

103^D CONGRESS
2^D SESSION

H. R. 4408

To protect and restore the anadromous fish habitat in the Russian River of Northern California and its tributaries, and to provide for a pilot project to test and demonstrate the benefits of main stem river channel restoration.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1994

Mr. HAMBURG (for himself and Ms. WOOLSEY) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Public Works and Transportation

A BILL

To protect and restore the anadromous fish habitat in the Russian River of Northern California and its tributaries, and to provide for a pilot project to test and demonstrate the benefits of main stem river channel restoration.

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 “Russian River Fish-
5 eries and Riverbed Restoration Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) California's Russian River and its tribu-
2 taries contain anadromous fish resources that are an
3 important component of the local, regional, and
4 State commercial and sport recreational fisheries.
5 The commercial and recreational harvest of Russian
6 River salmon and steelhead has historically made an
7 important contribution to local economies.

8 (2) The Russian River supported one of the
9 most productive steelhead fisheries in North America
10 as recently as 1940.

11 (3) In the recent past, the Russian River sup-
12 ported an abundant population of coho salmon and
13 still contains a remnant population of this species,
14 which has been proposed for listing under the En-
15 dangered Species Act of 1973 (16 U.S.C. 1531 et
16 seq.).

17 (4) The Russian River provides numerous other
18 beneficial uses to the many people who inhabit its
19 basin. The River is a source of drinking and irriga-
20 tion water, a popular destination for recreational
21 water sports enthusiasts, the soil source for prime
22 agricultural bottom lands, the primary local source
23 of aggregate resources, and the source of hydro-
24 electric power generated by 2 major dams.

1 (5) Development of the Russian River for bene-
2 ficial uses has resulted in the degradation of the
3 river system's riparian areas, streambed, water qual-
4 ity and stream flows. The net result of construction
5 and operation of dams and agricultural water diver-
6 sions, water conveyance from the Eel River, past
7 gravel mining, timber harvest practices, road build-
8 ing activities, and residential and agricultural devel-
9 opment of flood plains has been a substantial deg-
10 radation of fish habitat in the River. These environ-
11 mental alterations have caused a major decline in
12 salmon and steelhead fish populations in the River,
13 and have also had a negative impact on several other
14 beneficial uses.

15 (6) The Federal Government, through the con-
16 struction of Coyote Dam in Mendocino County and
17 Warm Springs Dam in Sonoma County and the
18 Russian River Flood Control Project, is substantially
19 responsible for the loss and degradation of fish habi-
20 tat in the River.

21 (7) Overlapping Federal, State, and local juris-
22 dictions have historically hampered fishery conserva-
23 tion efforts and prevented the Federal Government
24 and the State of California from fulfilling their re-

1 sponsibilities to protect the River's anadromous fish-
2 ery resources.

3 (8) The California Department of Fish and
4 Game has authority under State law to direct the
5 restoration of the State's anadromous fishery re-
6 sources in accordance with comprehensive river basin
7 anadromous fisheries restoration plans. The depart-
8 ment is in the process of developing a basin plan for
9 the Russian River.

10 (9) The California State Coastal Conservancy is
11 in the process of producing a resource enhancement
12 and restoration plan for the main stem of the Rus-
13 sian River.

14 **SEC. 3. PURPOSES.**

15 The purposes of this Act are the following:

16 (1) To protect and restore the River's anad-
17 romous fish habitat for the purpose of optimizing
18 production of salmon and steelhead.

19 (2) To foster cooperation between Federal,
20 State, and local agencies in protecting, restoring,
21 and enhancing the River's anadromous fishery re-
22 sources.

23 (3) To construct a pilot project for the purpose
24 of testing and demonstrating the benefits of large

1 scale main stem river channel restoration and
2 stream corridor management.

3 (4) To review the operation of Federal dam and
4 flood control projects and assess the environmental
5 impacts of their operation on the River.

6 (5) To provide matching funds, if necessary, for
7 the development of the Program Plan, and to pro-
8 vide funds to begin implementation of the Program
9 Plan and for monitoring and evaluating implementa-
10 tion of the program.

11 **SEC. 4. PILOT PROJECT TO REESTABLISH RIVER CHANNEL**
12 **AND FLOODWAY; FISH HABITAT RESTORA-**
13 **TION PROJECTS.**

14 (a) RIVER CHANNEL AND FLOODWAY PROJECT.—
15 The Administrator shall conduct 1 or more pilot projects
16 on the main channel of the River which may be identified
17 in the Resource Plan, to demonstrate measures to reestab-
18 lish a channel and floodway in dynamic equilibrium with
19 the River and to prevent the down cutting of the River
20 bed. The goals of the pilot projects shall be to create in-
21 stream fish and wildlife habitat, reduce bank erosion and
22 loss of riparian vegetation, and accommodate high flows
23 without accompanying damage to land or property. To the
24 extent practicable, activities on the main river channel
25 under the pilot project shall be integrated with projects

1 on tributaries and basin-wide water management, and
2 shall account for the physical and ecological
3 interdependency within the watershed. This project will
4 only be completed with willing landowners. The Adminis-
5 trator may contract with the California State Coastal Con-
6 servancy to carry out the pilot projects.

