I

112TH CONGRESS
1ST SESSION

H. R. 2111

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

JUNE 3, 2011

Mr. MCDERMOTT (for himself, Mr. PETRI, Mr. ANDREWS, Ms. HIRONO, Mr. MORAN, Mr. LEVIN, Mr. BLUMENAUER, Ms. WOOLSEY, Mr. STARK, Mr. JACKSON of Illinois, Mr. HONDA, and Mrs. CAPPS) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Salmon Solutions and Planning Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

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

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

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

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

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

(5) Salmon and steelhead populations have major economic, ecological, educational, recreational, scientific, cultural, and spiritual significance to the Nation and its people. Even at their current depressed population levels, these salmon and steelhead populations generate hundreds of millions of dollars in direct and indirect benefits for communities in Alaska, Washington, Oregon, Idaho, and California; restoring these populations is estimated to generate billions of dollars in additional revenue for these States.

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

legally enforceable treaty obligations to restore salmon populations to sustainable and harvestable levels.

(7) Recent studies indicate that the window of time to protect and restore the salmon and steelhead populations is short, with scientists estimating that several of the remaining Snake River salmon populations could be extinct in less than 20 years if action is not taken.

(8) The Federal Government, the Bonneville Power Administration, and United States ratepayers in the Pacific Northwest have spent more than $10,000,000,000 on salmon recovery efforts in the Columbia and Snake River Basin to date.

(9) A federally funded group of State, tribal, Federal, and independent scientists found that removing the 4 lower Snake River dams in Washington is the surest way to protect and recover these salmon and steelhead populations. Similar conclusions have been reached by the Army Corps of Engineers and the Department of Commerce.

(10) Significant sediment buildup behind the Lower Granite Dam poses a flood risk to the city of Lewiston, Idaho. A study by the Army Corps of Engineers found that nearly $2,000,000,000 worth of buildings and infrastructure face a growing threat of

major damage from levee breaching. The same Corps study estimates that the costs of river-dredging and levee-raising needed to protect this area could cost taxpayers hundreds of millions of dollars.

(11) A Federal court has found that all 4 lower Snake River dams violate water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

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

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

(14) Studies have found that the Northwest has ample additional existing and potential clean renewable energy sources to replace the renewable elec-

tricity produced by the 4 lower Snake River dams in an environmentally sound and cost effective manner.

(15) By completing the planning and evaluation required under this Act, the Northwest and the Nation will be better prepared to efficiently manage salmon recovery and ensure prompt implementation of Federal salmon recovery actions needed to protect and restore wild Columbia and Snake River salmon and steelhead.

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

(1) to ensure the protection and recovery of wild Columbia and Snake River salmon and steelhead to self-sustaining, harvestable levels, while providing for reliable, reasonably priced, clean renewable energy in the Northwest, a reliable and affordable freight transportation system, an economically sustainable salmon recovery program; and

(2) to maximize the economic benefits of removal of the 4 lower Snake River dams while mitigating for its impacts.

SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RECOVERY ACTIONS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall enter into an agreement with the National Academy

of Sciences providing for a scientific analysis of Federal salmon recovery actions.

(b) REVIEW OF SNAKE RIVER DAM REMOVAL AND OTHER ACTIONS.—Pursuant to the agreement under subsection (a), the National Academy of Sciences shall review, at minimum—

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

(2) any additional actions that may be necessary to achieve recovery of salmon and steelhead populations.

(c) REPORT.—Pursuant to the agreement under subsection (a), the National Academy of Sciences shall submit, not later than 10 months after the date of enactment of this Act, a report on the results of the scientific analysis conducted under the agreement—

(1) to the Secretary of the Army for consideration in developing the updated feasibility study under section 8;

(2) to the Secretaries of Commerce, Transportation, Energy, and the Interior and the Administrator of the Environmental Protection Agency; and

(3) to Congress.

