

close to \$100 million for the enforcement and maintenance of a recent treaty signed with Canada on the subject of salmon in the Northwest, through the Environmental Protection Agency, and once again, through the appropriations bill the Senator from West Virginia and I will manage for the Department of Interior and related agencies.

In addition, of course, there will be those huge amounts of money, close to half a billion dollars a year, through rates charged for electricity by the Bonneville Power Administration and somewhat enhanced appropriations from the four States.

There are many, and I have been occasionally tempted toward this position myself, who will say that if we are not getting our money's worth and if there are so many different entities spending money on salmon recovery, would it not be appropriate to have a single federally appointed salmon czar who would determine how all of this money would be spent.

The argument for that proposition, I think, would be much stronger if there were a single salmon science; that is to say, if we knew precisely what we were doing, if there were one accepted way of getting the most for our money in connection with salmon recovery.

Of course, at this point, there is not. There are serious, well-founded debates throughout the country and in the Pacific Northwest as to various, widely different policy prescriptions for salmon recovery.

To have one decisionmaker for all of these expenditures is perhaps not wise, at least until we have learned a good deal more about how we go about attaining our goals.

I do think, however, there could be considerably more coordination than there is at the present time. Three years ago, I persuaded the Congress, as a rider on an appropriations bill, to create an independent scientific review board to advise the Bonneville Power Administration on how to spend the more than \$100 million a year in actual cash grants that it gives for salmon recovery. I had learned in the previous year that those decisions were made by various self-interested parties who awarded almost all of the money themselves without any discernible positive impact at all, and the situation with respect to that roughly 10 percent of the money spent on salmon recovery has been considerably improved by that independent scientific review.

I introduced a bill this year that would expand its authority to all the decisions made by the Bonneville Power Administration, not just direct money grants, but revenue foregone from its power cells, and I hope that the Congress will soon consider and pass that proposal.

Nevertheless, there remains a great deal of room for additional experimentation in connection with salmon recovery.

The bill which will be presented by the Senator from West Virginia and

myself in a few weeks for the Department of the Interior will include a modest \$4 million figure that will not go directly to the State of Washington, in this case, but will go, I hope, through a nonprofit organization which tells us that it can more than match the amount of money that we will appropriate and will direct most of its money at private volunteer citizen organizations.

I have found that those organizations do give us very much value for the money. Earlier this year, one local group of salmon recovery volunteers joined forces with a landowner on Snow Creek in my State. They received the cooperation of the Association of General Contractors in the State of Washington, an association that has a huge investment in connection with salmon recovery because of the impact of the Endangered Species Act on its ability to build.

Together, these volunteer organizations and private donors and representatives of the building industry have come up with an extremely constructive and almost certainly effective salmon recovery plan for a single stream. Like them, an organization of volunteers called Long Live the Kings is one of the dozen or more such organizations in the State of Washington, each of which is working on a single stream or group of streams with tremendous volunteer labor and great enthusiasm. Aid and assistance to them without detailed regulation from the State seems to me to be a wise investment of a modest portion of our money in this respect.

There are some in this body and others who say this is a regional problem and it should be paid for entirely by the region itself. And certainly the people of the Pacific Northwest put a very high value on salmon recovery.

But the way in which they must approach that salmon recovery is governed almost entirely, some would say distorted, by the Endangered Species Act, an act of the Congress of the United States which is both broad in one sense and very narrow in another sense in its scope, and governs many decisions in the State far beyond simply the management of our waters and of our salmon recovery itself.

So the Federal Government, having imposed these requirements, has an obligation at least substantially to help fund them. Nevertheless, I am here today to say that while this is a very high priority of the Congress, an extremely high priority of the people in my State and the other States in the Columbia River Basin, it is one on which we know and believe we should be held accountable by the Congress. We will do the best job we possibly can with the moneys appropriated by Congress or directed by Congress to see to it that we are successful.

Recent listings in the Puget Sound area now have the Endangered Species Act, for the first time, as having an immense impact on a major metropolitan

area in the United States. The people of my State are eager to take on that task. They have asked for modest help from us here. We are giving them that modest help. We will keep Congress and the people of the United States advised of how well we are doing with the generous assistance that my colleagues have helped me to provide.

