



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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**Testimony of Executive Director Aja DeCoteau
Columbia River Inter-Tribal Fish Commission
House Natural Resources Subcommittee on Water, Wildlife and Fisheries
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Chair Hagemen, Ranking Member Hoyle, and Members of the Committee, thank you for the opportunity to provide testimony on our experience and recommendations regarding pinniped predation on anadromous salmonids and other native fish populations in the Columbia River and its tributaries.

In 1855, the U.S. entered individual treaties with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe¹ whereupon we ceded millions of acres of our homelands. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed stations.

The collective ancestral homelands that were ceded to the United States by our four member tribes cover 66,575 square miles, which is approximately one quarter of the entire basin and encompasses 88 percent of the range Columbia Basin salmonids can still return to above Bonneville Dam.

Unfortunately, a perilous history has brought the salmon, steelhead, and Pacific lamprey populations to the edge of extinction with 13 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA), Pacific lamprey at less than 5% of historic numbers and a white sturgeon population in dire need of help.

To address this decline and to combine resources to fulfill their fisheries management responsibilities, these four tribes founded the Columbia River Inter-Tribal Fish Commission (CRITFC) in 1977. CRITFC provides coordination and technical assistance to its member tribes in regional, national, and international efforts to protect and restore our shared salmon, steelhead, Pacific lamprey and white sturgeon resources and the habitat upon which these species depend.

CRITFC's mission is "to ensure a unified voice in the overall management of the fishery resources, and as managers, to protect reserved treaty rights through the exercise of the

¹ Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

inherent sovereign powers of the tribes. We do this by: 1) Putting fish back in the rivers and protecting watersheds where fish live, 2) Protect tribal treaty rights, 3) Sharing salmon culture with our neighbors, and 4) Providing services to our tribal fishers on the Columbia River.

Since the formation of CRITFC almost 50 years ago, the four treaty tribes have developed sophisticated fishery programs and technical expertise of their own and are leaders in fisheries management, science, habitat recovery, and rehabilitating anadromous and resident fish throughout the Columbia Basin. Collectively, these four treaty tribes are an integral part and partner of Columbia Basin fisheries co-management role in Washington, Oregon, and Idaho.

Today, the cumulative tribal expertise between the four treaty tribes and CRITFC is among the largest tribally-led fishery programs in the world. As the tribal fishery programs have evolved, CRITFC has increasingly focused our efforts on mainstem and estuary issues, which brings us today's hearing.

Increased presence and residence of pinnipeds, specifically California sea lions, Steller sea lions, and harbor seals within the Lower Columbia River (LCR) and Willamette River, is impacting salmon conservation efforts and fisheries. While the occurrence of pinnipeds in the lower reaches of large freshwater systems like the Columbia River is not uncommon, the numbers that have been documented in the past two decades have been unprecedented. We are currently in a situation where we have groups of male animals acclimated to in-river areas that can consume or injure large numbers of ESA-listed salmon. Historically, our four treaty tribes have memory of the occasional sea lion as far as 200 miles upriver at Celilo Falls near present-day The Dalles, Oregon. Sea lions and seals are not invasive species in the Pacific Northwest, and we don't take lethal removals lightly, however we have a situation where hydrosystem infrastructure, changing environmental conditions, and the success of Marine Mammal Protection Act (MMPA) has allowed populations of pinnipeds to grow. The result of this is now one protected species is impacting the survival and recovery of another.

As co-managers, the four treaty tribes and CRITFC work in close coordination with our federal and state co-managers to protect vulnerable fish populations. The increasing threat of pinniped predation in the lower Columbia River on listed and threatened salmon, steelhead, lamprey, and sturgeon has fostered strong collaboration between tribal and state co-managers to address this significant and complex issue. With over 20 years of experience focused on addressing the impacts of pinniped predation, CRITFC appreciates the opportunity to provide Congress with our experience, lessons learned, recommendations, and further needs to deal with this issue that affects sovereigns and stakeholders from Idaho to Alaska, while also respecting the species that have been here since time immemorial.

