Updating MMPA Section 120(f)

Proposed amendments to Section 120(f) of the Marine Mammal Protection Act (MMPA) to strengthen and expand tools available for managing pinniped predation on anadromous fish in the Columbia River.

The current MMPA Section 120(f), enacted in 2018, has helped address the growing impact of sea lions in the Columbia River, but it also exposed limitations that hinder tribal and state efforts to deal with the situation as pinniped behavior and environmental conditions have continued to evolve.

These proposed amendments to Section 120(f) seek to address this through three changes:

- **Expanded Removal Area** — Extend the geographic scope of authorized pinniped trapping and lethal removal to cover the entire Columbia River, beyond the currently designated haul-out sites, reflecting the shifting range and behavior of pinniped populations.
- **Adaptive Management Authority** — Grant state and tribal co-managers the flexibility to employ adaptive management strategies, enabling responsive, science-based decision-making as conditions on the ground continue to change.
- **Create a Technology Accelerator** — Direct NOAA to establish and fund an accelerator to promote development of pinniped exclusion technologies designed to prevent seals and sea lions from entering waterways outside their historical range where they impact salmon and other fisheries.

These changes reflect the co-managers' shared commitment to balancing ecosystem stewardship with the urgent need to protect salmon and steelhead runs that are central to tribal cultures and treaty rights and regional fisheries.

Suggested deletions to the text are indicated with ~~red strikeout~~ and suggested additions are indicated in red text.

May 1, 2026 Draft

AN ACT

To allow for the taking of sea lions on the Columbia River and its tributaries to protect endangered and threatened species of salmon and other nonlisted fish species.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Columbia River Endangered Salmon Predation Prevention Act".

SEC. 2 SENSE OF CONGRESS.

It is the sense of Congress that—

(1) preventing predation by sea lions and harbor seals, recovery of listed salmonid stocks, and preventing future listings of fish stocks in the Columbia River under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is a vital priority; and

(2) the Federal Government should continue to fund lethal and nonlethal removal, and deterrence, measures for preventing such predation; and

(3) scientific evidence supports that harbor seals and certain West Coast sea lion populations have reached their Optimum Sustainable Populations and are no longer under threat; and

(4) it is necessary to address increasing sea lion and harbor seal incursions into the Columbia River using principles of adaptive management (as defined in 43 CFR 46.30 (2025)).

SEC. 3. ADAPTIVE PINNIPED MANAGEMENT IN THE LOWER COLUMBIA RIVER. ~~TAKING OF SEA LIONS ON THE COLUMBIA RIVER AND ITS TRIBUTARIES TO PROTECT ENDANGERED AND THREATENED SPECIES OF SALMON AND OTHER NONLISTED FISH SPECIES~~

Federal, state, and tribal resources have been invested billions of dollars in salmon recovery efforts for decades, restoring habitat, improving dam passage survival, reforming hatchery programs, and reshaping fisheries to improve the status of salmon.

Thousands of harbor seals near Astoria, Oregon at Desdemona Sands. Harbor seals eat adult salmon and an upcoming research project will be scanning basking areas like this for PIT tags to determine how many salmon smolts they eat.

Acknowledges current population of California and Steller sea lions are at or approaching carrying capacity.

Acknowledges that adaptive management is necessary to effectively address the situation which is highly unpredictable and evolving.

Sea lions in traps set below Bonneville Dam. Trapped animals are euthanized under the authority granted by Congress to select states and tribes under a MMPA Section 120f permit.

Section 120(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(f)) is amended to read as follows:

(f) ~~Temporary~~ Provide adaptively managed marine mammal removal authority on the waters of the Columbia River and its tributaries. —

(1) "REMOVAL AUTHORITY.—Notwithstanding any other provision of this Act, the Secretary may issue a permit to an eligible entity to authorize the intentional lethal taking on the waters of the Columbia River and its tributaries of individually identifiable sea lions or harbor seals that are part of a population or stock that is not categorized under this Act as depleted or strategic for the purpose of protecting—

"(A) species of salmon, steelhead, or eulachon that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(B) species of lamprey or sturgeon that are not listed as endangered or threatened but are listed as a species of concern.

