

119TH CONGRESS
2D SESSION

H. R. 9621

To amend the Marine Mammal Protection Act of 1972 to allow for the taking of pinnipeds on the Columbia River, its tributaries, and the waters of the State of Washington to protect species of salmon listed as endangered species or threatened species and other nonlisted species of fish, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2026

Mr. BAUMGARTNER (for himself and Ms. RANDALL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Marine Mammal Protection Act of 1972 to allow for the taking of pinnipeds on the Columbia River, its tributaries, and the waters of the State of Washington to protect species of salmon listed as endangered species or threatened species and other nonlisted species of fish, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northwest Endangered
5 Salmon Predation Prevention Act of 2026”.

1 **SEC. 2. ADAPTIVE PINNIPED MANAGEMENT.**

2 (a) IN GENERAL.—Section 120 of the Marine Mam-
3 mal Protection Act of 1972 (16 U.S.C. 1389) is amend-
4 ed—

5 (1) in subsection (f)—

6 (A) in the heading, by striking “TEM-
7 PORARY” and inserting “PROVIDE ADAPTIVELY
8 MANAGED”;

9 (B) by striking “sea lions” each place it
10 appears and inserting “pinnipeds”;

11 (C) by striking “sea lion” each place it ap-
12 pears and inserting “pinniped”;

13 (D) in paragraph (4), to read as follows:

14 “(4) REQUIREMENTS.—Intentional lethal
15 takings under this subsection shall be carried out—

16 “(A) in a manner the Secretary, in con-
17 sultation with eligible entities, determines ap-
18 propriate; and

19 “(B) in accordance with each term and
20 condition included in the applicable permit
21 issued under this subsection.”;

22 (E) in paragraph (5), to read as follows:

23 “(5) SUSPENSION OF PERMITTING AUTHORITY;
24 REPORT.—

25 “(A) SUSPENSION OF PERMITTING AU-
26 THORITY.—If, 5 years after the date of the en-

1 actment of the Northwest Endangered Salmon
2 Predation Prevention Act of 2026, the Sec-
3 retary, after consulting with State and tribal
4 fishery managers, determines that lethal re-
5 moval authority is no longer necessary to pro-
6 tect salmonid and other fish species from
7 pinniped predation, the Secretary shall suspend
8 the issuance of permits under this subsection.

9 “(B) REPORT.—Not later than 1 year
10 after the date of the enactment of the North-
11 west Endangered Salmon Predation Prevention
12 Act of 2026 and annually thereafter, the Sec-
13 retary shall submit to the Committee on Nat-
14 ural Resources of the House of Representatives
15 and the Committee on Commerce, Science, and
16 Transportation of the Senate a report detail-
17 ing—

18 “(i) the population status of pinnipeds
19 in the Columbia River and its tributaries
20 in the States of Washington and Oregon;
21 and

22 “(ii) the extent to which predation by
23 such pinnipeds on salmonid and other fish
24 species are preventing the recovery of such
25 species that are listed as threatened spe-

cies or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).”;

(F) in paragraph (6)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “, from river mile 112 to the McNary Dam”; and

(II) in clause (ii), by striking “from river mile 112 to the McNary Dam”;

(ii) in subparagraph (B)—

(I) by striking “above river mile 112 and below McNary Dam”; and

(II) by striking “above Bonneville Dam and below McNary Dam”; and

(iii) in subparagraph (C)—

(I) by striking “above river mile 112 and below McNary Dam”; and

(II) by striking “above Bonneville Dam and below McNary Dam”;

(G) in paragraph (7), by striking “upstream of river mile 112 and downstream of McNary Dam,” and inserting “in the Columbia River”;

(H) in paragraph (8), by striking “upstream of river mile 112 and downstream of McNary Dam,”; and

(I) by adding at the end the following:

“(10) COLUMBIA RIVER PINNIPED EXCLUSION TECHNOLOGY ACCELERATOR.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in coordination with the Secretary of the Interior and the governors of the States of Oregon, Washington, and Idaho, shall establish and maintain within the National Marine Fisheries Service a program to be known as the ‘Columbia River Pinniped Exclusion Technology Accelerator’.

