

tions, informed by Indigenous Knowledge, to restore healthy and abundant salmon, steelhead, and other native fish populations in the Basin; to secure a clean and resilient energy future for the region; to support local agriculture and its role in food security domestically and globally; and to invest in the communities that depend on the services provided by the Basin's Federal dams to enhance resilience to changes to the operation of the CRS, including those necessary to address changing hydrological conditions due to climate change.

**SEC. 2. Federal Implementation.** (a) All executive departments and agencies (agencies) with applicable authorities and responsibilities, including the Department of the Interior, including the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the United States Fish and Wildlife Service, and the United States Geological Survey; the Department of Agriculture, including the United States Forest Service and the Natural Resources Conservation Service; the Department of Commerce, including the National Oceanic and Atmospheric Administration; the Department of Energy, including the Bonneville Power Administration; the Department of the Army, including the United States Army Corps of Engineers; and the Environmental Protection Agency, are directed to utilize their authorities and available resources to advance the policy established in section 1 of this memorandum.

(b) Within 120 days of the date of this memorandum [Sept. 27, 2023], all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall review their programs affecting salmon, steelhead, and other native fish populations in the Basin, including any program with authority or responsibility with respect to the CRS, for consistency with the policy established in section 1 of this memorandum. As soon as practicable following such review, agencies shall, consistent with applicable law, identify and initiate any steps necessary to advance that policy.

(c) Within 220 days of the date of this memorandum, all agencies with applicable authorities and responsibilities, including those agencies identified in subsection (a) of this section, shall provide the Director of the Office of Management and Budget (Director) an assessment of the agency's programs that can advance the policy established in section 1 of this memorandum and the resources such programs need for this purpose. Based on the assessment, each agency shall prioritize these activities to the extent feasible in their program and budget planning.

**SEC. 3. Intergovernmental Partnership.** The Chair of the Council on Environmental Quality (Chair) and the Director shall explore opportunities and mechanisms to develop an intergovernmental partnership, including through a memorandum of understanding, to advance the policy established in section 1 of this memorandum within the United States; the States of Oregon, Washington, Montana, and Idaho; the Tribal Nations of the Basin, including the Columbia Basin Treaty Tribes (the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation); the Upper Columbia United Tribes (the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe of Indians, the Spokane Tribe of Indians, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho); the Upper Snake River Tribes (the Burns Paiute Tribe, the Fort McDermitt Paiute-Shoshone Tribe, the Shoshone-Bannock Tribes of the Fort Hall Reservation, and the Shoshone-Paiute Tribes of the Duck Valley Reservation); and other Tribal Nations, as appropriate. Within 120 days of the date of this memorandum, the Chair and the Director shall submit a report to the President with an update on progress in developing this intergovernmental partnership.

**SEC. 4. General Provisions.** (a) Nothing in this memorandum shall be construed to impair or otherwise affect the ability of heads of agencies to meet the require-

ments of sections 2 and 3 of this memorandum before the deadlines in those sections or to produce additional materials not specifically requested in this memorandum.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) Independent agencies are strongly encouraged to comply with the provisions of this memorandum.

**SEC. 5. Publication.** The Chair is hereby authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

### § 3302. Definitions

As used in this chapter—

(1) The term “appropriate tribal coordinating body” means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term “charter vessel” means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term “charter fishing” means fishing undertaken aboard charter vessels.

(4) The term “Columbia River conservation area” means—

(A) all habitat within the Columbia River drainage basin; and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial seas of Oregon and Washington,

in which one or more stocks that originate in the habitat describe<sup>1</sup> in subparagraph (A) migrate.

(5) The term “Columbia River tribal coordinating body” means the organization duly authorized by those treaty tribes of the Columbia River drainage basin to coordinate activities for them for purposes of this chapter.

(6) The term “commercial fishing” means fishing for the purpose of sale or barter.

(7) The term “commercial fishing vessel” or “fishing vessel” means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term “enhancement” means projects undertaken to increase the production of naturally spawning or artificially propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

<sup>1</sup> So in original. Probably should be “described”.

(9) The term “habitat” means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term “recreational fishing” means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term “salmon” means any anadromous species of the family Salmonidae and Genus *Oncorhynchus*, commonly known as Pacific salmon.

(12) The term “salmon or steelhead resource” means any stock of salmon or steelhead.

(13) The term “steelhead” means the anadromous rainbow trout species *Salmo gairdneri*, commonly known as steelhead.

(14) The term “stock” means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term “treaty” means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead within the Washington or Columbia River conservation areas.

(16) The term “treaty tribe” means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term “Washington conservation area” means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term “Washington tribal coordinating body” means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this chapter.

(Pub. L. 96-561, title I §103, Dec. 22, 1980, 94 Stat. 3276.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Pacific Fishery Management Council, referred to in par. (4)(B)(i), was established by section 1852 of this title. Pub. L. 99-659 amended section 1811 of this title by substituting provisions relating to exclusive economic zones, for fishery conservation zones.

#### SUBCHAPTER II—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

### § 3311. Salmon and Steelhead Advisory Commission

#### (a) Establishment

Within 90 days after December 22, 1980, the Secretary of Commerce (hereinafter in this subchapter referred to as the “Secretary”) shall establish the Salmon and Steelhead Advisory

Commission (hereinafter referred to in this chapter as the “Commission”), which shall consist of one voting member from each of the following:

- (1) The State of Washington.
- (2) The State of Oregon.
- (3) The Washington tribal coordinating body.
- (4) The Columbia River tribal coordinating body.
- (5) The Pacific Fishery Management Council.
- (6) The National Marine Fisheries Service.

#### (b) Membership

(1) The voting representatives shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

(3) For the purposes of this subsection, the term “qualified individual” means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

#### (c) Report by Commission

Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

- (1) the development of common principles to govern and coordinate effectively management and enhancement activities;
- (2) the prevention of overfishing;
- (3) the use of the best scientific information available;
- (4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;
- (5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;
- (6) the optimization of the use of resources for enforcement;
- (7) the consideration of harvest activities as they relate to existing and future international commitments;