

RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE
SALMON SURVIVAL

Pub. L. 104-303, title V, §511, Oct. 12, 1996, 110 Stat. 3761, as amended by Pub. L. 106-53, title V, §582, Aug. 17, 1999, 113 Stat. 375; Pub. L. 110-114, title V, §5025, Nov. 8, 2007, 121 Stat. 1203; Pub. L. 113-235, div. D, title I, §104, Dec. 16, 2014, 128 Stat. 2307, provided that:

“(a) SALMON SURVIVAL ACTIVITIES.—

“(1) IN GENERAL.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

“(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

“(A) impacts from water resources projects and other impacts on salmon life cycles;

“(B) juvenile and adult salmon passage;

“(C) light and sound guidance systems;

“(D) surface-oriented collector systems;

“(E) transportation mechanisms; and

“(F) dissolved gas monitoring and abatement.

“(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

“(A) studies of juvenile salmon survival in spawning and rearing areas;

“(B) estuary and near-ocean juvenile and adult salmon survival;

“(C) impacts on salmon life cycles from sources other than water resources projects;

“(D) cryopreservation of fish gametes and formation of a germ plasma repository for threatened and endangered populations of native fish; and

“(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

“(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

“(5) REPORT.—Not later than 3 years after the date of enactment of the Water Resources Development Act of 1999 [Aug. 17, 1999], the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$43,400,000 to carry out research and development activities under paragraph (3).

“(b) ADVANCED TURBINE DEVELOPMENT.—

“(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$35,000,000 to carry out this subsection.

“(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

“(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on

dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out research and development activities under this subsection.

“(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.”

§ 3302. Definitions

As used in this chapter—

(1) The term “appropriate tribal coordinating body” means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term “charter vessel” means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term “charter fishing” means fishing undertaken aboard charter vessels.

(4) The term “Columbia River conservation area” means—

(A) all habitat within the Columbia River drainage basin; and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial seas of Oregon and Washington,

in which one or more stocks that originate in the habitat describe¹ in subparagraph (A) migrate.

(5) The term “Columbia River tribal coordinating body” means the organization duly authorized by those treaty tribes of the Columbia River drainage basin to coordinate activities for them for purposes of this chapter.

(6) The term “commercial fishing” means fishing for the purpose of sale or barter.

(7) The term “commercial fishing vessel” or “fishing vessel” means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term “enhancement” means projects undertaken to increase the production of naturally spawning or artificially propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

(9) The term “habitat” means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term “recreational fishing” means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term “salmon” means any anadromous species of the family Salmonidae and Genus *Oncorhynchus*, commonly known as Pacific salmon.

¹ So in original. Probably should be “described”.

(12) The term “salmon or steelhead resource” means any stock of salmon or steelhead.

(13) The term “steelhead” means the anadromous rainbow trout species *Salmo gairdneri*, commonly known as steelhead.

(14) The term “stock” means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term “treaty” means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead within the Washington or Columbia River conservation areas.

(16) The term “treaty tribe” means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term “Washington conservation area” means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term “Washington tribal coordinating body” means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this chapter.

(Pub. L. 96-561, title I §103, Dec. 22, 1980, 94 Stat. 3276.)

REFERENCES IN TEXT

The Pacific Fishery Management Council, referred to in par. (4)(B)(i), was established by section 1852 of this title. Pub. L. 99-659 amended section 1811 of this title by substituting provisions relating to exclusive economic zones, for fishery conservation zones.

SUBCHAPTER II—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

§ 3311. Salmon and Steelhead Advisory Commission

(a) Establishment

Within 90 days after December 22, 1980, the Secretary of Commerce (hereinafter in this subchapter referred to as the “Secretary”) shall establish the Salmon and Steelhead Advisory Commission (hereinafter referred to in this chapter as the “Commission”), which shall consist of one voting member from each of the following:

- (1) The State of Washington.
- (2) The State of Oregon.
- (3) The Washington tribal coordinating body.
- (4) The Columbia River tribal coordinating body.
- (5) The Pacific Fishery Management Council.
- (6) The National Marine Fisheries Service.

(b) Membership

(1) The voting representatives shall be appointed by the Secretary from a list of qualified

individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

(3) For the purposes of this subsection, the term “qualified individual” means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

(c) Report by Commission

Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

- (1) the development of common principles to govern and coordinate effectively management and enhancement activities;
- (2) the prevention of overfishing;
- (3) the use of the best scientific information available;
- (4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;
- (5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;
- (6) the optimization of the use of resources for enforcement;
- (7) the consideration of harvest activities as they relate to existing and future international commitments;
- (8) the minimization of costs and the avoidance of unnecessary duplication; and
- (9) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(d) Unanimous vote required

No report or revision thereto may be submitted by the Commission to the Secretary for approval under this section unless the report or revision is approved by all of the voting members of the Commission.

(e) Secretarial action on report

Within 4 months after the date of the submission of the comprehensive report, or any revi-