“(B) PURPOSE.—The purpose of the Columbia River Pinniped Exclusion Technology Accelerator is to stimulate innovation in the development of pinniped exclusion technology applicable to the mainstem of the Columbia River and its tributaries in the States of Washington and Oregon that—

“(i) prevents a majority of pinnipeds from proceeding upstream into—

1 “(I) habitat of salmon and other
2 anadromous fish; and

3 “(II) brackish and freshwater en-
4 vironments that support juvenile
5 salmonid outmigration;

6 “(ii) does not impede commercial, rec-
7 reational, or Tribal navigation; and

8 “(iii) does not affect the migration,
9 passage, or movement of species of salmon
10 or other anadromous fish.”; and

11 (2) by adding at the end the following:

12 “(k) INTENTIONAL LETHAL TAKE BY CERTAIN EN-
13 TITIES OF CERTAIN PINNIPEDS IN CERTAIN WATERS IN
14 STATE OF WASHINGTON.—

15 “(1) IN GENERAL.—

16 “(A) ISSUANCE OF PERMITS.—Notwith-
17 standing any other provision of this Act, an eli-
18 gible entity may apply to the Secretary for a
19 permit issued under this subsection and the
20 Secretary may issue permits to eligible entities
21 to authorize the intentional lethal taking on
22 covered waters by such eligible entities of cov-
23 ered pinnipeds for the purpose of protecting
24 covered fish.

1 “(B) PERMIT PROCEDURES.—The Sec-
2 retary shall establish procedures to coordinate
3 issuance of permits under subparagraph (A),
4 including with respect to—

5 “(i) application procedures and
6 timelines;

7 “(ii) delegation and revocation of per-
8 mits to and between eligible entities;

9 “(iii) monitoring;

10 “(iv) periodic review; and

11 “(v) geographic, seasonal take, and
12 species-specific considerations.

13 “(2) REQUIREMENTS.—Subject to paragraph
14 (3), an eligible entity may carry out an intentional
15 lethal taking of a covered pinniped pursuant to a
16 permit issued to the eligible entity under paragraph
17 (1) only—

18 “(A) in a manner the Secretary, in con-
19 sultation with eligible entities, determines ap-
20 propriate; and

21 “(B) in accordance with each term and
22 condition included in the permit.

23 “(3) HUMANE METHODS.—Intentional lethal
24 takings under this subsection shall be—

25 “(A) humane; and

1 “(B) implemented by—

2 “(i) State agencies;

3 “(ii) qualified individuals under con-
4 tract to such agencies; or

5 “(iii) individuals employed by eligible
6 entities.

7 “(4) DELEGATION AUTHORITY.—The Secretary,
8 upon the request of an eligible entity that is issued
9 a permit under paragraph (1), may allow such eligi-
10 ble entity to delegate to any other eligible entity its
11 authority under such permit with respect to the in-
12 tentional lethal taking on covered waters of covered
13 pinnipeds for the purpose described in that para-
14 graph.

15 “(5) TERM.—A permit issued under paragraph
16 (1)—

17 “(A) shall be effective for a period of not
18 more than 5 years; and

19 “(B) may be renewed by the Secretary.

20 “(6) SUSPENSION OF PERMITTING AUTHOR-
21 ITY.—

22 “(A) IN GENERAL.—If, after the 5-year
23 period beginning on the date of the enactment
24 of the Northwest Endangered Salmon Preda-
25 tion Prevention Act of 2026, the Secretary,

1 after consulting with State and tribal fishery
2 managers, determines that lethal removal au-
3 thority is no longer necessary to protect
4 salmonid and other fish species from pinniped
5 predation, the Secretary shall suspend the
6 issuance of permits under this subsection.

7 “(B) REPORT.—Not later than 1 year
8 after the date of the enactment of the North-
9 west Endangered Salmon Predation Prevention
10 Act of 2026 and annually thereafter, the Sec-
11 retary shall submit to the Committee on Nat-
12 ural Resources of the House of Representatives
13 and the Committee on Commerce, Science, and
14 Transportation of the Senate a report detail-
15 ing—

16 “(i) the population status of pinnipeds
17 in covered waters; and

18 “(ii) the extent to which predation by
19 such pinnipeds on salmonid and other fish
20 species are preventing the recovery of such
21 species that are listed as threatened spe-
22 cies or endangered species under the En-
23 dangered Species Act of 1973 (16 U.S.C.
24 1531 et seq.).

