



H.R. 2083 — Endangered Salmon and Fisheries Predation Prevention Act (Rep. Herrera Beutler, R-WA)

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FLOOR SCHEDULE:

Scheduled for consideration on June 26, 2018 under a [rule](#). The rule makes three amendments in order and also provides for consideration of H.R. 6157, the Department of Defense Appropriations Act, 2019.

TOPLINE SUMMARY:

[H.R. 2038](#) would allow the secretary to issue permits to authorize the killing of individual sea lions that are part of a population that are not considered depleted or strategic in the Columbia River in an effort to protect endangered or threatened salmon, steelhead or eulachon, or species of lamprey or sturgeon that are listed as a species of concern.

COST:

The Congressional Budget Office (CBO) [estimates](#) implementing the bill would have a negligible effect on the federal budget.

CONSERVATIVE VIEWPOINTS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Background Information: In the Lower Columbia River, seals and sea lions are preventing several salmon species that are listed as endangered from recovering. While the Marine Mammal Protection Act of 1972 allows for the killing of predator seals and sea lions that are significantly impacting salmon stocks, litigation by certain groups has necessitated an update to the law, according to the committee [report](#).

The report accompanying H.R. 2083 (H. Rept. 115-289) can be found [here](#).

H.R. 2083 would express the sense of Congress that prevention of predation by pinnipeds (the term [pinniped](#) includes seals and walrus, in addition to sea lions), recovery of certain salmonid stocks, and the prevention of the future listing of fish stocks in the Columbia River under the Endangered Species Act are a vital priority and the federal government should continue to fund lethal and nonlethal removal of pinnipeds and deterrence measure to prevent predation.

The bill would amend [16 U.S.C. 1389\(f\)](#) to allow the secretary to issue permits to authorize the killing of individual pinnipeds that are part of a population that are not considered depleted or strategic in the Columbia River and its tributaries in an effort to protect endangered or threatened salmon, steelhead or eulachon, or species of lamprey or sturgeon that are listed as a species of concern. Permits may be issued to the states of Washington, Oregon and Idaho, and the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Columbia River Intertribal Fish Commission. The secretary may also, in consultation with the previously mentioned tribes, allow: (1) the state of Washington to enter into a memorandum of understanding (MOU) with the Cowlitz Indian Tribe for deterrence and removal of sea lions in the Cowlitz River; and, (2) the state of Oregon to enter into a MOU with the Confederated tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Indians of Oregon for deterrence and removal of sea lions on the Willamette River.

The bill would limit the number of pinnipeds that can be killed under all permits to under ten percent of the annual potential biological removal level for pinnipeds.

The bill requires pinnipeds to be killed humanely and must be implemented by agencies or qualified individuals.

The bill would require the secretary to suspend the issuance of permits after five years of enactment if the secretary determines it is no longer necessary to protect salmonid and other fish species from pinniped predation.

The bill would allow pinnipeds located upstream of Columbia River mile 112, or in any tributary to the Columbia River that includes spawning habitat of threatened or endangered salmon or steelhead to be killed.

AMENDMENTS MADE IN ORDER:

1. [Kilmer \(D-WA\)](#) – The amendment would replace ‘pinniped’ with ‘sea lion’ in each place it appears. The term [pinniped](#) includes seals and walruses, in addition to sea lions.
2. [Huffman \(D-CA\)](#) – The amendment would maintain the language of the sense of Congress in the underlying bill, except that the amendment would replace the term ‘pinniped’ with ‘sea lion’ in each place it appears. The amendment would require the secretary to determine whether nonlethal alternative measures to reduce sea lion predation of salmonid stocks would adequately protect them. The amendment requires this determination to be made within 90 days.

Entities would only be allowed to intentionally kill sea lions that are having a significant negative impact on the recovery of salmonid fishery stocks. The bill would also prohibit the killing of sea lions if the potential biological removal level is unknown.

The bill prohibits killing a sea lion unless the secretary has determined that the specific sea lion has preyed upon salmonid stocks in the Columbia River and nonlethal alternatives have been ineffective.

The amendment would limit the number of sea lions that can be killed under all permits to under ten percent of the annual potential biological removal level for sea lions. The underlying bill limits the number to five percent.

The amendment would define specific areas of the Columbia River where sea lions may be killed.

The amendment would maintain the following provisions of the underlying bill: the permitting process, limitations on annual takings, definitions of qualified individuals, suspension of permitting authority, the definitions of eligible entities, and treaty rights of Indian tribes.

3. [Vargas \(D-CA\)](#) – The amendment would require the Secretary of the Interior to submit a report to Congress on the potential effects the killing of pinnipeds could have on the recovery of salmonid stocks within 180 days of enactment. Section 3 of the underlying bill, which authorizes the killing of pinnipeds, would only take effect after the report is submitted to Congress.

COMMITTEE ACTION:

H.R. 2083 was introduced on April 8, 2017, and referred to the committee on Natural Resources. The committee held a mark-up on July 26, 2017, and the bill was reported by a vote of 21-14.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.” No specific enumerating clause was cited.

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