

113TH CONGRESS
2D SESSION

H. R. 4097

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

FEBRUARY 26, 2014

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources and Energy and Commerce, 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 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.

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 Solutions and
5 Planning Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds and declares the fol-
8 lowing:

9 (1) Thirteen salmon and steelhead species in
10 the Columbia and Snake River Basin are listed for
11 protection under the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.) as a consequence of
13 various factors, including the construction and oper-
14 ation of hydroelectric projects, harvest management
15 practices, habitat degradation, altered in-stream flow
16 regimes, and unsound hatchery practices.

17 (2) The original range of Snake River salmon
18 included not only their existing habitat, but also
19 habitat in the upper Columbia River and the upper
20 Snake River Basins, including southern Idaho,
21 southeast Oregon, and northern Nevada.

22 (3) Since the construction of 4 Federal dams on
23 the lower Snake River in Washington, all salmon
24 and steelhead populations in the Snake River are ei-

1 ther already extinct or listed as an endangered or
2 threatened species under the Endangered Species
3 Act of 1973.

4 (4) Without action, climate change and rising
5 water temperatures will continue to have detrimental
6 effects on many North American coldwater fish spe-
7 cies, including salmon and steelhead populations.
8 Due to their high-elevation spawning grounds, Snake
9 River salmon are key to maintaining and rebuilding
10 those salmon populations threatened by rising water
11 temperatures throughout the Columbia River Basin.

12 (5) Salmon and steelhead populations have
13 major economic, ecological, educational, recreational,
14 scientific, cultural, and spiritual significance to the
15 Nation and its people. Even at their current de-
16 pressed population levels, these salmon and
17 steelhead populations generate hundreds of millions
18 of dollars in direct and indirect benefits for commu-
19 nities in Alaska, Washington, Oregon, Idaho, and
20 California; restoring these populations is estimated
21 to generate billions of dollars in additional revenue
22 for these States.

23 (6) The United States has signed treaties with
24 Indian tribes in Washington, Oregon, Montana, and
25 Idaho and with the Government of Canada, creating

1 legally enforceable treaty obligations to restore salm-
2 on populations to sustainable and harvestable levels.

3 (7) The Federal Government, the Bonneville
4 Power Administration, and United States ratepayers
5 in the Pacific Northwest have spent more than
6 \$11,000,000,000 on salmon recovery efforts in the
7 Columbia and Snake River Basin to date.

8 (8) A federally funded group of State, tribal,
9 Federal, and independent scientists found that re-
10 moving the 4 lower Snake River dams in Wash-
11 ington is the surest way to protect and recover these
12 salmon and steelhead populations. Similar conclu-
13 sions have been reached by the Army Corps of Engi-
14 neers and the Department of Commerce.

15 (9) Significant sediment buildup behind the
16 Lower Granite Dam poses a flood risk to the city of
17 Lewiston, Idaho. A study by the Army Corps of En-
18 gineers found that nearly \$2,000,000,000 worth of
19 buildings and infrastructure face a growing threat of
20 major damage from levee breaching. The same
21 Corps study estimates that the costs of river-dredg-
22 ing and levee-raising needed to protect this area
23 could cost taxpayers hundreds of millions of dollars.

24 (10) A Federal court has found that all 4 lower
25 Snake River dams violate water quality standards

1 under the Federal Water Pollution Control Act (33
2 U.S.C. 1251 et seq.).

3 (11) The removal of the 4 lower Snake River
4 dams would open up more than 100 miles of free-
5 flowing river ways to inland Northwest communities
6 and provide needed resources for more effective and
7 efficient freight transportation systems.

8 (12) In the event the 4 lower Snake River dams
9 are removed, their electricity generation, freight
10 shipping, and water supply benefits must be replaced
11 through other means in order to protect affected
12 communities, farms, and the regional energy supply
13 system; the dams' energy benefits should be replaced
14 with cost-effective, clean renewable sources that
15 focus on energy efficiency and conservation.

