

108TH CONGRESS
1ST SESSION

H. R. 1097

To ensure that proper planning is undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River basin and the maintenance of reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. McDERMOTT (for himself, Mr. PETRI, Mr. LEACH, Mrs. NAPOLITANO, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. HOEFFEL, Ms. BALDWIN, Mr. FATTAH, Mrs. TAUSCHER, Mr. MORAN of Virginia, Mr. PAYNE, Mr. HONDA, Mr. SHAYS, Ms. LEE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. EVANS, Mr. CONYERS, Mr. BROWN of Ohio, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. ENGEL, Mr. GONZALEZ, Mr. SPRATT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OLVER, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. FARR, Mr. RAMSTAD, Mr. LYNCH, Mr. WEXLER, Mr. PALLONE, Mr. STARK, Mr. HOLT, Mr. KLECZKA, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. WALSH, Mr. GRIJALVA, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that proper planning is undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River basin and the mainte-

nance of reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, 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 “Salmon Planning Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds and declares that—

7 (1) certain species of salmon and steelhead in
 8 the Columbia and Snake River basin are on the
 9 brink of extinction as a consequence of various fac-
 10 tors, including hydroelectric projects, harvest man-
 11 agement practices, habitat degradation, altered in-
 12 stream flow, and unsound hatchery practices;

13 (2) these salmon and steelhead have major eco-
 14 nomic, ecological, educational, recreational, sci-
 15 entific, cultural, and spiritual significance to the Na-
 16 tion and its people;

17 (3) salmon and steelhead are a symbol of the
 18 Northwest, support thousands of jobs in coastal and
 19 inland communities, and serve as an indicator of the
 20 health of Northwest river ecosystems;

1 (4) the United States Government has signed
2 treaties with Indian tribes of Oregon, Washington,
3 and Idaho and with the Government of Canada cre-
4 ating a legally enforceable trust responsibility to re-
5 store salmon populations to sustainable, harvestable
6 levels;

7 (5) since the construction of 4 Federal dams on
8 the lower Snake River in Washington, salmon and
9 steelhead populations in the Snake River have plum-
10 meted, and all salmon and steelhead in the Snake
11 River are extinct or listed under the Endangered
12 Species Act of 1973 (16 U.S.C. 1531 et seq.);

13 (6) recent studies indicate that the time to pro-
14 tect remaining Snake River salmon and steelhead is
15 short, with scientists estimating that, if changes do
16 not occur, remaining Snake River salmon will be ex-
17 tinct in our lifetime;

18 (7) salmon and steelhead extinction could cost
19 taxpayers billions of dollars;

20 (8) a federally funded group of State, tribal,
21 Federal, and independent scientists found that par-
22 tially removing the 4 lower Snake River dams in
23 Washington is the surest way to protect and recover
24 Snake River salmon and steelhead;

1 (9) several communities that rely on the 4 lower
2 Snake River dams would be affected by partial dam
3 removal;

4 (10) a Federal court has found that the 4 lower
5 Snake River dams violate water quality standards
6 under the Federal Water Pollution Control Act (33
7 U.S.C. 1251 et seq.); and

8 (11) energy production in the Northwest is
9 heavily dependent upon hydropower and thus, the
10 prospects for salmon recovery and Northwest energy
11 production are inextricably linked.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to ensure the protection of Columbia and
14 Snake River salmon and steelhead while providing
15 for reliable, reasonably priced energy in the North-
16 west, an economically sustainable salmon recovery
17 program, and effective mitigation of potential eco-
18 nomic impacts to communities from potential dam
19 removal; and

20 (2) to ensure that the Northwest and the Na-
21 tion have completed the necessary planning and eval-
22 uation to respond rapidly if major new actions are
23 necessary to protect and recover salmon and
24 steelhead in the Columbia and Snake River basin.

1 **SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RE-**
2 **COVERY EFFORTS.**

3 (a) IN GENERAL.—Not later than 3 months after the
4 date of enactment of this Act, the Secretary of Commerce
5 shall enter into an arrangement with the National Acad-
6 emy of Sciences providing for scientific analysis of Federal
7 salmon recovery efforts and submission of a report on the
8 results of the analysis in accordance with subsection (c).

9 (b) CONTENTS.—For purposes of this section, sci-
10 entific analysis shall include, at a minimum, review of the
11 effectiveness of Federal salmon recovery actions, antici-
12 pated Federal salmon recovery actions, and the timelines
13 for, and feasibility of, implementing these actions. These
14 actions and anticipated actions shall be evaluated in terms
15 of whether they are likely to achieve recovery of salmon
16 and steelhead populations listed under section 4(c) of the
17 Endangered Species Act of 1973 (16 U.S.C. 1533).

