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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R.

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

Mr. McDERMOTT introduced the following bill; which was referred to the
Committee on _____

A BILL

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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) Certain species of wild salmon and
10 steelhead in the Columbia and Snake River Basin
11 are on the brink of extinction as a consequence of
12 various factors, including the construction and oper-
13 ation of hydroelectric projects, harvest management
14 practices, habitat degradation, altered in-stream flow
15 regimes, and unsound hatchery practices.

16 (2) These salmon and steelhead have major eco-
17 nomic, ecological, educational, recreational, sci-
18 entific, cultural, and spiritual significance to the Na-
19 tion and its people.

20 (3) Thirteen salmon and steelhead species in
21 the Columbia and Snake River Basin are listed for
22 protection under the Endangered Species Act of
23 1973 (16 U.S.C. 1531 et seq.).

24 (4) The Federal Government, including Bonne-
25 ville Power Administration’s ratepayers in the Pa-

1 cific Northwest, has spent more than
2 \$8,000,000,000 on salmon recovery efforts in the
3 Columbia and Snake River Basin to date.

4 (5) Salmon and steelhead are symbols of the
5 Pacific Northwest, support thousands of jobs in
6 coastal and inland communities, and serve as an in-
7 dicator of the health of Northern California, Nevada,
8 Alaska, and Pacific Northwest river ecosystems.

9 (6) Salmon and steelhead of the Snake River
10 are a vital economic resource to communities in
11 Alaska, Washington, Oregon, Idaho, and California.
12 Restoring Snake River salmon to healthy, self-sus-
13 taining, harvestable levels will have significant eco-
14 nomic benefits for these communities as well as com-
15 munities in Nevada where these fish once returned.

16 (7) The original range of Snake River salmon
17 included not only their existing habitat in central
18 Idaho, northeast Oregon, southeast Washington, the
19 mid- and lower Columbia River, and the coastal
20 waters of Alaska, California, Oregon, and Wash-
21 ington, but also habitat in the upper Columbia River
22 and the upper Snake River Basin, including south-
23 ern Idaho, southeast Oregon, and northern Nevada.

24 (8) The United States Government has signed
25 treaties with Indian tribes in Oregon, Washington,

1 Montana, and Idaho and with the Government of
2 Canada creating a legally enforceable trust responsi-
3 bility to restore salmon populations to sustainable,
4 harvestable levels.

5 (9) Since the construction of 4 Federal dams on
6 the lower Snake River in Washington, salmon and
7 steelhead populations in the Snake River have sig-
8 nificantly declined, and all salmon and steelhead
9 populations in the Snake River are either already ex-
10 tinct or listed as endangered species or threatened
11 species under the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.).

13 (10) Recent studies indicate that the window of
14 time to protect and restore Snake River salmon and
15 steelhead is short, with scientists estimating that, if
16 changes do not occur, several of the remaining
17 Snake River salmon populations could be extinct
18 within the next 20 years.

19 (11) A federally funded group of State, tribal,
20 Federal, and independent scientists found that re-
21 moving the 4 lower Snake River dams in Wash-
22 ington is the surest way to protect and recover
23 Snake River salmon and steelhead. Similar conclu-
24 sions have been reached in studies by the Army
25 Corps of Engineers and the Department of Com-

1 merce. At the same time, it is well understood that
2 removing these dams is not a “silver bullet” for the
3 recovery of all salmon and steelhead populations in
4 the Columbia and Snake River Basin and other ac-
5 tions are also necessary to further protect and re-
6 store these fish.

7 (12) Removal of the 4 lower Snake River dams
8 would affect electricity generation, freight shipping,
9 and water supply systems, and these benefits must
10 be replaced through other means in order to protect
11 local communities, farms, and the regional energy
12 supply system.