7 (b) FISH HABITAT RESTORATION PROJECT.—The
8 Chief, working through the Resource Conservation Dis-
9 tricts and with the California Department of Fish and
10 Game, shall carry out high priority fish habitat restoration
11 projects on the River's tributaries or watershed restoration
12 projects that are identified in and are consistent with the
13 objectives of the Program Plan.

14 (c) COOPERATION WITH OTHER AGENCIES.—The
15 Administrator and the Chief shall work with the United
16 States Fish and Wildlife Service, National Marine Fish-
17 eries Service, Army Corps of Engineers, and the State of
18 California in carrying out activities under this section.

19 (d) GRANTS TO STATES.—The Administrator and the
20 Chief shall use their existing authorities to award grants
21 or contracts (or both) to State or local agencies (or both)
22 to carry out this section and for monitoring activities
23 under this section.

24 (e) REPORT.—Not later than September 30, 1996,
25 the Administrator and the Chief shall each report to the

1 Congress on progress made toward implementing this sec-
2 tion.

3 (f) REVIEW OF COYOTE DAM AND WARM SPRINGS
4 DAM.—

5 (1) REVIEW.—The Secretary in consultation
6 with the Director of the United States Fish and
7 Wildlife Service shall review the effects of the oper-
8 ation and water release schedule of the Coyote Dam
9 in Mendocino County on bank erosion problems,
10 river channel down cutting, decreases in ground
11 water supplies and scour of riparian habitat. The
12 Secretary shall identify alternative release schedules
13 which will reduce adverse impacts along the River
14 and provide fisheries habitat benefits. The Secretary
15 shall also review channel clearing and maintenance
16 measures currently required along the Alexander
17 Valley reach of the River channel as part of the Rus-
18 sian River Flood Control project for their adverse
19 environmental effects on fisheries habitat in the
20 River. The Secretary shall identify alternative meas-
21 ures which reduce bank erosion problems and pro-
22 mote riparian and fisheries habitat restoration while
23 providing the same or higher level of flood water
24 channel capacity as the original 1955 Federal
25 project. Further, the Secretary shall review the ef-

1 facts that operation of Warm Springs dam will have
2 on fish habitat in Dry Creek and downstream
3 reaches of the River, including potential effects that
4 the project will have on the middle reach of the
5 River when fully operational.

6 (2) REPORT.—Not later than September 30,
7 1996, the Secretary shall report to the Congress the
8 results of the reviews under this subsection.

9 **SEC. 5. RUSSIAN RIVER BASIN ADVISORY COMMITTEE.**

10 (a) ESTABLISHMENT.—There is established an advi-
11 sory committee which shall be composed of not more than
12 20 people selected by the Chief in consultation with the
13 Administrator. The committee shall be representative of
14 the various groups with an interest in the Russian River
15 and shall be selected according to the following guidelines:

16 (1) Members of the Russian River Enhance-
17 ment Plan Technical Advisory Committees estab-
18 lished by the California State Coastal Conservancy
19 shall be considered if they choose to serve.

20 (2) Membership shall include representatives of
21 organized fishery groups even if not presently on the
22 Russian River Enhancement Plan Technical Advi-
23 sory Committees.

24 (3) Membership shall be balanced geographi-
25 cally between Mendocino and Sonoma Counties.

1 (4) Membership shall include representatives of
2 State and Federal agencies involved in managing
3 river natural resources but there shall be no more
4 than 6 such members.

5 (b) FUNCTIONS.—The advisory group shall advise
6 and assist the Administrator and the Chief regarding the
7 implementation and monitoring of the activities authorized
8 by this Act.

9 (c) CHAIRMAN; MEETINGS.—The chairman of the ad-
10 visory committee shall be a representative of a river fish-
11 ery group who is chosen by majority vote of the advisory
12 committee. The term of an individual as chairman shall
13 be 2 years. The chairman shall call meetings of the advi-
14 sory committee at least 4 times each year. The advisory
15 committee, in consultation with the Administrator and the
16 Chief, may establish its own order of business.

17 **SEC. 6. DEFINITIONS.**

18 In this Act:

19 (1) The term “Administrator” means Adminis-
20 trator of the Environmental Protection Agency, act-
21 ing through the Regional Administrator for the
22 ninth region.

23 (2) The term “Chief” means the Chief of the
24 Soil Conservation Service.

1 (3) The term “Program Plan” means the Rus-
2 sian River Basin Andromous Fisheries Restoration
3 Plan being developed by the California Department
4 of Fish and Game.

5 (4) The term “Resource Plan” means the Rus-
6 sian River Resource Enhancement Plan being devel-
7 oped by the California State Coastal Conservancy.

8 (5) The term “River” means the Russian River
9 in California.

10 (6) The term “Secretary” means the Secretary
11 of the Army.

12 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated \$7,000,000
14 for carrying out this Act for fiscal years beginning after
15 September 30, 1993. \$4,000,000 shall be allocated for the
16 tributary restoration which shall include a maximum of
17 \$500,000 for completion of the Program Plan and a maxi-
18 mum of \$100,000 for support services for the Basin Advi-
19 sory Committee. \$3,000,000 shall be allocated for the riv-
20 erbed restoration pursuant to the Resource Plan. Such
21 sums shall remain available until expended. A portion of
22 the funding shall be used for Federal staff for accomplish-
23 ing the goals.

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