

106TH CONGRESS  
1ST SESSION

# H. R. 2798

To authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. THOMPSON of California (for himself, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Ms. DUNN, Mr. HINCHEY, Mr. HERGER, Mr. DEFAZIO, Mr. METCALF, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. UDALL of Colorado, Mr. POMBO, Mr. UDALL of New Mexico, Mr. WU, Ms. WOOLSEY, Ms. HOOLEY of Oregon, Mr. BAIRD, Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. DICKS, Ms. ESHOO, Mr. STARK, Ms. PELOSI, and Mrs. TAUSCHER) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages.

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 “Pacific Salmon Recov-  
5 ery Act of 1999”.

1 **SEC. 2. SALMON HABITAT RESTORATION ASSISTANCE.**

2 (a) IN GENERAL.—The Secretary of Commerce may  
3 provide financial assistance in accordance with this Act  
4 to qualified States and qualified tribal governments for  
5 salmon habitat restoration activities.

6 (b) SUBJECT TO APPROPRIATIONS.—The authority  
7 of the Secretary to provide assistance under this section  
8 is subject to the availability of appropriations.

9 (c) ALLOCATION.—

10 (1) IN GENERAL.—The Secretary shall allocate  
11 to each qualified State an equal share of the amount  
12 available each fiscal year for providing that assist-  
13 ance.

14 (2) ALLOCATION TO TRIBAL GOVERNMENTS.—

15 (A) For purposes of paragraph (1) all qualified trib-  
16 al governments shall be treated, collectively, as a  
17 qualified State.

18 (B) The amount allocated (collectively) to the  
19 qualified tribal governments each fiscal year shall be  
20 reallocated among the qualified tribal governments  
21 by the Secretary. When reallocating such funds, the  
22 Secretary shall give priority to projects which pro-  
23 vide the greatest benefit to salmon habitat restora-  
24 tion relative to the cost of the projects and which re-  
25 store habitat for—

1 (i) salmon that are listed as endangered  
2 species or threatened species, proposed for such  
3 listing, or candidates for such listing, under the  
4 Endangered Species Act of 1973 (16 U.S.C.  
5 1531 et seq.); or

6 (ii) salmon that are given special protec-  
7 tion under the laws of the qualified State or  
8 qualified tribal government.

9 (d) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—  
10 Of the amount made available under this Act each fiscal  
11 year to the Secretary, a qualified State, or a qualified trib-  
12 al government, respectively—

13 (1) not more than 1 percent may be used by the  
14 Secretary for administrative expenses; and

15 (2) not more than 3 percent may be used by the  
16 qualified State or qualified tribal government for ad-  
17 ministrative expenses.

18 **SEC. 3. USE OF ASSISTANCE.**

19 (a) **IN GENERAL.**—Amounts provided to a qualified  
20 State or qualified tribal government under section 2 shall  
21 be used by the qualified State or qualified tribal govern-  
22 ment to fund salmon habitat restoration projects in ac-  
23 cordance with a memorandum of understanding under  
24 subsection (b).

25 (b) **MEMORANDUM OF UNDERSTANDING.**—

1           (1) IN GENERAL.—Not later than 1 year after  
2 funds are made available for this Act, a qualified  
3 State or qualified tribal government seeking assist-  
4 ance under this Act shall enter into a memorandum  
5 of understanding with the Secretary regarding use of  
6 the assistance.

7           (2) CONTENTS.—The memorandum of under-  
8 standing shall, at a minimum—

9                   (A) be consistent with other applicable  
10 Federal laws;

11                   (B) be consistent with the goal of salmon  
12 recovery;

13                   (C) give priority to use of assistance under  
14 this section for activities that provide a direct  
15 and demonstrable benefit to salmon or their  
16 habitat;

17                   (D) establish specific goals and timelines  
18 for activities funded with such assistance;

19                   (E) include measurable criteria by which  
20 such activities may be evaluated;

21                   (F) establish specific requirements for re-  
22 porting by persons receiving such assistance—

23                           (i) to the Governor of a qualified  
24 State, in the case of assistance provided to  
25 the qualified State; or

1 (ii) to the Secretary, in the case of as-  
2 sistance provided to a qualified tribal gov-  
3 ernment;

4 (G) require that activities carried out with  
5 such assistance shall—

6 (i) be scientifically based;

7 (ii) be cost effective;

8 (iii) not be conducted on private land  
9 except with the consent of the owner of the  
10 land; and

11 (iv) contribute to the protection or  
12 restoration of salmon; and

13 (H) except as provided in subsection (f)(1),  
14 require that the State or Tribal government  
15 maintain its aggregate expenditures from all  
16 other sources for salmon habitat restoration  
17 programs at or above the average level of such  
18 expenditures in the 2 fiscal years preceding the  
19 date of the enactment of this Act.

20 (c) ELIGIBLE ACTIVITIES.—Assistance under this  
21 section may be used for, among other activities, the fol-  
22 lowing:

23 (1) Watershed evaluation, assessment, and  
24 planning necessary to develop a site-specific and

1 clearly prioritized plan to implement watershed im-  
2 provements.

