

109TH CONGRESS
1ST SESSION

H. R. 1615

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

APRIL 13, 2005

Mr. MCDERMOTT (for himself, Mr. PETRI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEACH, Mr. FARR, Mr. SHAYS, Mr. PALLONE, Mr. RAMSTAD, Mr. KILDEE, Mr. JOHNSON of Illinois, Mr. SPRATT, Mr. WALSH, Mrs. TAUSCHER, Mr. BOEHLERT, and Mr. GEORGE MILLER of California) 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 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.

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;

21 (4) the United States Government has signed
22 treaties with Indian tribes of Oregon, Washington,
23 and Idaho and with the Government of Canada cre-
24 ating a legally enforceable trust responsibility to re-

1 store salmon populations to sustainable, harvestable
2 levels;

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

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

14 (7) salmon and steelhead extinction could cost
15 taxpayers billions of dollars;

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

21 (9) several communities that rely on the 4 lower
22 Snake River dams would be affected by partial dam
23 removal;

24 (10) a Federal court has found that the 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.); and

3 (11) energy production in the Northwest is
4 heavily dependent upon hydropower and thus, the
5 prospects for salmon recovery and Northwest energy
6 production are inextricably linked.

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

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

15 (2) to ensure that the Northwest and the Na-
16 tion have completed the necessary planning and eval-
17 uation to respond rapidly if major new actions are
18 necessary to protect and recover salmon and
19 steelhead in the Columbia and Snake River basin.

20 **SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RE-**
21 **COVERY EFFORTS.**

22 (a) IN GENERAL.—Not later than 3 months after the
23 date of enactment of this Act, the Secretary of Commerce
24 shall enter into an arrangement with the National Acad-
25 emy of Sciences providing for scientific analysis of Federal

1 salmon recovery efforts and submission of a report on the
2 results of the analysis in accordance with subsection (c).

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

12 (c) REPORT.—Not later than 9 months after the date
13 of enactment of this Act, the National Academy of
14 Sciences shall submit to the Secretary of Commerce, the
15 Secretary of the Army, the Secretary of the Interior, and
16 the Administrator of the Environmental Protection Agen-
17 cy a report on the results of the scientific analysis con-
18 ducted under this section.

19 **SEC. 4. GAO STUDY OF PARTIAL REMOVAL OF LOWER**
20 **SNAKE RIVER DAMS.**

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

1 (b) CONTENTS.—The study shall include examination
2 of and recommendation for addressing, at a minimum, the
3 following:

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

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

13 (A) the feasibility, costs, and sufficiency of
14 alternative transportation by railroad, highway,
15 and other means;

16 (B) the economic benefits and costs of
17 such alternatives;

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

20 (D) the means for mitigating any environ-
21 mental harm that might be caused by the use
22 of such alternatives; and

23 (E) any development or expansion of such
24 alternatives that would be required to continue

1 moving the same amount of cargo that is cur-
2 rently transported by water.

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

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

13 (5) The effects, including economic effects, of
14 the extinction of salmon and steelhead populations
15 in the Snake River.

16 (c) REPORT.—Not later than 18 months after the
17 date of enactment of this Act, the Comptroller General
18 shall submit to each of the Secretary of the Army, the
19 Secretary of Commerce, and the Administrator of the En-
20 vironmental Protection Agency a report on the results of
21 the study conducted under this section.

22 **SEC. 5. AUTHORIZATION AND PLANNING OF SALMON RE-**
23 **COVERY.**

24 (a) PARTIAL DAM REMOVAL AUTHORIZATION.—The
25 Secretary of the Army, acting through the Corps of Engi-

1 neers, is authorized to partially remove the 4 lower Snake
2 River dams if—

3 (1) the Secretary of Commerce finds that such
4 action is necessary to restore Snake River salmon
5 and steelhead populations to meet obligations under
6 the Endangered Species Act of 1973 (33 U.S.C.
7 1531 et seq.);

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

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

15 (b) PRELIMINARY PLANNING WORK.—The Secretary
16 of the Army shall undertake such preliminary engineering,
17 design, construction, and other activities as may be nec-
18 essary to remove the 4 lower Snake River dams pursuant
19 to subsection (a). This work shall be completed within 12
20 months after the date of the enactment of this Act.

21 (c) FUNDING.—There is authorized to be appro-
22 priated to the Secretary of the Army \$4,000,000 to carry
23 out subsection (b). Such sums shall remain available until
24 expended.

1 **SEC. 6. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) FEDERAL SALMON RECOVERY ACTIONS.—

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

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

12 (A) The Ice Harbor dam.

13 (B) The Lower Monumental dam.

14 (C) The Little Goose dam.

15 (D) The Lower Granite dam.

16 (3) POPULATIONS.—The term “populations”
17 means the 12 evolutionarily significant units of
18 salmon and steelhead in the Columbia and Snake
19 River basin that are listed under section 4(c) of the
20 Endangered Species Act of 1973 (16 U.S.C.
21 1533(e)).

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