Tribal, federal, and state agencies have attempted numerous non-lethal efforts, including hazing and relocation of sea lions, to reduce salmonid predation by pinnipeds, but the effectiveness has been negligible. Our scientists and technical staff have collected data and thoroughly surveyed the number of pinnipeds by species, estimated the predation events, and monitored the frequency of animals at their in-river hunting and haul-out sites.

At present, our data indicate that while the frequency and presence of pinnipeds varies each year, the duration of male animals staying in-river is increasing thereby prolonging predation events on salmon, steelhead, lamprey, and white sturgeon. As will be discussed later, empirical evidence for lethal removals of pinnipeds in the Willamette River provides the most demonstrable result of improving passage and survival of an ESA-listed steelhead population.

History of LCR Sea Lion Issue

California sea lions are managed as a single stock with a range from approximately Baja California to Southern British Columbia. California sea lions are fully recovered and near carrying capacity with an approximate abundance of 280,000 animals. Most rookeries are in California's Channel Islands and south. Female California sea lions rarely venture far from the rookeries, whereas male animals will travel great distances during the nonbreeding season especially if food resources are limited. When warm ocean currents are present in California, anchovies, sardines, and other prey for sea lions diminish. During these periods male sea lions will travel further to locate food.

In the early 2000s, warm ocean temperatures created conditions where male California sea lions moved north early in the year and encountered at large runs of eulachon (smelt) at the mouth of the Columbia River. A large group of California sea lions began appearing at haul out sites at the mouth of the Columbia River and hundreds of sea lions followed the smelt run 68 miles upriver to the Cowlitz River during January through March.

Coincidentally, during this same period, the Columbia River experienced a very large spring chinook salmon return. As the spring chinook moved upriver, many sea lions switched from smelt to salmon diets as the smelt declined and number of salmon increased. It is our hypothesis that these conditions (large abundance of sea lions, warm ocean conditions, large smelt and salmon runs) are what recruited large numbers of male sea lions to Bonneville Dam. Once the male sea lions located the fish concentrated in the Bonneville Dam tailrace, they became habituated and returned every year to the same location, along with new recruits.

California sea lions appear in the river primarily from March through May, after which they return to breeding areas. Steller sea lions are present from August through May with peaks generally in April and October. We rarely encounter female sea lions in the LCR and only observe male sea lions below Bonneville Dam and Willamette Falls.

Early 2000s

Since 2002, California sea lions in the Columbia River have significantly impacted endangered and threatened stocks of salmon and steelhead, such as Snake River Spring/Summer Chinook and Upper Columbia River Spring Chinook. They also prey on Pacific lamprey and mature white sturgeon below Bonneville Dam, and on listed salmon and steelhead runs in the Willamette River and other tributaries to the Columbia River.

There are 13 ESA-listed wild salmon stocks bound for the upper Columbia and Snake rivers that are vulnerable to predation by California sea lions immediately below Bonneville Dam. Other ESA-listed salmon and steelhead populations impacted by California sea lions include lower Columbia River Chinook, lower Columbia River steelhead, upper Willamette River Chinook, and Upper Willamette River steelhead. All four of these are listed as “threatened” under the ESA. Smelt in the lower Columbia River are also listed as threatened and are heavily preyed on by pinnipeds. Despite non-lethal and limited lethal-take measures implemented by the tribes and states, the number of salmon and steelhead consumed by sea lions below Bonneville Dam more than doubled between 2006 and 2015, as larger Steller sea lions increased in numbers and began to take a higher toll; management and federal authorization was initially focused exclusively on California sea lions and expanded to include Steller sea lions with the amendment of MMPA in 2018 (PL115-329).

For reference, male Stellar sea lions range between 1,500-2,500 lbs, whereas male California sea lions range between 400-850 lbs.

Willamette Falls

The most successful tributary removal action has been at Willamette Falls. Winter steelhead in the Willamette River in 2017, prior to sea lion removal, had an extinction risk of 89 percent. Sea lions were consuming 25 percent of some returns at Willamette Falls. After two years and removing 30 sea lions, the steelhead extinction risk dropped to 11 percent and sea lions consumed less than 2 percent of the winter steelhead escapement at Willamette Falls.