3 (2) Multiyear grants for watershed planning  
4 and project monitoring and evaluation.

5 (3) Watershed organization support and assist-  
6 ance.

7 (4) Project maintenance and monitoring after  
8 completion of project implementation.

9 (5) Private sector technical training and edu-  
10 cation project grants, including teaching private  
11 landowners about practical means of improving land  
12 and water management practices to contribute to the  
13 protection and restoration of salmon habitat.

14 (6) Grants to public or private institutions.

15 (7) Other activities related to salmon habitat  
16 restoration considered appropriate by the Governor  
17 of a qualified State or qualified tribal government.

18 (d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE  
19 OF JURISDICTION OF RECIPIENT.—Assistance under this  
20 section provided to a qualified State or qualified tribal  
21 government may be used for activities conducted outside  
22 the areas under their jurisdiction if the activity will pro-  
23 vide conservation benefits to naturally produced salmon in  
24 streams of concern to the qualified State or qualified tribal  
25 government.

1 (e) PRIORITY FOR STATE FUNDS.—In using assist-  
2 ance under this Act, a qualified State shall give priority  
3 to funding projects that restore habitat for—

4 (1) salmon that are listed as endangered species  
5 or threatened species, proposed for such listing, or  
6 candidates for such listing, under the Endangered  
7 Species Act of 1973 (16 U.S.C. 1531 et seq.); or

8 (2) salmon that are given special protection  
9 under the laws of the qualified State or qualified  
10 tribal government.

11 (f) COST SHARING.—

12 (1) QUALIFIED STATES.—A qualified State  
13 shall match any grant provided under this section.  
14 The amount of funds provided by the State in ac-  
15 cordance with this paragraph may count toward the  
16 sum of aggregate expenditures required under sub-  
17 section (b)(2)(H).

18 (2) QUALIFIED TRIBAL GOVERNMENTS.—A  
19 qualified tribal government shall pay such portion of  
20 the administrative costs of activities carried out with  
21 assistance under this section as may be required  
22 under any agreements between the tribal govern-  
23 ment and the United States that otherwise apply to  
24 use of such assistance.

1 (g) COORDINATION OF ACTIVITIES.—Each qualified  
2 State and each qualified tribal government receiving as-  
3 sistance under this Act is encouraged to carefully coordi-  
4 nate salmon conservation activities of its agencies to elimi-  
5 nate duplicative and overlapping activities.

6 **SEC. 4. PUBLIC PARTICIPATION.**

7 Each qualified State and each qualified tribal govern-  
8 ment seeking assistance under this Act shall establish a  
9 citizens advisory committee or provide another similar  
10 forum for local governments and the public to participate  
11 in obtaining and using assistance under this Act.

12 **SEC. 5. CONSULTATION NOT REQUIRED.**

13 Consultation under section 7 of the Endangered Spe-  
14 cies Act of 1973 (16 U.S.C. 1536) shall not be required  
15 based solely on the provision of assistance under this Act.

16 **SEC. 6. REPORT.**

17 Not later than 2 years after funds are made available  
18 for this Act, the Secretary shall submit a report to Con-  
19 gress. The report shall contain an evaluation of the suc-  
20 cess of this Act in meeting the criteria listed in section  
21 3(b)(2)(E).

22 **SEC. 7. DEFINITIONS.**

23 In this Act:

24 (1) INDIAN TRIBE.—The term “Indian tribe”  
25 has the meaning given that term is section 4(e) of



1 the Indian Self-Determination and Education Assist-  
2 ance Act (25 U.S.C. 450b(e)).

3 (2) QUALIFIED STATE.—The term “qualified  
4 State” means each of the States of Alaska, Wash-  
5 ington, Oregon, and California.

6 (3) QUALIFIED TRIBAL GOVERNMENT.—The  
7 term “qualified tribal government” means the tribal  
8 government or Alaska native regional corporation of  
9 an Indian tribe—

10 (A) on behalf of which lands located within  
11 the boundaries or on the border of a State re-  
12 ferred to in paragraph (2) are held in trust by  
13 the United States; and

14 (B) that the Secretary determines has an  
15 economic or other interest in salmon habitat  
16 restoration.

17 (4) SALMON.—The term “salmon” means any  
18 naturally produced salmon or naturally produced  
19 trout of the following species:

20 (A) Coho salmon (*oncorhynchus kisutch*).

21 (B) Chinook salmon (*oncorhynchus*  
22 *tshawytscha*).

23 (C) Chum salmon (*oncorhynchus keta*).

24 (D) Pink salmon (*oncorhynchus*  
25 *gorbuscha*).

1 (E) Sockeye salmon (*oncorhynchus nerka*).

2 (F) Steelhead trout (*oncorhynchus*  
3 *mykiss*).

4 (G) Sea-run cutthroat trout (*oncorhynchus*  
5 *clarki clarki*).

6 (5) SECRETARY.—The term “Secretary” means  
7 the Secretary of Commerce.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the Sec-  
10 retary to carry out this Act \$200,000,000.

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