"(2) PERMIT PROCESS.—

"(A) IN GENERAL.—An eligible entity may apply to the Secretary for a permit under this subsection.

"(B) TIMELINES AND PROCEDURES OF APPLICATION.—The timelines and procedures described in subsection (c) shall apply to applications for permits under this subsection in the same manner such timelines apply to applications under subsection (b).

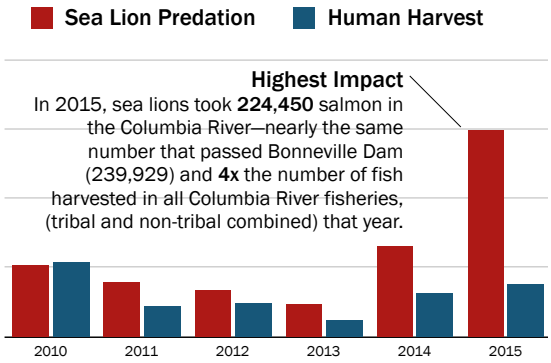
"(C) Coordination.—The Secretary shall establish procedures to coordinate issuance of permit including application procedures and timelines, delegation and recovation of permits to and between eligible entities, monitoring and periodic review, and geographic and species-specific considerations.

California Sea Lion

California sea lions weigh 500-1200 lbs. The West Coast population is near carrying capacity at 275,000. The MMPA defines potential biological removal (**PBR**) as "**the maximum number of animals, not including natural mortality, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.**" The current PBR for California sea lions is **14,011 animals annually**.

Steller Sea Lion

Steller sea lions weigh 800-2500 lbs. The West Coast population is listed as "abundant" at 70,000 animals and an annual growth in the population of around 5%. The current **PBR** for Steller sea lions is **2,176 animals annually**.



NOAA Fisheries ended lower river predation assessments in 2015, so current data for the entire river is not available. Predation data for the area below Bonneville Dam is still collected.

"(D) DURATION OF PERMIT.—A permit under this subsection shall be effective for a period of not more than 5 years and may be renewed by the Secretary.

"(3) LIMITATIONS ON ANNUAL TAKINGS.—The Secretary shall apply the process for determining limitations on annual take of sea lions and harbor seals under subsection (c) to determinations on limitations under this subsection, and the cumulative number of sea lions and harbor seals authorized to be taken each year under all permits in effect under this subsection shall not exceed 10 percent of the annual potential biological removal level for sea lions or harbor seals.

"(4) QUALIFIED INDIVIDUALS.—Intentional lethal takings under this subsection shall—

"(A) be humane within the meaning of such term under section 3(4);

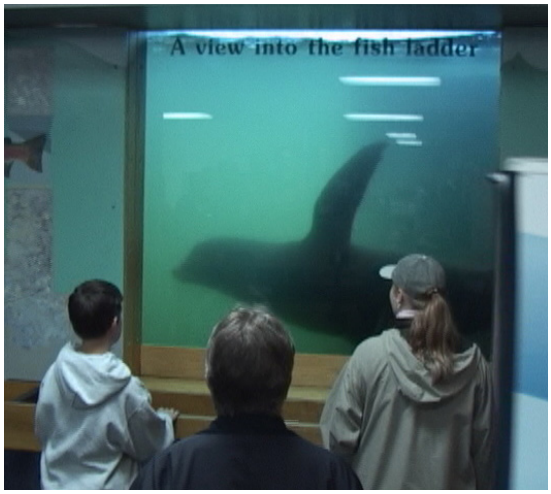
"(B) require that capture, husbandry, transportation, and euthanasia protocols are based onstandards propagated by an Institutional Animal Care and Use Committee and that primary euthanasia be ~~limited to~~ humane chemical methods; and

"(C) be implemented by agencies or qualified individuals described in subsection (c)(4), or by individuals employed by the eligible entities described in paragraph (6).

