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.

- 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) Thirteen salmon and steelhead species in
- the Columbia and Snake River Basin are listed for
- 11 protection under the Endangered Species Act of
- 12 1973 (16 U.S.C. 1531 et seq.) as a consequence of
- various factors, including the construction and oper-
- ation of hydroelectric projects, harvest management
- practices, habitat degradation, altered in-stream flow
- regimes, and unsound hatchery practices.
- 17 (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
- 20 Snake River Basins, including southern Idaho,
- southeast Oregon, and northern Nevada.
- 22 (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.
 - 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 depopulation levels, salmon pressed these 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

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- 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
- 18 (2) to maximize the economic benefits of re-19 moval of the 4 lower Snake River dams while miti-20 gating for its impacts.

21 SEC. 3. SCIENTIFIC ANALYSIS OF FEDERAL SALMON RE-

22 COVERY ACTIONS.

23 (a) IN GENERAL.—Not later than 30 days after the 24 date of enactment of this Act, the Secretary of Commerce 25 shall enter into an agreement with the National Academy

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of Sciences providing for a scientific analysis of Federal 2 salmon recovery actions. 3 (b) REVIEW OF SNAKE RIVER DAM REMOVAL AND 4 OTHER ACTIONS.—Pursuant to the agreement under sub-5 section (a), the National Academy of Sciences shall review, at minimum— 6 7 (1) the impact, if any, that removal of the 4 8 lower Snake River dams would have on recovery of 9 salmon and steelhead populations; and 10 (2) any additional actions that may be nec-11 essary to achieve recovery of salmon and steelhead 12 populations. 13 (c) Report.—Pursuant to the agreement under sub-14 section (a), the National Academy of Sciences shall sub-15 mit, not later than 10 months after the date of enactment of this Act, a report on the results of the scientific analysis 16 17 conducted under the agreement— 18 (1) to the Secretary of the Army for consider-19 ation in developing the updated feasibility study 20 under section 8; 21 (2) to the Secretaries of Commerce, Transpor-22 tation, Energy, and the Interior and the Adminis-23 trator of the Environmental Protection Agency; and 24 (3) to Congress.

1	SEC. 4. STUDY OF RAIL, HIGHWAY, AND BARGE IMPROVE-
2	MENTS.
3	(a) In General.—The Secretary of Transportation
4	shall conduct a peer-reviewed study of the rail, highway,
5	and Columbia River barge infrastructure improvements
6	that would be necessary to ensure a cost-effective and effi-
7	cient transportation system for agricultural and other
8	shippers who—
9	(1) currently use barge transportation between
10	Lewiston, Idaho, and the confluence of the Snake
11	and Columbia Rivers; and
12	(2) would be unable to do so if the 4 lower
13	Snake River dams were removed.
14	(b) Review of Potential Cost Increases.—In
15	carrying out subsection (a), the Secretary of Transpor-
16	tation shall review, at a minimum—
17	(1) increases, if any, in shipping costs that
18	would result if the 4 lower Snake River dams were
19	removed; and
20	(2) options for addressing any such increases so
21	as to minimize the potential impact on shippers.
22	(c) Input of Interested Parties.—In carrying
23	out subsection (a), the Secretary of Transportation shall
24	incorporate—
25	(1) input and feedback from—
26	(A) farmers and other shippers;

1	(B) the Washington, Idaho, and Oregon
2	State departments of transportation; and
3	(C) other relevant stakeholders in the agri-
4	cultural, business, and public interest commu-
5	nities; and
6	(2) any suggestions or decisions arrived at
7	through consensus deliberations of the same or simi-
8	lar participants.
9	(d) Report.—Not later than 12 months after the
10	date of enactment of this Act, the Secretary of Transpor-
11	tation shall transmit a report on the results of the study—
12	(1) to the Secretary of the Army for consider-
13	ation in developing the updated feasibility study
14	under section 8; and
15	(2) to Congress.
16	SEC. 5. STUDY OF ENERGY REPLACEMENT.
16 17	SEC. 5. STUDY OF ENERGY REPLACEMENT. (a) IN GENERAL.—The Secretary of Energy, in con-
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17	(a) In General.—The Secretary of Energy, in con-
17 18	(a) IN GENERAL.—The Secretary of Energy, in consultation with the Council on Environmental Quality, shall
17 18 19	(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
17 18 19 20	(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
17 18 19 20 21	(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
17 18 19 20 21 22	(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.