16 (13) Studies have found that the Northwest has
17 ample additional existing and potential clean renew-
18 able energy sources to replace the renewable elec-
19 tricity produced by the 4 lower Snake River dams in
20 an environmentally sound and cost effective manner.

21 (14) By completing the planning and evaluation
22 required under this Act, the Northwest and the Na-
23 tion will be better prepared to efficiently manage
24 salmon recovery and ensure prompt implementation
25 of Federal salmon recovery actions needed to protect

1 and restore wild Columbia and Snake River salmon
2 and steelhead.

3 (b) PURPOSES.—The purpose of this Act are—

4 (1) to ensure the protection and recovery of
5 wild Columbia and Snake River salmon and
6 steelhead to self-sustaining, harvestable levels, while
7 providing for reliable, reasonably priced, clean re-
8 newable energy in the Northwest, a reliable and af-
9 fordable freight transportation system, an economi-
10 cally sustainable salmon recovery program; and

11 (2) to maximize the economic benefits of re-
12 moval of the 4 lower Snake River dams while miti-
13 gating for its impacts.

14 **SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RE-**
15 **COVERY ACTIONS.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 date of enactment of this Act, the Secretary of Commerce
18 shall enter into an agreement with the National Academy
19 of Sciences providing for a scientific analysis of Federal
20 salmon recovery actions.

21 (b) REVIEW OF SNAKE RIVER DAM REMOVAL AND
22 OTHER ACTIONS.—Pursuant to the agreement under sub-
23 section (a), the National Academy of Sciences shall review,
24 at minimum—

1 (1) the impact, if any, that removal of the 4
2 lower Snake River dams would have on recovery of
3 salmon and steelhead populations; and

4 (2) any additional actions that may be nec-
5 essary to achieve recovery of salmon and steelhead
6 populations.

7 (c) REPORT.—Pursuant to the agreement under sub-
8 section (a), the National Academy of Sciences shall sub-
9 mit, not later than 10 months after the date of enactment
10 of this Act, a report on the results of the scientific analysis
11 conducted under the agreement—

12 (1) to the Secretary of the Army for consider-
13 ation in developing the updated feasibility study
14 under section 8;

15 (2) to the Secretaries of Commerce, Transpor-
16 tation, Energy, and the Interior and the Adminis-
17 trator of the Environmental Protection Agency; and

18 (3) to Congress.

19 **SEC. 4. STUDY OF RAIL, HIGHWAY, AND BARGE IMPROVE-**
20 **MENTS.**

21 (a) IN GENERAL.—The Secretary of Transportation
22 shall conduct a peer-reviewed study of the rail, highway,
23 and Columbia River barge infrastructure improvements
24 that would be necessary to ensure a cost-effective and effi-

1 cient transportation system for agricultural and other
2 shippers who—

3 (1) currently use barge transportation between
4 Lewiston, Idaho, and the confluence of the Snake
5 and Columbia Rivers; and

6 (2) would be unable to do so if the 4 lower
7 Snake River dams were removed.

8 (b) REVIEW OF POTENTIAL COST INCREASES.—In
9 carrying out subsection (a), the Secretary of Transpor-
10 tation shall review, at a minimum—

11 (1) increases, if any, in shipping costs that
12 would result if the 4 lower Snake River dams were
13 removed; and

14 (2) options for addressing any such increases so
15 as to minimize the potential impact on shippers.

16 (c) INPUT OF INTERESTED PARTIES.—In carrying
17 out subsection (a), the Secretary of Transportation shall
18 incorporate—

19 (1) input and feedback from—

20 (A) farmers and other shippers;

21 (B) the Washington, Idaho, and Oregon
22 State departments of transportation; and

23 (C) other relevant stakeholders in the agri-
24 cultural, business, and public interest commu-
25 nities; and

1 (2) any suggestions or decisions arrived at
2 through consensus deliberations of the same or simi-
3 lar participants.