1 “(7) LIMITATIONS ON ANNUAL TAKINGS.—The
 2 Secretary shall apply the process for determining
 3 limitations on annual take of sea lions under sub-
 4 section (c) to determinations on limitations under
 5 this subsection, and the cumulative number of cov-
 6 ered pinnipeds authorized to be taken each year
 7 under all permits in effect under this subsection
 8 shall not exceed 10 percent of the annual potential
 9 biological removal level for covered pinnipeds.

10 “(8) DEFINITIONS.—In this subsection:

11 “(A) COVERED FISH.—The term ‘covered
 12 fish’ means an individual of a species of—

13 “(i) salmon, steelhead, or euchalon
 14 that is listed as an endangered species or
 15 a threatened species under the Endangered
 16 Species Act of 1973 (16 U.S.C. 1531 et
 17 seq.); or

18 “(ii) fish that is a species of concern.

19 “(B) COVERED INDIAN TRIBE.—The term
 20 ‘covered Indian Tribe’ means each federally rec-
 21 ognized Indian Tribe with treaty-reserved fish-
 22 ing rights in the western portion of the State
 23 of Washington.

24 “(C) COVERED PINNIPED.—The term ‘cov-
 25 ered pinniped’ means a harbor seal (*Phoca*

1 *vitulina*), California sea lion (*Zalophus*
 2 *californianus*), or Steller sea lion (*Eumetopias*
 3 *jubatus*) that is part of a population or stock
 4 that is not categorized under this Act as de-
 5 pleted or strategic.

6 “(D) COVERED WATERS.—The term ‘cov-
 7 ered waters’—

8 “(i) means each river and stream in
 9 the State of Washington that flows into
 10 the marine waters of the State, includ-
 11 ing—

12 “(I) estuaries and bays attendant
 13 or adjacent to such marine waters;

14 “(II) the Puget Sound; and

15 “(III) the Pacific Coast of the
 16 State; and

17 “(ii) does not include the—

18 “(I) Columbia River; or

19 “(II) any tributary of the Colum-
 20 bia River.

21 “(E) ELIGIBLE ENTITY.—The term ‘eligi-
 22 ble entity’ means—

23 “(i) the State of Washington; and

24 “(ii) each covered Indian Tribe.”.

25 (b) STUDY; REPORT.—

1 (1) STUDY.—The Secretary, acting through the
2 Director of the National Marine Fisheries Service, in
3 consultation with the eligible entities and heads of
4 Federal agencies the Secretary determines appropriate, shall carry out a study regarding the effect
5 of actions authorized by section 120(f) of the Marine
6 Mammal Protection Act of 1972 (16 U.S.C.
7 1389(f)), as amended by this section, on the recovery
8 of species of salmon and steelhead that are listed
9 as endangered species or threatened species under
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1531 et seq.) in the mainstem and tributaries of the
12 Columbia River in the States of Washington and Or-
13 egon.
14

15 (2) REPORT.—Not later than 10 years after the
16 date of the enactment of this section, the Secretary,
17 acting through the Director of the National Marine
18 Fisheries Service, in consultation with the eligible
19 entities and heads of Federal agencies the Secretary
20 determines appropriate, shall submit to Congress a
21 report regarding the results of the study carried out
22 under paragraph (1).

23 (c) REGULATIONS.—The Secretary may issue such
24 regulations as are necessary to carry out this section, in-
25 cluding the amendments made by this section.

1 (d) RULE OF CONSTRUCTION.—Nothing in this Act
2 or the amendments made by this Act may be construed
3 to enlarge, confirm, adjudicate, modify, or otherwise affect
4 any treaty or other right of an Indian Tribe.

5 (e) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” has the meaning given the term in section
8 120(f)(6)(A) of the Marine Mammal Protection Act
9 of 1972 (16 U.S.C. 1389(f)(6)(A)), as amended by
10 this section.

11 (2) INDIAN TRIBE.—The term “Indian Tribe”
12 has the meaning given the term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 5304).

15 (3) SECRETARY.—The term “Secretary” has
16 the meaning given the term in section 3 of the Ma-
17 rine Mammal Protection Act of 1972 (16 U.S.C.
18 1362).

○