to address some of the concerns we have heard. I offer these suggestions in hopes that the bill will secure greater support and advance in the 119th Congress.

I am happy to work with your staff on proposed edits and to draft bill language that would incorporate these suggestions.

Thank you again for the opportunity to testify on H.R. 9621 and provide additional information for the record. If you have further questions, please do not hesitate to contact me at (360) 584-7033 or Nathan.Pamplin@dfw.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nate Pamplin', is enclosed in a light gray rectangular box.

Nate Pamplin, Director of External Affairs
Washington Department of Fish and Wildlife