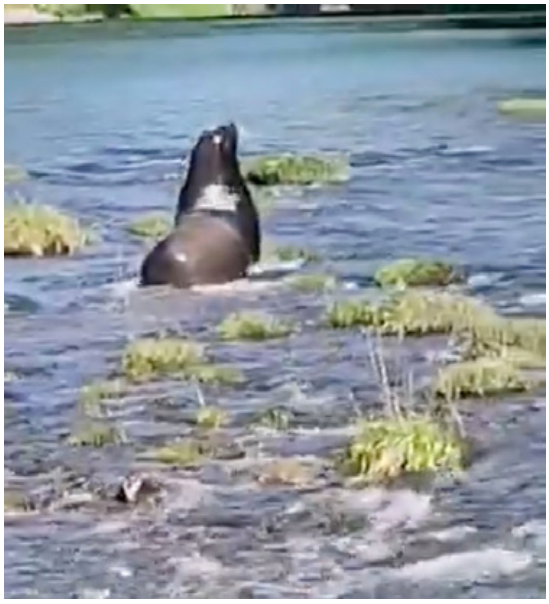
"(5) SUSPENSION OF PERMITTING AUTHORITY.—If, 5 years after the date of the enactment of the Columbia River Endangered Salmon Predation Prevention Act, the Secretary, after consulting with State and tribal fishery managers, determines that lethal removal authority is no longer necessary to protect salmonid and other fish species from sea lion or harbor seal predation, the Secretary shall suspend the issuance of permits under this subsection.

"(6) ELIGIBLE ENTITY DEFINED.—

A California sea lion preying on a Pacific lamprey. Pinniped predation impacts multiple listed, threatened, and "species of concern" fish in the Columbia River and its tributaries.



A California sea lion inside the fish ladder at Bonneville Dam.



A sea lion in the Kalama River. (Screenshot from an April 27, 2026 video shared on social media.)

"(A) DEFINITION.—In this subsection, the term 'eligible entity' means—

"(i) with respect to removal in the mainstem of the Columbia River~~, from river mile 112 to the McNary Dam~~ and its tributaries in the State of Washington, and its tributaries in the State of Oregon ~~above Bonneville Dam~~, the State of Washington, the State of Oregon, and the State of Idaho;

"(ii) with respect to removal in the mainstem Columbia River ~~from river mile 112 to the McNary Dam~~ and its tributaries in the State of Washington, and its tributaries in the State of Oregon ~~above Bonneville Dam~~, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation, and

"(iii) with respect to removal in the Willamette River and other tributaries of the Columbia River within the State of Oregon below Bonneville Dam, a committee recognized by the Secretary under subparagraph (D).

…

no suggested amendments or alterations in subsections B through D of this section

…

"(7) INDIVIDUAL EXCEPTION.—For purposes of this section, any sea lion located ~~upstream of~~ in the Columbia River ~~upstream of river mile 112 and downstream of McNary Dam,~~ or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead is deemed to be individually identifiable.

"(8) SIGNIFICANT NEGATIVE IMPACT

Lower Columbia River. The current geographic limit for Section 120f permit activities is shown above in **red**.

The 112 miles downstream are in **blue**. Extending the area authorized for management activities would allow the eligible entities to address a much broader portion of the sea lions in the Columbia River, including prominent gathering areas like the Cowlitz River mouth.

▲ In March 2007, sea lion "C265" was relatively trim and fit. He was captured at Bonneville Dam and released at the Pacific Coast in Astoria.

▼ By April, C265 had returned to Bonneville Dam. Feeding on a diet of spring chinook, his weight had **doubled during that month to over 1,000 lbs**.

EXCEPTION.—For purposes of this section, any sea lion or harbor seal located in the mainstem of the Columbia River ~~upstream of river mile 112 and downstream of McNary Dam,~~ or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead is deemed to be having a significant negative impact within the meaning of subsection (b)(1).