Suitable sea lion haul out areas are limited near Willamette Falls. Sea lions exclusively haul out on the Sportcraft Marina docks a few miles downstream of Willamette Falls. Sea lions show very strong fidelity to this site. The Oregon Department of Fish and Wildlife (ODFW) placed sea lion traps adjacent to the Sportcraft Marina docks and dissuaded sea lions from the docks. This ensured that the sea lions present were exclusively using the traps to haul out. Individual sea lions were trapped and tagged with numbered flipper tags providing identification of animals. Since the traps were the only available haul out area, the capture-recapture nature of Section 120 was fulfillable and allowed the operation to work the same as Section 120(f). Sea lions were relatively easily trapped, tagged, released, recaptured, chemically euthanized, and removed. This property is unique, as most locations, including Bonneville Dam, offer many numerous alternative haul out sites for sea lions. We feel that the Willamette removals are a durable solution. After removing

habituated sea lions, recruitment is limited to a few new explorers each year. Removal of these few animals prevents predation on steelhead at Willamette Falls from becoming a widespread learned behavior in the sea lion population. A series of documents and reports on the Willamette Falls effort are available².

Bonneville Dam

In comparison to Willamette Falls, our experience at Bonneville Dam has been a much greater challenge. The geographic footprint of the Columbia River at Bonneville Dam, the volume of water during the spring season, and the number of different fish populations creates a situation where there are a far greater number of animals to manage. Additionally, geographic complexity at Bonneville allows for many alternative haul out locations. Limiting haul out sites to traps is essential for section 120 management. The NOAA Fisheries issued MMPA Section 120(f) removal permit requires capture of sea lions in traps, removing them from the river and chemically euthanizing them. The large geographic area below Bonneville Dam presents many alternative haul-out sites for both California and Steller sea lions, making trapping more challenging. These are very intelligent animals that quickly learn how to evade capture, so there are no guarantees all problem animals will use the traps. An additional challenge at Bonneville Dam is a larger abundance and annual frequency of Steller sea lions. Steller sea lions are now present for 10 months a year and are twice the size of California sea lions. These factors mean that successful management of sea lion predation is a much more intensive and costly effort. In fall 2020, when the first six Steller sea lions were removed under the new permit, we estimated 4,484.5 Steller sea lion days (the total direct observations and interpolated estimates within a given period), an average of 29 ± 14 animals present, and a peak of 68 at the dam. In fall 2024, we estimated 418.0 Steller sea lion days, an average of 3 ± 2 animals present, and a peak of 11. This represents a 91 percent decrease in sea lion days, a 90 percent decrease in mean counts, and an 84 percent decrease in peak counts for Steller sea lions at Bonneville Dam over the course of this permit.

Description of Removal Effort under Sec120

Hazing

In 2005, CRITFC, ODFW, and Washington Department of Fish and Wildlife (WDFW) began nonlethal sea lion hazing near Bonneville Dam for six to eight hours a day during the peak period of fish migration. This work provided some limited relief on predation near fish ladders during the hazing window but demonstrated that nonlethal approaches could not alleviate the significant impact sea lions were having on upriver salmon and steelhead as round-the-clock hazing efforts weren't possible.

² <https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/marine-mammal-protection-act-section-120-pinniped-removal-0>

Trapping, Branding and Release

Under MMPA Section 120, removing sea lions required a multistep process:

- Initial capture in the vicinity of Bonneville Dam
- Branding the animal with an identifying number
- Release of the animal
- Subsequent visual observation of the animal preying on salmonids in the vicinity of the dam
- Recapture of the individual animal prior to removal.

The new authority created in MMPA Section 120(f) streamlines the process and, as a result, increases trapping efficiency and lethal removals.

Observation of Fish Consumption

Pinniped predation on adult salmon is relatively easy to observe because most adult salmon, steelhead, and sturgeon are large enough that pinnipeds must surface and tear them apart to eat. However, pinnipeds can consume smaller prey including salmon smolts while submerged, which makes it challenging to observe. These observation difficulties make implementing §120 nearly impossible because it requires determining that specific sea lions are significantly impacting listed salmonids. We know that some sea lions at Bonneville Dam are eating large amounts of smolts³ as shown by necropsies of euthanized sea lions. At Bonneville Dam the U.S. Army Corps of Engineers has collected sea lion presence, abundance, and predation data since 2002. ODFW has collected similar data at Willamette Falls.

