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110TH CONGRESS
1ST SESSION

H. R. 1507

To ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin in a manner that protects and enhances local communities, ensures effective expenditure of Federal resources, and maintains 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 13, 2007

Mr. MCDERMOTT (for himself, Mr. PETRI, Mr. BLUMENAUER, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. WALSH of New York, Mr. PALLONE, Mr. RAMSTAD, Mr. HINCHEY, Mr. GILCHREST, Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. STARK, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. SCHIFF, Mr. BERMAN, Mr. KENNEDY, Mr. LEVIN, Mr. HONDA, Mr. BISHOP of New York, Mr. COSTELLO, Mr. TOWNS, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. COOPER, Ms. SCHAKOWSKY, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Natural Resources

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A BILL

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of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Salmon Economic Analysis and Planning Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Certain species of salmon and steelhead in the Columbia and Snake River Basin are on the brink of extinction as a consequence of various factors, including hydroelectric projects, harvest management practices, habitat degradation, altered in stream flow, and unsound hatchery practices.

(2) These salmon and steelhead have major economic, ecological, educational, recreational, scientific, cultural, and spiritual significance to the Nation and its people.

(3) The Federal Government and ratepayers in the Pacific Northwest have spent more than $6,000,000,000 on salmon recovery efforts.

(4) Thirteen salmon and steelhead species in the Columbia and Snake River Basin are listed for

protections under the Endangered Species Act of 1973 (6 U.S.C. 1531 et seq.).

(5) Salmon and steelhead extinction could cost taxpayers billions of dollars.

(6) Salmon and steelhead are symbols of the Pacific Northwest, support thousands of jobs in coastal and inland communities, and serve as an indicator of the health of Northern California and Pacific Northwest river ecosystems.

(7) Salmon and steelhead of the Snake River are a vital economic resource to communities in Alaska, Washington, Oregon, Idaho, and California. Restoring Snake River salmon to healthy, self-sustaining, harvestable levels will have significant economic benefits for these communities. Understanding these benefits is imperative to setting public policy on salmon restoration efforts in the Northwest.

(8) The original range of Snake River salmon included not only their existing habitat in central Idaho, northeast Oregon, southeast Washington, the lower Columbia River, and the coastal waters of Alaska, California, Oregon, and Washington, but also currently inaccessible habitat in the upper

Snake River Basin, including southern Idaho, southeast Oregon, and northern Nevada.

(9) The United States Government has signed treaties with Indian tribes in Oregon, Washington, Montana, and Idaho and with the Government of Canada creating a legally enforceable trust responsibility to restore salmon populations to sustainable, harvestable levels.

(10) Since the construction of 4 Federal dams on the lower Snake River in Washington, salmon and steelhead populations in the Snake River have significantly declined, and all salmon and steelhead in the Snake River are extinct or listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(11) Recent studies indicate that the time remaining to protect remaining Snake River salmon and steelhead is short, with scientists estimating that, if changes do not occur, many if not all of the remaining Snake River salmon and steelhead populations will be extinct in our lifetime.

(12) A federally funded group of State, tribal, Federal, and independent scientists found that partially removing the 4 lower Snake River dams in

Washington is the surest way to protect and recover Snake River salmon and steelhead.

(13) Several communities that rely on the 4 lower Snake River dams would be affected by partial dam removal.

(14) A Federal court has found that the 4 lower Snake River dams violate water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(15) Energy production in the Northwest is heavily dependent upon hydropower and thus, the prospects for salmon recovery and hydropower management are inextricably linked.

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

(1) to ensure the protection and recovery of Columbia and Snake River salmon and steelhead to self-sustaining, harvestable levels, while providing for reliable, reasonably priced energy in the Northwest and an economically sustainable salmon recovery program, and to maximize the potential economic benefits from potential dam removal while mitigating for its impacts; and

(2) to ensure that the Northwest and the Nation have completed the necessary planning and evaluation to efficiently manage salmon recovery, imple-

ment biologically effective measures, and respond rapidly if major new actions are necessary to protect and recover salmon and steelhead in the Columbia and Snake River Basin.

SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RECOVERY EFFORTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences providing for scientific analysis of Federal salmon protection, restoration, and recovery actions (hereinafter ''recovery actions'') and submission of a report on the results of the analysis in accordance with subsection (c).

(b) SUBJECTS OF ANALYSIS.—

(1) IN GENERAL.—For purposes of this section, scientific analysis shall include, at a minimum, review of—

(A) the biological effectiveness of—

(i) current Federal recovery actions for Columbia and Snake River Basin salmon and steelhead populations; and

(ii) anticipated Federal recovery actions for such populations, including those actions currently in the planning stage or

proposed in the most current Federal Columbia River Power System biological opinion; and

(B) the timelines for, and feasibility of, implementing those recovery actions.