(9) DEFINITION.—In this subsection, the term "Indian tribe" has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) IMPLEMENTATION AND MANAGEMENT PROVISIONS.—

(A) ADAPTIVE MANAGEMENT REQUIREMENTS.— In carrying out pinniped management activities authorized under this section, the Secretary and all eligible entities authorized to conduct sea lion or harbor seal removal under subsection (f) shall apply principles of adaptive management (as defined in 43 CFR 46.30 (2025)).

(A) 10-YEAR REVIEW CLAUSE.— Not later than 10 years after the date of the enactment of this Act, NOAA Fisheries, in consultation with the eligible entities and relevant Federal agencies, shall study and report to Congress on the efficacy of actions authorized by section 120(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1389(f)), as amended by this Act on the recovery of endangered and threatened salmon and steelhead stocks in the waters of the Columbia River and its tributaries.

(B) PINNIPED CONSERVATION SAFEGUARDS.— Pinniped Conservation Safeguards.— The Secretary shall monitor pinniped stocks subject to this section and suspend removal activities within 30 days of any determination that an affected stock has fallen below

Adaptive Management: Giving managers flexibility in a constantly changing situation

Sea lions are highly adaptable and intelligent, so management strategies must be flexible and responsive to evolving behavior.

Rigid legislation can quickly become outdated, failing to address evolving ecological conditions or high-impact areas. It can also limit the ability to incorporate new scientific findings after the law is passed.

Below are examples of sea lion behavior that compromised management due to statutory requirements:

Steller sea lion eating a salmon in the Bonneville Dam tailrace. In 2008, a Section 120 permit was issued to Oregon and Washington to remove certain California sea lions from the Bonneville Dam tailrace. It didn't allow Steller sea lion removal as they were quite rare at the time of the permit being issued. But by 2011, the average number of Stellers had increased 1680%. Since then, Steller sea lions have often outnumbered California sea lions at Bonneville.

Sea lions at the mouth of the Cowlitz River, a lower tributary of the Columbia RIver. In 2020, NOAA granted a Section 120(f) permit allowing sea lion removal in Columbia River tributaries. Sea lions gather at docks on the mainstem Columbia near the Cowlitz River during smelt runs, but trapping them effectively requires placing traps at haul-out sites outside the permit's tributary boundaries.

OSP, resuming only upon determination that the stock has recovered, and shall periodically report to Congress on population status and any conflicts between MMPA and ESA recovery obligations.

(11). AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION OF FEDERAL APPROPRIATIONS.

(B) COLUMBIA RIVER PINNIPED EXCLUSION TECHNOLOGY ACCELERATOR.— (a) ESTABLISHMENT. Subject to the availability of appropriations, the Secretary of Commerce, in coordination with the Secretary of the Interior and the governors of Oregon, Washington, and Idaho, shall maintain within the National Marine Fisheries Service an office that shall be known as the Columbia River Pinniped Exclusion Technology Accelerator.

(b) PURPOSES. The purposes of the Accelerator shall be to stimulate innovation in the development of pinniped exclusion technology that—

(1) prevents the majority of pinnipeds from proceeding upstream into critical salmon and anadromous fish habitat;

(2) does not impede commercial, recreational, or tribal navigation;

(3) does not affect the migration, passage, or movement of salmon and other anadromous fish.

(c) AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriations to carry out this section $10,000,000 for each of fiscal years 2026 through 2031, to remain available until expended.

(12). RULEMAKING.— The Secretary may issue such regulations as are necessary to carry out this Act.

Establishes safeguards to define steps to take if any pinniped stocks subject to removal fall below their optimum sustainable population.

Appropriations. The 2018 amendment provided the authorization for eligible entities to conduct removal activities, but no funding to carry it out. By including a funding mechanism into this amendment, the eligible entities will have the guaranteed resources to to this work.

Authorizes a technology accelerator
The lower Columbia is a large, dynamic, and commercially active waterway, meaning any effective technology that deters pinnipeds from it must operate at significant scale, withstand variable river conditions, permit the free passage of vessels of all sizes, and, most importantly, have no detectable effect on the salmon and steelhead runs the effort is designed to protect.