SEC. 4. STUDY OF RAIL, HIGHWAY, AND BARGE IMPROVEMENTS.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a peer-reviewed study of the rail, highway, and Columbia River barge infrastructure improvements that would be necessary to ensure a cost-effective and efficient transportation system for agricultural and other shippers who—

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

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

(b) REVIEW OF POTENTIAL COST INCREASES.—In carrying out subsection (a), the Secretary of Transportation shall review, at a minimum—

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

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

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

(1) input and feedback from—

(A) farmers and other shippers;

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

(C) other relevant stakeholders in the agricultural, business, and public interest communities; and

(2) any suggestions or decisions arrived at through consensus deliberations of the same or similar participants.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study—

(1) to the Secretary of the Army for consideration in developing the updated feasibility study under section 8; and

(2) to Congress.

SEC. 5. STUDY OF ENERGY REPLACEMENT.

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

(b) REVIEW OF POTENTIAL CLEAN RENEWABLE ENERGY RESOURCES AND CERTAIN PROJECTS.—In carrying out subsection (a), the Secretary of Energy shall review—

(1) existing, planned, and potential clean renewable energy resources; and

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

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

(1) to the Secretary of the Army for consideration in developing the updated feasibility study under section 8; and

(2) to Congress.

SEC. 6. STUDY OF LOWER SNAKE RIVER RIVERFRONT REVITALIZATION.

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

(1) the riverfront revitalization and restoration opportunities that would exist in the event of the removal of the 4 lower Snake River dams; and

(2) the costs that would be incurred to implement such revitalization and restoration measures.

(b) RIVERFRONT REVITALIZATION.—In carrying out subsection (a), the Secretary of the Army shall focus on riverfront revitalization for Lewiston, Idaho, and Clarkston, Washington, but may include a review of other

impacted communities along the 140 miles of the lower Snake River.

(c) PEER REVIEW.—The study shall be subject to peer review generally in accordance with section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343) to determine the accuracy of the preferred engineering options and costs determined by the Secretary.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including the Secretary's determinations concerning engineering options and costs.

SEC. 7. STUDY OF IRRIGATION PROTECTIONS.

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

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

(1) to the Secretary of the Army for consideration in developing the updated feasibility study under section 8; and

(2) to Congress.

SEC. 8. AUTHORIZATION AND STUDY OF SALMON RECOVERY.

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

(b) REVIEW AND UPDATE OF FEASIBILITY STUDY.—The Secretary of the Army, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency, shall re-evaluate and update the U.S. Army Corps of Engineers' Final Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement (February 2002) pursuant to new information.

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

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

(2) incorporate and address, at a minimum—

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

(B) replacement of the 4 lower Snake River dams' average energy output (not name-

plate capacity) with clean renewable energy resources, including energy efficiency and conservation;

(C) options for keeping currently irrigated acreage intact and under irrigation in a dam removal scenario;

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

(E) Passive Use Values associated with both dam removal and non-dam-removal scenarios; and

(F) alternate methods for removing the 4 lower Snake River dams in addition to the method analyzed in the 2002 environmental impact statement, including full dam removal and removing or notching the dams' concrete portions.

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

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

(2) include in the report a determination of engineering options and costs; and

(3) submit the results of the re-evaluation and update (including such determination of engineering options and costs) to peer review generally in accordance with section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343) to determine the accuracy of the preferred engineering options and costs.

SEC. 9. DEFINITIONS.

In this Act, the following definitions apply:

(1) CLEAN RENEWABLE ENERGY RESOURCES.—The term ''clean renewable energy resources'' means—

(A) incremental electricity produced as the result of efficiency improvements to existing hydroelectric generation projects, including in irrigation pipes and canals, where the additional generation in either case does not result in new water diversions or impoundments;

(B) wind;

(C) solar energy;

(D) geothermal energy;

(E) landfill gas;

(F) wave, ocean, or tidal power;

(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.

(C) The Little Goose dam.

(D) The Lower Granite dam.

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

(5) SALMON AND STEELHEAD POPULATIONS.—The term ''salmon and steelhead populations'' means the evolutionarily significant units of 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)).

○