(2) COMPARISON OF EFFECTIVENESS.—In such review, the effectiveness of those actions—

(A) shall be compared to the effectiveness of a Federal salmon recovery strategy that includes, but is not limited to, partial dam removal; and

(B) shall be evaluated and compared with respect to whether they are likely to achieve recovery to self-sustaining, harvestable population levels of naturally spawning, wild salmon and steelhead populations listed under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(3) IDENTIFICATION OF LIMITING FACTORS.—The analysis shall also identify limiting factors to salmon and steelhead recovery including the impacts of tributary habitat degradation, salmon harvest, hatcheries, and hydropower dams.

(4) GLOBAL CLIMATE CHANGE ANALYSIS.—The analysis shall also—

(A) identify the effect of global climate change on ocean conditions and on hydrological conditions in the Snake and Columbia Rivers and their salmon and steelhead-bearing tributaries; and

(B) examine how such global climate change effects might affect the Federal recovery actions necessary to achieve recovery of naturally spawning, wild salmon and steelhead populations to self-sustaining, harvestable levels.

(c) REPORT.—Not later than 8 months after the date of enactment of this Act, the National Academy of Sciences shall submit a final report on the results of the scientific analysis conducted under this section to the Secretary of Commerce and the Congress.

SEC. 4. STUDIES REGARDING REMOVAL OF LOWER SNAKE RIVER DAMS.

(a) STUDY OF ASSESSMENTS OF EFFECTS AND COSTS OF DAM REMOVAL.—The Comptroller General of the United States shall conduct a study reviewing the various assessments that have been conducted by Federal agencies and others regarding the potential effects and costs of partially and fully removing the 4 lower Snake River dams. The Comptroller General's review shall include a comparison of the scope and methodologies used

in, findings of, and recommendations made in those studies that have addressed any or all of the following:

(1) The economic effects of dam removal and recovered Snake River salmon and steelhead populations for communities near the dams, for communities upstream from the dams, and for downstream and coastal communities, including downstream and coastal communities located within the boundaries of Alaska, California, and Canada. This analysis should include the impacts on commercial fishing, sport fishing, and nonfishing recreation such as boating and camping, including employment gains or losses that would result from removing the lower Snake River dams and replacing their energy, navigation, and water supply benefits in the most cost-effective manner.

(2) The effects of dam removal on freight transportation, including—

(A) the feasibility, costs, and sufficiency of various alternative transportation configurations utilizing existing or upgraded railroads, highways, Columbia River barges, or other means;

(B) the economic benefits and costs of various alternatives for replacing the dams' freight transportation benefits;

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

(D) the means for mitigating any environmental harm that might be caused by the use of such alternatives; and

(E) any development or expansion of such alternatives that would be required to continue transporting the same amount of cargo that is currently transported on the lower Snake River.

(3) The effects of dam removal on irrigation, including the availability of alternatives to replace irrigation water or to extend irrigation pumps.

(4) The effects of dam removal on energy production, including the regional effects of any changes in energy production, identification of alternative renewable energy sources or energy efficiency measures that could replace any loss in energy production, and the benefits and costs of such energy alternatives.

(5) The economic effects of extinction of the salmon and steelhead populations in the Snake River.

(b) REVIEW OF DAM REMOVAL ENGINEERING COST DETERMINATIONS BY CORPS OF ENGINEERS.—The Comptroller General of the United States shall conduct a study reviewing and determining the accuracy of the engineering costs associated with dam removal as determined by the February 2002 Army Corps of Engineers Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement.

(c) REPORTS.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Congress final reports on both of the studies required under this section.

SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) FEDERAL SALMON RECOVERY ACTIONS.—The term ''Federal salmon recovery actions'' means Federal actions required to protect, recover, and restore salmon and steelhead in the Columbia and Snake River basin that are listed under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)).

(2) LOWER SNAKE RIVER DAMS.—The term ''4 lower Snake River dams'' means the following dams on the Snake River in Washington:

(A) The Ice Harbor dam.

(B) The Lower Monumental dam.

(C) The Little Goose dam.

(D) The Lower Granite dam.

(3) POPULATIONS.—The term ''populations'' means the 13 evolutionarily significant units of salmon and steelhead in the Columbia and Snake River Basin that are listed under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)).

(4) PARTIAL REMOVAL.—The terms ''partially removing'' and ''partial dam removal'' mean removing only the earthen portions of the lower Snake River dams and leaving the powerhouse and turbines in place.

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