No such device currently exists, and no established playbook describes how to selectively deter intelligent, highly mobile marine mammals across miles of open river. A well-structured technology accelerator, with clearly defined performance criteria would attract engineers, inventors, marine technologists, and creative problem-solvers who might never otherwise engage with fisheries management but would bring fresh eyes and novel approaches to this complex problem.

A sea lion rookery on the California coast. Currently California sea lions are at their carrying capacity and Steller sea lions are considered "Abundant." Since nearly all sea lions that are in the Columbia River are males (the females stay closer to the rookeries with their young), removals have almost zero impact to the broader population.

Bonneville Dam. Monitoring by CRITFC, tribal, state, and federal partners estimate that sea lion predation near Bonneville Dam has been the most significant cause of adult upriver spring chinook mortality in the past two decades.

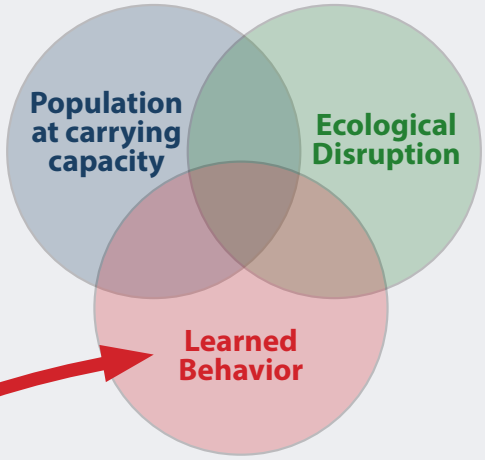
The area directly below Bonneville Dam is now **the deadliest quarter mile that salmon experience on their adult migration.**

Is Bonneville Dam the Reason for the Sea Lion Problem on the Columbia?

It is tempting to frame the problem around the highly visible congregation of sea lions at Bonneville Dam, where animals exploiting a geographic bottleneck have drawn the most attention and management effort. But from 1937 when the dam was built to 2000, sea lions were only rarely seen there. The predation bottleneck at Bonneville Dam is a symptom of the Columbia River sea lion situation, not the cause.

The recent explosion of sea lion impacts on Columbia River salmon is rather the outcome of three interacting forces — population dynamics, ecological disruption, and learned behavior. These three factors matured and intersected in the late 2000s, which is why what had been either a minimal impact or a manageable nuisance became a crisis within a relatively short window of time.

Populations at Carrying Capacity
California and Steller sea lion populations, protected and recovered under the Marine Mammal Protection Act, have grown to the point where they are approaching or at carrying capacity in their traditional marine habitats. This population pressure pushes individuals to expand their foraging range and extend the time they spend in productive freshwater feeding areas like the Columbia River.



Ecological Distruption
Eulachon (smelt) runs historically attracted sea lions to the lower Columbia in late winter and early spring. After the run, the sea lions would typically return to the Pacific Ocean well before the first spring chinook arrived. Disrupted timing of both these runs, increasing the likelihood that they occur closer together. The result is an increased window of overlap between sea lions lingering in the river after the eulachon run and salmon arriving in concentrated numbers.

Learned Behavior
Sea lions are highly intelligent, socially observant animals. Individual animals that learned to exploit the Columbia River salmon runs have reinforced that behavior through repeated successful foraging and taught it to other sea lions. These sea lions now return to the Columbia River specifically for salmon, independent of eulachon availability entirely.

Addressing the Problem

Of the three contributing factors, only one offers a practical point of intervention. Reversing ecological disruption in the oceans operates at a scale entirely beyond the reach of regional fisheries management. Reducing the overall sea lion population to a level where carrying capacity pressure no longer drives river foraging would require culling on a broader scale that would be the responsibility of NOAA as the federal agency charged with managing a recovered species that was successfully recovered by the MMPA.

Interrupting the learned behavior component is the only lever available that is both logistically feasible and will produce results quickly enough to protect already threatened or endangered Columbia River salmon runs. The amended MMPA Section 120(f) provides tribes and states the tools to carry out this effort.