

103^D CONGRESS
2^D SESSION

S. 2349

To amend the Elwha River Ecosystem and Fisheries Restoration Act with respect to the licensing of certain hydroelectric projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 20), 1994

Mr. GORTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Elwha River Ecosystem and Fisheries Restoration Act with respect to the licensing of certain hydroelectric projects, 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. (a) The Congress finds and declares
4 that—

5 (1) salmon and steelhead are important biologi-
6 cal, commercial, recreational, and cultural resources
7 in the Olympic Peninsula;

8 (2) many salmon and steelhead runs in the
9 Olympic Peninsula have become greatly depleted;

1 (3) due to the depressed economy of the Olym-
2 pic Peninsula region, restoration of salmon and
3 steelhead runs, and establishment of consistent rec-
4 reational, commercial and tribal fisheries is of criti-
5 cal importance;

6 (4) the Congress of the United States recog-
7 nized the importance of Elwha River anadromous
8 fisheries by the enactment of the Elwha River Eco-
9 system and Fisheries Restoration Act, Public Law
10 102-495;

11 (5) significant Federal budget limitations make
12 it uncertain whether funding for acquisition and re-
13 moval of the Elwha dams pursuant to Public Law
14 102-95 will be provided in the next several years;

15 (6) there are other means of enhancing regional
16 anadromous fish populations that appear to be more
17 cost-effective than dam removal; and

18 (7) should funds for dam acquisition and re-
19 moval not be provided, uncertainty over the disposi-
20 tion of the dams creates unacceptable financial risk
21 for the owner of the dams and the local industrial
22 consumer, and threatens a significant number of
23 jobs in the Olympic Peninsula region.

24 (b) The purpose of this Act is to provide for the im-
25 mediate restoration of native anadromous fisheries in the

1 Olympic Peninsula in order to prevent possible listing of
2 such stocks under the Endangered Species Act, to provide
3 reasonable financial security for the owner of the Elwha
4 dams and the local industrial consumer, and to protect
5 important jobs in the Olympic Peninsula region.

6 SEC. 2. For the purposes of this Act the term
7 “streams of the Olympic Peninsula” means streams which
8 drain from the Olympic National Park or the Olympic Na-
9 tional Forest, all tributaries of such streams, and any
10 other systems in the immediate region which the Secretary
11 deems appropriate.

12 SEC. 3. Section 5 of the Elwha River Ecosystem and
13 Fisheries Restoration Act (Public Law 102–495, 106 Stat.
14 3173) is amended by adding a new subsection (d) as fol-
15 lows:

16 “(d) If by September 30, 1997, the Elwha Project
17 and the Glines Project are not acquired pursuant to sec-
18 tion 3, the Commission is authorized and directed to issue
19 a license for such projects pursuant to the Federal Power
20 Act. Such license shall include provisions for facility modi-
21 fications and operational changes that will enhance Elwha
22 River anadromous fish populations, but such provisions
23 shall be cost-effective and economically justifiable over the
24 term of the license.”.

1 SEC. 4. Section 9 of the Elwha River Ecosystem and
2 Fisheries Restoration Act is amended—

3 (1) by striking “for expenditure through the
4 Assistant Secretary for Fish, Wildlife, and Parks”;
5 and

6 (2) by striking “for expenditure through the
7 National Marine Fisheries Service”.

8 SEC. 5. The Elwha River Ecosystem and Fisheries
9 Restoration Act is amended by redesignating section 9 as
10 section 10, and by inserting a new section as follows:

11 **“SEC. 9. OLYMPIC PENINSULA NATIVE ANADROMOUS FISH-**
12 **ERIES RESTORATION.**

13 “(a) The Secretary shall immediately prepare a pro-
14 gram for the restoration of the Olympic Peninsula native
15 anadromous fisheries in consultation with the Secretary
16 of Commerce, the State, local Indian tribes and other par-
17 ties that the Secretary may deem appropriate.

18 “(b) Implementation of the program shall commence
19 not later than January 1, 1997.

20 “(c) The program shall provide for the recovery and
21 enhancement of the native, anadromous fishes of the
22 Olympic Peninsula, consistent with the rights of any In-
23 dian tribe secured by treaty or other Federal law, and ap-
24 plicable State law.

1 “(d) In developing the recovery program, the Sec-
2 retary—

3 “(1) shall consider the use of experimental fish-
4 eries restoration techniques; and

5 “(2) shall ensure that native wild stock will not
6 be adversely affected to a significant extent if hatch-
7 ery-raised fish are used.”.

8 SEC. 6. In addition to the sums authorized to be ap-
9 propriated by the Elwha River Ecosystem and Fisheries
10 Restoration Act, there are hereby authorized to be appro-
11 priated to carry out the purposes of section 9 of the Elwha
12 River Ecosystem and Fisheries Restoration Act the sum
13 of \$25 million.

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