13 (13) The 4 lower Snake River dams currently
14 produce renewable electricity. Studies have found
15 that the Northwest has ample additional existing
16 and potential clean renewable energy sources to cost-
17 effectively replace the power produced by these dams
18 in a manner that is compatible with broader efforts
19 to reduce regional greenhouse gas emissions.

20 (14) In the event that the 4 lower Snake River
21 dams are removed, their energy benefits should be
22 replaced with cost-effective, clean renewable sources,
23 as well as energy efficiency and conservation.

24 (15) The removal of the 4 lower Snake River
25 dams would bring opportunities to inland Northwest

1 communities by opening up 140 miles of free-flowing
2 river, and providing needed resources for more effec-
3 tive and efficient freight transportation systems.

4 (16) A Federal court has found that the 4
5 lower Snake River dams violate water quality stand-
6 ards under the Federal Water Pollution Control Act
7 (33 U.S.C. 1251 et seq.).

8 (17) A significant amount of sediment has built
9 up behind Lower Granite Dam, posing a flood risk
10 to the city of Lewiston, Idaho, which now sits below
11 the height of the lower Snake River. A study by the
12 Army Corps of Engineers found that nearly
13 \$2,000,000,000 worth of buildings and infrastruc-
14 ture sit in the Clarkston/Lewiston area floodplain
15 where they face a growing threat of major damage
16 from levee breaching. The same Corps study esti-
17 mates that the costs of river-dredging and levee-rai-
18 sing needed to protect these areas could cost tax-
19 payers hundreds of millions of dollars.

20 (18) Global warming is already having and will
21 continue to have detrimental effects on Pacific salm-
22 on populations. Snake River salmon may be key to
23 maintaining and rebuilding salmon populations
24 throughout the Columbia and Snake River Basin, as
25 their high-elevation spawning grounds are the most

1 likely to remain viable in the face of warming tem-
2 peratures; thus, taking action now to protect these
3 salmon is vitally important.

4 (19) The Northwest Power and Conservation
5 Council commissioned a report in 2000 that con-
6 cluded that removing the 4 lower Snake River dams
7 is a more cost-effective way to restore wild salmon
8 and steelhead populations to the Columbia and
9 Snake River Basin than strategies that do not in-
10 clude dam removal.

11 (20) Three of the last four biological opinions
12 regarding the Columbia and Snake River Federal
13 hydrosystem have been found illegal by Federal
14 courts.

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

16 (1) to ensure the protection and recovery of
17 wild Columbia and Snake River salmon and
18 steelhead to self-sustaining, harvestable levels, while
19 providing for reliable, reasonably priced, and clean
20 renewable energy in the Northwest, a reliable and
21 affordable freight transportation system, and an eco-
22 nomically sustainable salmon recovery program, and
23 to maximize the economic benefits from potential
24 dam removal while mitigating for its impacts; and

1 (2) to ensure that the Northwest and the Na-
2 tion have completed the necessary planning and eval-
3 uation to efficiently manage salmon recovery by im-
4 plementing biologically effective measures and re-
5 sponding rapidly if and when major new actions are
6 determined to be necessary to protect and recover
7 salmon and steelhead in the Columbia and Snake
8 River Basin.

9 **SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RE-**
10 **COVERY EFFORTS.**

11 (a) IN GENERAL.—Not later than 3 months after the
12 date of enactment of this Act, the Secretary of Commerce
13 shall enter into an arrangement with the National Acad-
14 emy of Sciences providing for scientific analysis of Federal
15 salmon recovery efforts and submission of a report on the
16 results of the analysis in accordance with subsection (c).

17 (b) CONTENTS.—For purposes of this section, sci-
18 entific analysis shall include, at a minimum, a review of
19 Snake River dam removal and other actions that may be
20 necessary to achieve recovery of salmon and steelhead pop-
21 ulations of the Columbia and Snake River Basin listed
22 under section 4(c) of the Endangered Species Act of 1973
23 (16 U.S.C. 1533(c)).