#### THE ALABAMA STURGEON

Mr. LOTT. Mr. President, the story of the efforts to protect the Alabama Sturgeon has been a very long and very ugly one. For many years Congress has been involved. Just three years ago, Congress thought they had put an end to the listing battle when a partnership was formed between the Fish and Wildlife Service (FWS) and the Alabama Department of Natural Resources and Conservation. A five-year recovery plan was established to repopulate the Tennessee-Tombigbee with Sturgeon. Now this program has fallen to pieces, because the FWS pulled the plug by taking the dedicated funds and proceeding directly to a formal listing under the Endangered Species Act.

The FWS needs to do the right thing. For me, this means the FWS should honor the partnership it set up with Alabama's Department of Conservation and Natural Resources. This program is at year three of a 5-year program and there is no evidence that the state of Alabama was performing poorly. However, it is clear the FWS wants to renege on the deal. Reneging on a program that provides more direct and dedicated funding, and thus more resources, for the Alabama Sturgeon restoration than any funds the Fish and Wildlife Service spent under its own auspices. This simply does not make fiscal or scientific sense.

In both 1993 and 1994 Congress opposed the endangered species listing of the Alabama Sturgeon because of the lack of sound science. Congress also recognized the tremendous economic impact this listing would have on our region. The listing would have caused billions of dollars in river commerce to be disrupted. Nothing has changed in six years—no new science—no difference in the economic impact.

The FWS promised that the habitat designation will not require the stopping of dredging. However, someone forgot to tell the FWS office in Daphne, Alabama, what their position is supposed to be. The FWS office in Daphne, Alabama, has stated in writing that maintenance dredging will harm the sturgeon, and thus must not occur. I ask unanimous consent that the attached letter written to the Mobile, Alabama, office of the Army Corps of Engineers on June 17, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
FISH AND WILDLIFE SERVICE,  
*Daphne, AL, June 17, 1999.*  
DISTRICT ENGINEER,  
*U.S. Army Corps of Engineers,*  
*Mobile, AL.*

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99-01811-F, in which the applicant, Boise Cascade Corporation, is proposing to hydraulically maintenance dredge approximately 2,000 cubic yards of silt, sand, and clay, per year, for five years from the Tombigbee River, near mile 89, Washington County, Alabama. All excavated material would be placed in the applicant's upland disposal site. The proposed maintenance dredging is currently authorized by Department of the Army General Permit Number ALG98-02923-E. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

We do not believe that this project would have significant impacts on non endangered fish and wildlife resources. However, we have determined that the federally threatened gulf sturgeon (*Acipenser oxyrinchus desotoi*) occurs in the project area. Our records indicate that this species has been found in the Tombigbee River both upstream and downstream of the proposed dredge site. The Gulf Sturgeon is an anadromous fish that migrates from salt water into coastal rivers to spawn and spend warm months. The majority of its life is spent in fresh water. Major population limiting factors are thought to include barriers (dams) to historical spawning habitats, loss of habitat, poor water quality, and over fishing. However, we have determined that the proposed project will likely not affect this species if the following recommendations are adopted and used:

(1) No dredging work shall be performed during the months November through April.

(2) No work should be conducted across the entire river channel at any one time. (All underwater activity shall be limited to one general location within the river channel at any time.)

(3) No work barges or vessels should be moored in shallow waters along the shorelines from November through April.

If the applicant agrees to these conditions, formal consultation under the Endangered Species Act, Section 7, will not be necessary at this time. Implementation of these measures should provide adequate protection to avoid any impact on Gulf sturgeon inhabiting these waters during winter months or migrating to/from the Gulf of Mexico. Therefore, if they are followed, no further endangered species consultation will be required for this portion of the project unless: (1) the identified action is subsequently modified in a manner that causes an effect on this listed species; (2) new information reveals the identified action may affect another Federally protected species or a critical habitat in a manner or to an extent not previously considered; or (3) a new species is listed or a critical habitat is designated under the Endangered Species Act that may be affected by the identified action. Our positions on the proposed maintenance dredging project is based on the assumption that Best Management Practices will be followed and the Alabama State Section 401 CWA certification is not violated.

If you have any questions, please contact Mr. Dean Heckathorn at 334/441-5181.