Trap and Removal

The CRITFC member tribes played a supporting role to the states of Oregon and Washington in their implementation of §120 authorizations at Bonneville Dam. CRITFC also participated in all NOAA Sea Lion Task Forces evaluating the merits of lethal take of sea lions in the Columbia and Willamette rivers. After the passage of PL115-329, the four CRITFC member tribes and, by a delegation of authority, the Columbia River Inter-Tribal Fish Commission, have been “eligible entities” along with the states of Oregon, Washington, and Idaho. These seven sovereigns jointly filed for lethal removal authority of pinnipeds in the Columbia River under §120(f) in 2019 and for extension of the authorization in 2025. The sea lion management crew is an integration of staff from ODFW, WDFW, Idaho Department of Fish and Game (IDFG), and CRITFC. The sea lion management project is a model for how projects can benefit from tribal, state, and federal collaboration.

³ Clark, C., M. Brown, D. Hatch, and J. Dupont. 2021. Final Field Report: 2017-2021 Pinniped Research and Management Activities at Bonneville Dam. Annual Report to NOAA Fisheries. 27 pg.

Effectiveness at Removing Sea Lions

The authority under this permit increases the scope and scale of current management and expands lethal removal to include Steller sea lions. It also expands the area of potential removals and removal activity. Our initial conclusion is that MMPA 120(f) geographic-based sea lion management that provides for expedited removals of sea lions at key locations can break a cycle of learned behavior in the sea lion population. These removals significantly reduce mortality of migrating adult salmon and steelhead. Conversely, even with geographic removal authority, inadequate management capacity means that the removal activities are less than fully successful in deterring or eliminating sea lion predation on migrating salmonids. More simply, inadequate funding currently prevents us from removing all the sea lions covered by our permit. To be effective, the states and tribes have an urgent need for fully resourced and flexible management solutions to effectively address sea lion predation in the long term.

Effectiveness in Protecting Fish

Sea lion removals have resulted in fish savings at Bonneville Dam between 41,887 and 52,044 fish since the MMPA §120(f) authorization (beginning August 2020 to spring 2025). The different values are estimates from two different modeling approaches. Note these estimates are of fish saved at the Bonneville Dam tail race and don't include predation that would have occurred in other locations where these sea lions may have resided. The co-managers are contemplating tributary removals in the Sandy, Cowlitz and Lewis rivers where sea lions prey on smelt and salmonids.

Sec120(f)-Description of Removal Authority

Intent of MMPA Sec120(f) Permit

The MMPA Sec 120 provides a mechanism for the removal of marine mammals. As noted above, the process is very restrictive and by design, cumbersome and less effective. Sea lions must be individually identifiable, requiring animals to be trapped, tagged, and released. Additionally, these individual sea lions must be shown to be causing a significant negative impact on listed salmonid populations. Meeting this term requires observing predation events by individual sea lions. Once an individual sea lion meets the requirements of causing a significant negative impact on listed salmonids, it can be removed. Removal requires trapping the animal a second time. The very restrictive terms and conditions of removing sea lions under section 120 authority make meaningful management nearly impossible.

In 2020, with bipartisan support, PL115-329 was signed into law, allowing for geographic-based removal authority. This enabled tribes and states to secure an MMPA Section120(f) permit from NOAA Fisheries to remove California and Steller sea lions from the Columbia River between Columbia river mile 112 (the I-205 bridge between Portland, Oregon and Vancouver, Washington) and McNary Dam as well as tributaries to the Columbia River. The most significant and successful tributary removal action has been at Willamette Falls.

Future Needs and Recommendations

Funding for Removals

Continued adequate funding for sea lion removal programs at Willamette Falls and Bonneville Dam is essential. These efforts have demonstrated success in reducing predation and protecting vulnerable fish populations, as seen in the winter steelhead case at Willamette Falls.