24 (c) REPORT.—Not later than 12 months after the
25 date of enactment of this Act, the National Academy of

1 Sciences shall submit to the Secretary of Commerce, the
2 Secretary of the Army, the Secretary of the Interior, the
3 Administrator of the Environmental Protection Agency,
4 and to Congress a report on the results of the scientific
5 analysis conducted under this section.

6 **SEC. 4. STUDY OF RAIL, HIGHWAY, AND BARGE IMPROVE-**
7 **MENTS.**

8 The Secretary of Transportation shall conduct a
9 peer-reviewed analysis of which rail, highway, and Colum-
10 bia River barge infrastructure improvements would be nec-
11 essary to ensure a cost-effective and efficient transpor-
12 tation system for agricultural and other shippers who cur-
13 rently use barge transportation between Lewiston, Idaho,
14 and the confluence of the Snake and Columbia Rivers and
15 would be unable to do so if the 4 lower Snake River dams
16 were removed. This analysis shall include a review of cost
17 increases, if any, of shipping rates and options for ad-
18 dressing any such cost increases so as to minimize the po-
19 tential impact on shippers. This analysis shall incorporate
20 input and feedback from farmers and other shippers, the
21 Washington, Idaho, and Oregon State Departments of
22 Transportation, and other relevant stakeholders in the ag-
23 ricultural, business, and public interest communities, and
24 any suggestions or decisions arrived at through consensus
25 deliberations of the same or similar participants. This

1 analysis shall be completed and a report thereon submitted
2 to Congress within 12 months after the date of the enact-
3 ment of this Act.

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

5 The Secretary of Energy, in consultation with the
6 White House Office of Energy and Climate Change, shall
7 conduct a peer-reviewed analysis of what energy replace-
8 ment options exist to replace the power currently gen-
9 erated by the 4 lower Snake River dams in the event the
10 dams are removed. The analysis shall include a review of
11 existing, planned, and potential clean renewable energy re-
12 sources, in addition to energy efficiency, energy conserva-
13 tion, and combined heat and power projects. This analysis
14 shall be completed and a report thereon submitted to Con-
15 gress within 12 months after the date of enactment of this
16 Act.

17 **SEC. 6. STUDY OF LOWER SNAKE RIVER RIVERFRONT REVI-**
18 **TALIZATION.**

19 The Army Corps of Engineers, in consultation with
20 relevant State and local governments and interested par-
21 ties, shall conduct an analysis of what riverfront revitaliza-
22 tion and restoration opportunities would exist in the event
23 of the removal of the 4 lower Snake River dams and what
24 costs would be incurred to implement such revitalization
25 and restoration measures. This work shall focus on river-

1 front revitalization for Lewiston, Idaho, and Clarkston,
2 Washington, but may include other impacted communities
3 along the 140 miles of the lower Snake River. This anal-
4 ysis shall be completed and a report thereon submitted to
5 Congress within 12 months after the date of the enact-
6 ment of this Act, shall include determination of engineer-
7 ing options and costs, and shall be peer-reviewed generally
8 in accordance with section 2034 of Public Law 110–114
9 to determine the accuracy of the preferred engineering op-
10 tions and costs determined by the Army Corps of Engi-
11 neers.

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

13 The Secretary of the Interior, acting through the Bu-
14 reau of Reclamation, shall conduct a peer-reviewed anal-
15 ysis of the options and costs regarding any needed modi-
16 fications to affected irrigation systems, cooling systems,
17 and private wells if the 4 lower Snake River dams were
18 removed. This analysis shall be completed and a report
19 thereon submitted to Congress within 12 months after the
20 date of the enactment of this Act.

21 **SEC. 8. AUTHORIZATION AND STUDY OF SALMON RECOV-**
22 **ERY.**

23 (a) **DAM REMOVAL AUTHORIZATION.**—Congress
24 hereby determines that the Secretary of the Army may
25 remove the four lower Snake River dams.