4 (d) REPORT.—Not later than 12 months after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall transmit a report on the results of the study—

7 (1) to the Secretary of the Army for consider-
8 ation in developing the updated feasibility study
9 under section 8; and

10 (2) to Congress.

11 **SEC. 5. STUDY OF ENERGY REPLACEMENT.**

12 (a) IN GENERAL.—The Secretary of Energy, in con-
13 sultation with the Council on Environmental Quality, shall
14 conduct a peer-reviewed study of the energy replacement
15 options that exist to replace the power currently generated
16 by the 4 lower Snake River dams in the event the dams
17 are removed.

18 (b) REVIEW OF POTENTIAL CLEAN RENEWABLE EN-
19 ERGY RESOURCES AND CERTAIN PROJECTS.—In carrying
20 out subsection (a), the Secretary of Energy shall review—

21 (1) existing, planned, and potential clean renew-
22 able energy resources; and

23 (2) energy efficiency, energy conservation, and
24 combined heat and power projects.

1 (c) REPORT.—Not later than 12 months after the
 2 date of enactment of this Act, the Secretary of Energy
 3 shall transmit a report on the results of the study—

4 (1) to the Secretary of the Army for consider-
 5 ation in developing the updated feasibility study
 6 under section 8; and

7 (2) to Congress.

8 **SEC. 6. STUDY OF LOWER SNAKE RIVER RIVERFRONT REVI-**
 9 **TALIZATION.**

10 (a) IN GENERAL.—The Secretary of the Army, in
 11 consultation with relevant State and local governments
 12 and interested parties, shall conduct a study of—

13 (1) the riverfront revitalization and restoration
 14 opportunities that would exist in the event of the re-
 15 moval of the 4 lower Snake River dams; and

16 (2) the costs that would be incurred to imple-
 17 ment such revitalization and restoration measures.

18 (b) RIVERFRONT REVITALIZATION.—In carrying out
 19 subsection (a), the Secretary of the Army shall focus on
 20 riverfront revitalization for Lewiston, Idaho, and
 21 Clarkston, Washington, but may include a review of other
 22 impacted communities along the 140 miles of the lower
 23 Snake River.

24 (c) PEER REVIEW.—The study shall be subject to
 25 peer review generally in accordance with section 2034 of

1 the Water Resources Development Act of 2007 (33 U.S.C.
2 2343) to determine the accuracy of the preferred engineer-
3 ing options and costs determined by the Secretary.

4 (d) REPORT.—Not later than 12 months after the
5 date of enactment of this Act, the Secretary shall transmit
6 to Congress a report on the results of the study, including
7 the Secretary’s determinations concerning engineering op-
8 tions and costs.

9 **SEC. 7. STUDY OF IRRIGATION PROTECTIONS.**

10 (a) IN GENERAL.—The Secretary of the Interior, act-
11 ing through the Bureau of Reclamation, shall conduct a
12 peer-reviewed study of the options and costs regarding any
13 modifications to affected irrigation systems, cooling sys-
14 tems, and private wells that would be needed if the 4 lower
15 Snake River dams were removed.

16 (b) REPORT.—Not later than 12 months after the
17 date of enactment of this Act, the Secretary of the Interior
18 shall transmit a report on the study—

19 (1) to the Secretary of the Army for consider-
20 ation in developing the updated feasibility study
21 under section 8; and

22 (2) to Congress.

1 **SEC. 8. AUTHORIZATION AND STUDY OF SALMON RECOV-**
2 **ERY.**

3 (a) DAM REMOVAL AUTHORIZATION.—Congress
4 hereby determines that the Secretary of the Army may
5 remove the 4 lower Snake River dams.

6 (b) REVIEW AND UPDATE OF FEASIBILITY STUDY.—
7 The Secretary of the Army, in consultation with the Sec-
8 retary of Commerce, the Secretary of the Interior, and the
9 Administrator of the Environmental Protection Agency,
10 shall re-evaluate and update the U.S. Army Corps of Engi-
11 neers' Final Lower Snake River Juvenile Salmon Migra-
12 tion Feasibility Report/Environmental Impact Statement
13 (February 2002) pursuant to new information.