1	(1) existing, planned, and potential clean renew-
2	able energy resources; and
3	(2) energy efficiency, energy conservation, and
4	combined heat and power projects.
5	(c) REPORT.—Not later than 12 months after the
6	date of enactment of this Act, the Secretary of Energy
7	shall transmit a report on the results of the study—
8	(1) to the Secretary of the Army for consider-
9	ation in developing the updated feasibility study
10	under section 8; and
11	(2) to Congress.
12	SEC. 6. STUDY OF LOWER SNAKE RIVER RIVERFRONT REVI-
13	TALIZATION.
13 14	TALIZATION. (a) In General.—The Secretary of the Army, in
14	(a) In General.—The Secretary of the Army, in
14 15	(a) In General.—The Secretary of the Army, in consultation with relevant State and local governments
14 15 16	(a) In General.—The Secretary of the Army, in consultation with relevant State and local governments and interested parties, shall conduct a study of—
14 15 16 17	 (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
14 15 16 17	 (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 re-
14 15 16 17 18	 (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
14 15 16 17 18 19 20	 (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 imple-
14 15 16 17 18 19 20	 (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.
14 15 16 17 18 19 20 21	 (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

- 1 impacted communities along the 140 miles of the lower
- 2 Snake River.
- 3 (c) Peer Review.—The study shall be subject to
- 4 peer review generally in accordance with section 2034 of
- 5 the Water Resources Development Act of 2007 (33 U.S.C.
- 6 2343) to determine the accuracy of the preferred engineer-
- 7 ing options and costs determined by the Secretary.
- 8 (d) Report.—Not later than 12 months after the
- 9 date of enactment of this Act, the Secretary shall transmit
- 10 to Congress a report on the results of the study, including
- 11 the Secretary's determinations concerning engineering op-
- 12 tions and costs.

13 SEC. 7. STUDY OF IRRIGATION PROTECTIONS.

- 14 (a) In General.—The Secretary of the Interior, act-
- 15 ing through the Bureau of Reclamation, shall conduct a
- 16 peer-reviewed study of the options and costs regarding any
- 17 modifications to affected irrigation systems, cooling sys-
- 18 tems, and private wells that would be needed if the 4 lower
- 19 Snake River dams were removed.
- 20 (b) Report.—Not later than 12 months after the
- 21 date of enactment of this Act, the Secretary of the Interior
- 22 shall transmit a report on the study—
- 23 (1) to the Secretary of the Army for consider-
- 24 ation in developing the updated feasibility study
- 25 under section 8; and

1	(2) to Congress.
2	SEC. 8. AUTHORIZATION AND STUDY OF SALMON RECOV-
3	ERY.
4	(a) Dam Removal Authorization.—Congress
5	hereby determines that the Secretary of the Army may
6	remove the 4 lower Snake River dams.
7	(b) REVIEW AND UPDATE OF FEASIBILITY STUDY.—
8	The Secretary of the Army, in consultation with the Sec-
9	retary of Commerce, the Secretary of the Interior, and the
10	Administrator of the Environmental Protection Agency,
11	shall re-evaluate and update the U.S. Army Corps of Engi-
12	neers' Final Lower Snake River Juvenile Salmon Migra-
13	tion Feasibility Report/Environmental Impact Statement
14	(February 2002) pursuant to new information.
15	(c) Considerations.—The updated feasibility study
16	shall—
17	(1) take into consideration the results of the
18	studies and analyses carried out under this Act; and
19	(2) incorporate and address, at a minimum—
20	(A) current and expected future climate
21	change impacts on Columbia and Snake River
22	salmon and steelhead populations and their
23	habitat;
24	(B) replacement of the 4 lower Snake
25	River dams' average energy output (not name-