18 (c) REPORT.—Not later than 9 months after the date
19 of enactment of this Act, the National Academy of
20 Sciences shall submit to the Secretary of Commerce, the
21 Secretary of the Army, the Secretary of the Interior, and
22 the Administrator of the Environmental Protection Agen-
23 cy a report on the results of the scientific analysis con-
24 ducted under this section.

1 **SEC. 4. GAO STUDY OF PARTIAL REMOVAL OF LOWER**
2 **SNAKE RIVER DAMS.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a study of the potential effects
5 of partially removing the 4 lower Snake River dams.

6 (b) CONTENTS.—The study shall include examination
7 of and recommendation for addressing, at a minimum, the
8 following:

9 (1) The economic effects of partial dam removal
10 for communities near the dams, upstream from the
11 dams, and for downstream and coastal communities,
12 including downstream and coastal communities lo-
13 cated within the boundaries of Alaska and Canada,
14 including employment gains or losses that would re-
15 sult from dam removal.

16 (2) The effects of partial dam removal on trans-
17 portation by water, including—

18 (A) the feasibility, costs, and sufficiency of
19 alternative transportation by railroad, highway,
20 and other means;

21 (B) the economic benefits and costs of
22 such alternatives;

23 (C) the environmental impact of shifting to
24 such alternatives;

1 (D) the means for mitigating any environ-
2 mental harm that might be caused by the use
3 of such alternatives; and

4 (E) any development or expansion of such
5 alternatives that would be required to continue
6 moving the same amount of cargo that is cur-
7 rently transported by water.

8 (3) The effects of partial dam removal on irri-
9 gation, including the availability of or need for alter-
10 natives to replace irrigation water or to extend irri-
11 gation pumps.

12 (4) The effects of partial dam removal on en-
13 ergy production, including the regional effects of any
14 changes in energy production, identification of re-
15 newable energy sources or energy efficiency meas-
16 ures that could replace any loss in energy produc-
17 tion, and the benefits and costs of such alternatives.

18 (5) The effects, including economic effects, of
19 the extinction of salmon and steelhead populations
20 in the Snake River.

21 (c) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Comptroller General
23 shall submit to each of the Secretary of the Army, the
24 Secretary of Commerce, and the Administrator of the En-

1 vironmental Protection Agency a report on the results of
2 the study conducted under this section.

3 **SEC. 5. AUTHORIZATION AND PLANNING OF SALMON RE-**
4 **COVERY.**

5 (a) PARTIAL DAM REMOVAL AUTHORIZATION.—The
6 Secretary of the Army, acting through the Corps of Engi-
7 neers, is authorized to partially remove the 4 lower Snake
8 River dams if—

9 (1) the Secretary of Commerce finds that such
10 action is necessary to restore Snake River salmon
11 and steelhead populations to meet obligations under
12 the Endangered Species Act of 1973 (33 U.S.C.
13 1531 et seq.);

14 (2) the Secretary of the Interior finds that such
15 action is necessary to meet treaty obligations to In-
16 dian tribes or other sovereign nations; or

17 (3) the Administrator of the Environmental
18 Protection Agency finds that such action is nec-
19 essary to meet requirements of the Federal Water
20 Pollution Control Act (33 U.S.C. 1251 et seq.).

21 (b) PRELIMINARY PLANNING WORK.—The Secretary
22 of the Army shall undertake such preliminary engineering,
23 design, construction, and other activities as may be nec-
24 essary to remove the 4 lower Snake River dams pursuant

1 to subsection (a). This work shall be completed within 12
2 months after the date of the enactment of this Act.

3 (c) FUNDING.—There is authorized to be appro-
4 priated to the Secretary of the Army \$4,000,000 for fiscal
5 year beginning after September 30, 2004, to carry out this
6 section. Such sums shall remain available until expended.

7 **SEC. 6. DEFINITIONS.**

8 In this Act, the following definitions apply:

9 (1) FEDERAL SALMON RECOVERY ACTIONS.—

10 The term “Federal salmon recovery actions” means
11 Federal actions required to protect and restore salm-
12 on and steelhead in the Columbia and Snake River
13 basin that are listed under section 4(c) of the En-
14 dangered Species Act of 1973 (16 U.S.C. 1533(c)).

15 (2) LOWER SNAKE RIVER DAMS.—The term “4
16 lower Snake River dams” means the following dams
17 on the Snake River, Washington:

18 (A) The Ice Harbor dam.

19 (B) The Lower Monumental dam.

20 (C) The Little Goose dam.

21 (D) The Lower Granite dam.

22 (3) POPULATIONS.—The term “populations”
23 means the 12 evolutionarily significant units of
24 salmon and steelhead in the Columbia and Snake
25 River basin that are listed under section 4(c) of the

1 Endangered Species Act of 1973 (16 U.S.C.
2 1533(c)).

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