14 (c) CONSIDERATIONS.—The updated feasibility study
15 shall—

16 (1) take into consideration the results of the
17 studies and analyses carried out under this Act; and

18 (2) incorporate and address, at a minimum—

19 (A) current and expected future climate
20 change impacts on Columbia and Snake River
21 salmon and steelhead populations and their
22 habitat;

23 (B) replacement of the 4 lower Snake
24 River dams' average energy output (not name-
25 plate capacity) with clean renewable energy re-

1 sources, including energy efficiency and con-
2 servation;

3 (C) options for keeping currently irrigated
4 acreage intact and under irrigation in a dam re-
5 moval scenario;

6 (D) costs associated with Lower Granite
7 Dam reservoir sediment/flood risk mitigation in
8 a non-dam-removal scenario;

9 (E) Passive Use Values associated with
10 both dam removal and non-dam-removal sce-
11 narios; and

12 (F) alternate methods for removing the 4
13 lower Snake River dams in addition to the
14 method analyzed in the 2002 environmental im-
15 pact statement, including full dam removal and
16 removing or notching the dams' concrete por-
17 tions.

18 (d) COMPLETION; REPORT; PEER REVIEW.—The
19 Secretary of the Army shall—

20 (1) complete the re-evaluation and update and
21 submit a report thereon to Congress within 24
22 months after the date of enactment of this Act;

23 (2) include in the report a determination of en-
24 gineering options and costs; and

1 (3) submit the results of the re-evaluation and
2 update (including such determination of engineering
3 options and costs) to peer review generally in ac-
4 cordance with section 2034 of the Water Resources
5 Development Act of 2007 (33 U.S.C. 2343) to deter-
6 mine the accuracy of the preferred engineering op-
7 tions and costs.

8 **SEC. 9. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) CLEAN RENEWABLE ENERGY RESOURCES.—

11 The term “clean renewable energy resources”
12 means—

13 (A) incremental electricity produced as the
14 result of efficiency improvements to existing hy-
15 droelectric generation projects, including in irri-
16 gation pipes and canals, where the additional
17 generation in either case does not result in new
18 water diversions or impoundments;

19 (B) wind;

20 (C) solar energy;

21 (D) geothermal energy;

22 (E) landfill gas;

23 (F) wave, ocean, or tidal power;

24 (G) gas from sewage treatment facilities;

(H) biomass energy (as defined in section 932(a) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a))), excluding energy derived from—

(i) pulping liquor from paper production; or

(ii) forest materials from old growth forests; or

(I) any combination of the energy resources described in this paragraph.

(2) 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)). The term shall not be construed as just those actions needed to avoid jeopardy of these salmon and steelhead populations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) 4 LOWER SNAKE RIVER DAMS.—The term “4 lower Snake River dams” means the following dams on the Snake River, Washington:

(A) The Ice Harbor dam.

(B) The Lower Monumental dam.

1 (C) The Little Goose dam.

2 (D) The Lower Granite dam.

3 (4) PEER-REVIEWED STUDY.—The term “peer-
4 reviewed study” means, unless otherwise specified, a
5 study subject to peer review in accordance with the
6 guidelines issued by the Director of the Office of
7 Management and Budget under section 515 of the
8 Treasury and General Government Appropriations
9 Act, 2001 (as enacted into law by Public Law 106–
10 554; 114 Stat. 2763A–153).

11 (5) SALMON AND STEELHEAD POPULATIONS.—
12 The term “salmon and steelhead populations” means
13 the evolutionarily significant units of salmon and
14 steelhead in the Columbia and Snake River basin
15 that are listed under section 4(c) of the Endangered
16 Species Act of 1973 (16 U.S.C. 1533(c)).

○