1	plate capacity) with clean renewable energy re-
2	sources, including energy efficiency and con-
3	servation;
4	(C) options for keeping currently irrigated
5	acreage intact and under irrigation in a dam re-
6	moval scenario;
7	(D) costs associated with Lower Granite
8	Dam reservoir sediment/flood risk mitigation in
9	a non-dam-removal scenario;
10	(E) Passive Use Values associated with
11	both dam removal and non-dam-removal sce-
12	narios; and
13	(F) alternate methods for removing the 4
14	lower Snake River dams in addition to the
15	method analyzed in the 2002 environmental im-
16	pact statement, including full dam removal and
17	removing or notching the dams' concrete por-
18	tions.
19	(d) Completion; Report; Peer Review.—The
20	Secretary of the Army shall—
21	(1) complete the re-evaluation and update and
22	submit a report thereon to Congress within 24
23	months after the date of enactment of this Act;
24	(2) include in the report a determination of en-
25	gineering options and costs; and

1	(3) submit the results of the re-evaluation and
2	update (including such determination of engineering
3	options and costs) to peer review generally in ac-
4	cordance with section 2034 of the Water Resources
5	Development Act of 2007 (33 U.S.C. 2343) to deter-
6	mine the accuracy of the preferred engineering op-
7	tions and costs.
8	SEC. 9. DEFINITIONS.
9	In this Act, the following definitions apply:
10	(1) CLEAN RENEWABLE ENERGY RESOURCES.—
11	The term "clean renewable energy resources"
12	means—
13	(A) incremental electricity produced as the
14	result of efficiency improvements to existing hy-
15	droelectric generation projects, including in irri-
16	gation pipes and canals, where the additional
17	generation in either case does not result in new
18	water diversions or impoundments;
19	(B) wind;
20	(C) solar energy;
21	(D) geothermal energy;
22	(E) landfill gas;
23	(F) wave, ocean, or tidal power;
24	(G) gas from sewage treatment facilities;

1	(H) biomass energy (as defined in section
2	932(a) of the Energy Policy Act of 2005 (42
3	U.S.C. 16232(a))), excluding energy derived
4	from—
5	(i) pulping liquor from paper produc-
6	tion; or
7	(ii) forest materials from old growth
8	forests; or
9	(I) any combination of the energy re-
10	sources described in this paragraph.
11	(2) Federal Salmon recovery actions.—
12	The term "Federal salmon recovery actions" means
13	Federal actions required to protect, recover, and re-
14	store salmon and steelhead in the Columbia and
15	Snake River basin that are listed under section 4(c)
16	of the Endangered Species Act of 1973 (16 U.S.C.
17	1533(c)). The term shall not be construed as just
18	those actions needed to avoid jeopardy of these salm-
19	on and steelhead populations under the Endangered
20	Species Act of 1973 (16 U.S.C. 1531 et seq.).
21	(3) 4 LOWER SNAKE RIVER DAMS.—The term
22	"4 lower Snake River dams" means the following
23	dams on the Snake River, Washington:
24	(A) The Ice Harbor dam.
25	(B) The Lower Monumental dam.

1	(C) The Little Goose dam.
2	(D) The Lower Granite dam.
3	(4) Peer-reviewed study.—The term "peer-
4	reviewed study" means, unless otherwise specified, a
5	study subject to peer review in accordance with the
6	guidelines issued by the Director of the Office of
7	Management and Budget under section 515 of the
8	Treasury and General Government Appropriations
9	Act, 2001 (as enacted into law by Public Law 106-
10	554; 114 Stat. 2763A–153).
11	(5) Salmon and steelhead populations.—
12	The term "salmon and steelhead populations" means
13	the evolutionarily significant units of salmon and
14	steelhead in the Columbia and Snake River basin
15	that are listed under section 4(c) of the Endangered
16	Species Act of 1973 (16 U.S.C. 1533(c)).

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