Sincerely,

E.R. ROACH,  
*Acting Field Supervisor.*

Mr. LOTT. This letter clearly states that dredging can only occur during six months of the year, and at no time can work be conducted across the entire river channel. It is clear to me, and it is clear to all my colleagues in the chamber today that dredging will be stopped. Also, on May 10, 1999, the FWS office in Daphne, Alabama, again wrote the Mobile Corp about another maintenance dredging project in Mobile. I ask unanimous consent that this letter to the Mobile Corp of Engineers be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
FISH AND WILDLIFE SERVICE,  
*Daphne, AL, May 10, 1999.*

DISTRICT ENGINEER,  
*U.S. Army Corps of Engineers,*  
*Mobile, AL.*

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99-01328-S in which the applicant, Kimberly-Clark Corporation, is proposing to maintenance dredge within an existing dry dock slip on David Lake, near Mobile River, Mobile County, Alabama. A 200-foot-long by 52-foot-wide area would be dredged to a depth of minus 24 mean low water (MLW). All material would be placed within an existing upland disposals area. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

The Service does not object to this proposed project. However, the federally listed Gulf sturgeon (*Acipenser oxyrinchus desotoi*—Threatened) and the proposed for listing, Alabama sturgeon (*Scaphirhynchus suttkusi*) are found in these waters. The Gulf sturgeon is an anadromous fish which migrates from salt water into large coastal river to spawn and spend the warm months. According to our records the Gulf sturgeon seasonally occurs and the Alabama sturgeon is a permanent resident within the Mobile River. Throughout their ranges these species have had their forage and spawning habitats adversely affected from dams. In addition, dredging, desnagging, and spoil deposition carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species.

In order to avoid adverse impacts to these species covered by the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.) (ESA), we recommend that the applicant implement appropriate Best Management Practices (BMPs) including the use of turbidity screens, as necessary to minimize turbidity downstream of the project site. Dredging activities should not exceed ambient water clarity of more than 50 Nephelometric turbidity units (NTU's). The Service believes that your project will not have an adverse effect on these sturgeon species, if these BMPs are followed. If these conditions are not acceptable then further consultation with this office is recommended in accordance with Section 7 of the ESA.

Should you have any questions or require additional information, please contact Mr. Dean Heckathorn at (334) 441-5181.

Sincerely,

E.R. ROACH,  
*Acting Field Supervisor.*

Mr. LOTT. This letter stated "dredging, desnagging, and spoil disposition

carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species." Again this proves dredging will be stopped, and the FWS will not hold true to its oral promises here in Washington.

During this time frame a lawsuit has also been pending in the United States District Court for the Middle District of Alabama, styled Alabama Sturgeon. et al. v. Bruce Babbitt, as Secretary of the Interior, et al. Two months ago, on April 26, 1999, the court issued an Order noting the parties were engaged in "settlement negotiations" which were likely to lead to dismissal of the lawsuit. Four days later, on April 30, 1999, for some unknown reason the court issued the Order proposing to dismiss the lawsuit upon the payment of \$20,000 in attorneys' fees and costs to the plaintiffs by the government. Neither the Court Order nor the Joint Stipulation of Dismissal and Notice of a Compromise Settlement of Attorney's fees and Costs makes any attempt to justify the rationale for this result. For some reason the Justice Department apparently decided to simply make a gift of \$20,000 to the lawyers in this case.

This Administration has not only given away \$20,000 to these lawyers to sweep this lawsuit under the rug, it also stole more than \$400,000 designated for sturgeon restoration. I am disappointed by these actions.

It is my firm belief that Alabama's Federal partner is not motivated by a desire to restore the sturgeon. Clearly, making a decision to list the Alabama Sturgeon as an endangered species, while having no new scientific information must be based in politics—not science. Why an adversarial approach? The solution to this politically driven problem is simple. Let Alabama finish its 5-year program. The Fish and Wildlife Service action is wrong for Alabama . . . wrong for Mississippi . . . wrong for America. We all must continue to press forward in this fight to do the right thing for the Alabama Sturgeon in spite of these actions by FWS.

#### AMBASSADOR JAMES R. SASSER

Mr. BINGAMAN. Mr. President, I want to take a moment to call the attention of my colleagues to an important day for one of our former colleagues; and that is, Senator Jim Sasser, who is returning from China where he has served this country very well as our Ambassador for the last 3½ years. He was confirmed in this Senate on December 19, 1995, and with an overwhelming vote.

We are proud of the service he has performed, particularly in recent months, because of the strained relations we have had and the genuine misunderstanding which has existed concerning the bombing of the Chinese Embassy in Belgrade.