MMPA Amendment – Expand Geographic Scope Coast-wide

Congress should consider amending the MMPA to allow for area-based management solutions in addition to individual sea lion management under Section 120. This would enable quicker and more comprehensive responses to emerging predation issues. Tribal co-management must also be recognized and integrated into this process, as well as considerations for situations that may allow for other co-stewardship arrangements. We view co-management as different than co-stewardship.

NOAA Assessment and Roadmap

We acknowledge that NOAA's authorities under MMPA are specific and may be limited in addressing emerging issues like increased pinniped predation. Congress should consider a request that NOAA provides an assessment and implementation roadmap for current management options under the MMPA. This would help identify gaps and opportunities for more effective strategies that allow federal agencies, tribes, and states to address emerging issues as conditions change.

Prevent Sea Lion Upstream Movement

Exploring technology to prevent sea lions from moving to upstream areas, specifically river bottlenecks such as dam fish ladders could significantly reduce predation impacts on salmon, steelhead and sturgeon populations. While past solutions have been ineffective, advancements in technology, including innovations being undertaken by the Army Corps of Engineers, may offer viable options.

Flexibility in Management Solutions

Management strategies must be adaptable to address changing sea lion behaviors, species impacts, and seasonal variations. The experience at Bonneville Dam demonstrates the need for nimble and forward-thinking approaches to effectively protect fish populations. Swift action, like ODFW was able to do at Willamette Falls, addresses the sea lion fisheries interaction, minimizes the loss of fish to sea lions, and minimizes the number of sea lions lethally removed. Section 120 management tools were adequate to address the problem. However, if you can't observe the sea lion predation, such as predation on juvenile salmon, section 120 is not useful. Having adequate management tools on the shelf and ability to activate these with a reasonable but minimal amount of process is imperative to address future sea lion / fisheries conflicts. Given that California sea lions are near carrying capacity and Steller sea lions are growing 5 percent per year, we

can anticipate more and more conflicts in the future where current management tools won't work. If legislation is required to solve the conflict, we run the risk of losing the fish populations before a management solution is available as happened with winter steelhead in Lake Washington.

Research and Development of Non-lethal Deterrents

Using lethal removal of sea lions to reduce mortality on at-risk salmon populations is necessary with current technology. Achieving similar reductions in salmon mortality with nonlethal techniques is desirable but will require additional investment in research and development by the project. This would foster development and testing of nonlethal deterrents.

Holistic Consideration and Treatment of All Forms of Predation

Efforts to protect salmonids should consider all forms of predation including avian, piscivorous, and marine mammal predation. Addressing the cumulative effect of these predation pressures will be essential for successful conservation outcomes.

Under the first Trump Administration, NOAA helped lead the Columbia Basin Partnership Task Force that included diverse stakeholders and sovereigns across the Columbia River Basin. While there are still many issues with the Columbia Basin that do not have full alignment, the members of the Columbia Basin Partnership Task Force identified Predation and Invasive Species Strategies to support achieving the regionally accepted Columbia Basin Partnership Goals. Specifically, the Task Force recommended that the region “undertake lethal but limited removal of problem animals of key predators in specific areas or as part of redistribution efforts, which included the pinnipeds below Bonneville Dam and Willamette Falls.”

Key Points

- Funding for Removals: Adequate and continued funding for sea lion removal programs is essential.
- Modification of the MMPA: Congress should consider amendments to allow area-based management solutions.
- NOAA Assessment: An assessment and roadmap from NOAA would help identify management gaps and opportunities.
- Preventing Upstream Movement: Exploring new technologies to prevent upstream movements of sea lions is crucial.
- Flexible Management Solutions: Adaptable management strategies are necessary to address changing behaviors and impacts.
- Research and Development: Investment in non-lethal deterrents is crucial for long-term solutions.

- Holistic Predation Management: Consideration of all forms of predation is essential for successful conservation.

Conclusion

Protecting salmonid populations is critical for the ecological health of our rivers and the cultural and economic well-being of our communities. CRITFC urges Congress to prioritize funding, legislative amendments, and innovative solutions to address sea lion predation comprehensively. Collaboration with tribal co-managers and NOAA will be key to achieving these goals.