1 (b) REVIEW AND UPDATE OF FEASIBILITY STUDY.—

2 The Secretary of the Army shall re-evaluate and update
3 the U.S. Army Corps of Engineers' Final Lower Snake
4 River Juvenile Salmon Migration Feasibility Report/Envi-
5 ronmental Impact Statement (February 2002) pursuant
6 to new information. The updated feasibility study shall in-
7 corporate and address, at a minimum, the following:

8 (1) Current and expected future climate change
9 impacts on Columbia and Snake River salmon and
10 steelhead populations and their habitat.

11 (2) Replacement of the 4 lower Snake River
12 dams' average energy output (not nameplate capac-
13 ity) with clean renewable energy resources, including
14 energy efficiency and conservation.

15 (3) Options for keeping currently irrigated acre-
16 age intact and under irrigation in a dam removal
17 scenario.

18 (4) Costs associated with Lower Granite Dam
19 reservoir sediment/flood risk mitigation in a non-
20 dam-removal scenario.

21 (5) Passive Use Values associated with both
22 dam removal and non-dam-removal scenarios.

23 (6) Alternate methods for removing the 4 lower
24 Snake River dams in addition to the method ana-
25 lyzed in the 2002 environmental impact statement,

1 including but not limited to full dam removal and re-
2 moving or notching the dams' concrete portions.

3 (c) COMPLETION; REPORT; PEER REVIEW.—The
4 Secretary of the Army shall—

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

8 (2) include in the report determination of engi-
9 neering options and costs;

10 (3) shall submit the results of the re-evaluation
11 and update (including such determination of engi-
12 neering options and costs) to peer review generally
13 in accordance with section 2034 of Public Law 110-
14 114 to determine the accuracy of the preferred engi-
15 neering options and costs.

16 **SEC. 9. DEFINITIONS.**

17 In this Act, the following definitions apply:

18 (1) CLEAN RENEWABLE ENERGY RESOURCES.—
19 For the purposes of this bill the term “clean renew-
20 able energy resources” means—

21 (A) incremental electricity produced as the
22 result of efficiency improvements to existing hy-
23 droelectric generation projects, including in irri-
24 gation pipes and canals, where the additional

1 generation in either case does not result in new
2 water diversions or impoundments;

3 (B) wind;

4 (C) solar energy;

5 (D) geothermal energy;

6 (E) landfill gas;

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

8 (G) gas from sewage treatment facilities;

9 and

10 (H) biomass energy based on animal
11 waste, food waste, yard waste, or solid organic
12 fuels from wood, forest, or field residues, or
13 dedicated energy crops, other than—

14 (i) wood pieces that have been treated
15 with chemical preservatives such as creo-
16 sote, pentachlorophenol, or copper-chrome-
17 arsenic;

18 (ii) pulping liquor from paper produc-
19 tion;

20 (iii) wood from old growth forests; or

21 (iv) municipal solid waste.

22 (2) FEDERAL SALMON RECOVERY ACTIONS.—

23 The term “Federal salmon recovery actions” means
24 Federal actions required to protect, recover, and re-
25 store salmon and steelhead in the Columbia and

1 Snake River basin that are listed under section 4(c)
2 of the Endangered Species Act of 1973 (16 U.S.C.
3 1533(e)).

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

7 (A) The Ice Harbor dam.

8 (B) The Lower Monumental dam.

9 (C) The Little Goose dam.

10 (D) The Lower Granite dam.

11 (4) PEER REVIEW.—The term “peer review”
12 has the meaning that term has in section 2034 of
13 Public Law 110–114.

14 (5) POPULATIONS.—The term “populations”
15 means the 13 evolutionarily significant units of
16 salmon and steelhead in the Columbia and Snake
17 River basin that are listed under section 4(c) of the
18 Endangered Species Act of 1973 (16 U.S.C.
19 1533(e)).