

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2292

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 1996

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To preserve and protect the Hanford Reach of the Columbia  
River, 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,*

1           **TITLE I—HANFORD REACH**  
2                           **PRESERVATION ACT**

3 **SEC. 101. AMENDMENT OF PUBLIC LAW 100–605.**

4           Section 2 of Public Law 100–605 is amended as fol-  
5 lows:

6                   (1) By striking “**INTERIM**” in the section  
7 heading.

8                   (2) By striking “For a period of eight years  
9 after” and inserting “After” in subsection (a).

10                   (3) By striking in subsection (b) “During the  
11 eight year interim protection period, provided by this  
12 section, all” and inserting “All”.

13           **TITLE II—LAMPREY WILD AND**  
14                           **SCENIC RIVER ACT**

15 **SEC. 201. DESIGNATION.**

16           Section 3(a) of the Wild and Scenic Rivers Act (16  
17 U.S.C. 1274(a)) is amended by adding the following new  
18 paragraph at the end thereof:

19           “(157) LAMPREY RIVER, NEW HAMPSHIRE.—The  
20 11.5-mile segment extending from the southern Lee town  
21 line to the confluence with the Piscassic River in the vicin-  
22 ity of the Durham-Newmarket town line (hereinafter in  
23 this paragraph referred to as the ‘segment’) as a rec-  
24 reational river. The segment shall be administered by the  
25 Secretary of the Interior through cooperative agreements

1 between the Secretary and the State of New Hampshire  
2 and its relevant political subdivisions, namely the towns  
3 of Durham, Lee, and Newmarket, pursuant to section  
4 10(e) of this Act. The segment shall be managed in ac-  
5 cordance with the Lamprey River Management Plan dated  
6 January 10, 1995, and such amendments thereto as the  
7 Secretary of the Interior determines are consistent with  
8 this Act. Such plan shall be deemed to satisfy the require-  
9 ments for a comprehensive management plan pursuant to  
10 section 3(d) of this Act.”.

11 **SEC. 202. MANAGEMENT.**

12 (a) COMMITTEE.—The Secretary of the Interior shall  
13 coordinate his management responsibilities under this Act  
14 with respect to the segment designated by section 3 with  
15 the Lamprey River Advisory Committee established pursu-  
16 ant to New Hampshire RSA 483.

17 (b) LAND MANAGEMENT.—The zoning ordinances  
18 duly adopted by the towns of Durham, Lee, and  
19 Newmarket, New Hampshire, including provisions for con-  
20 servation of shorelands, floodplains, and wetlands associ-  
21 ated with the segment, shall be deemed to satisfy the  
22 standards and requirements of section 6(c) of the Wild  
23 and Scenic Rivers Act, and the provisions of that section,  
24 which prohibit Federal acquisition of lands by condemna-  
25 tion, shall apply to the segment designated by section 201

1 of this Act. The authority of the Secretary to acquire lands  
2 for the purposes of this paragraph shall be limited to ac-  
3 quisition by donation or acquisition with the consent of  
4 the owner thereof, and shall be subject to the additional  
5 criteria set forth in the Lamprey River Management Plan.

6 **SEC. 203. UPSTREAM SEGMENT.**

7       Upon request by the town of Epping, which abuts an  
8 additional 12 miles of river found eligible for designation  
9 as a recreational river, the Secretary of the Interior shall  
10 offer assistance regarding continued involvement of the  
11 town of Epping in the implementation of the Lamprey  
12 River Management Plan and in consideration of potential  
13 future addition of that portion of the river within Epping  
14 as a component of the Wild and Scenic Rivers System.

15 **TITLE III—WEST VIRGINIA NA-**  
16 **TIONAL RIVERS AMEND-**  
17 **MENTS OF 1996**

18 **SEC. 301. AMENDMENTS PERTAINING TO THE NEW RIVER**  
19 **GORGE NATIONAL RIVER.**

20       (a) BOUNDARIES.—Section 1101 of the National  
21 Parks and Recreation Act of 1978 (16 U.S.C. 460m–15)  
22 is amended by striking out “NERI–80,023, dated January  
23 1987” and inserting “NERI–80,028A, dated March  
24 1996”.

1           (b) FISH AND WILDLIFE MANAGEMENT.—Section  
2 1106 of the National Parks and Recreation Act of 1978  
3 (16 U.S.C. 460m–20) is amended by adding the following  
4 at the end thereof: “The Secretary shall permit the State  
5 of West Virginia to undertake fish stocking activities car-  
6 ried out by the State, in consultation with the Secretary,  
7 on waters within the boundaries of the national river.  
8 Nothing in this Act shall be construed as affecting the  
9 jurisdiction of the State of West Virginia with respect to  
10 fish and wildlife.”.

11           (c) CONFORMING AMENDMENTS.—Title XI of the  
12 National Parks and Recreation Act of 1978 (16 U.S.C.  
13 460m–15 and following) is amended by adding the follow-  
14 ing new section at the end thereof:

15 **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

16           “(a) COOPERATIVE AGREEMENTS.—The provisions  
17 of section 202(e)(1) of the West Virginia National Interest  
18 River Conservation Act of 1987 (16 U.S.C. 460ww–  
19 1(e)(1)) shall apply to the New River Gorge National  
20 River in the same manner and to the same extent as such  
21 provisions apply to the Gauley River National Recreation  
22 Area.

23           “(b) REMNANT LANDS.—The provisions of the sec-  
24 ond sentence of section 203(a) of the West Virginia Na-  
25 tional Interest River Conservation Act of 1987 (16 U.S.C.

1 460ww-2(a)) shall apply to tracts of land partially within  
2 the boundaries of the New River Gorge National River in  
3 the same manner and to the same extent as such provi-  
4 sions apply to tracts of land only partially within the  
5 Gauley River National Recreation Area.”.

6 **SEC. 302. AMENDMENTS PERTAINING TO THE GAULEY**  
7 **RIVER NATIONAL RECREATION AREA.**

8 (a) TECHNICAL AMENDMENT.—Section 205(c) of the  
9 West Virginia National Interest River Conservation Act  
10 of 1987 (16 U.S.C. 460ww-4(c)) is amended by adding  
11 the following at the end thereof: “If project construction  
12 is not commenced within the time required in such license,  
13 or if such license is surrendered at any time, such bound-  
14 ary modification shall cease to have any force and effect.”.

15 (b) GAULEY ACCESS.—Section 202(e) of the West  
16 Virginia National Interest River Conservation Act of 1987  
17 (16 U.S.C. 460ww-1(e)) is amended by adding the follow-  
18 ing new paragraph at the end thereof:

19 “(4) ACCESS TO RIVER.—(A) In order to facili-  
20 tate public safety, use, and enjoyment of the recre-  
21 ation area, and to protect, to the maximum extent  
22 feasible, the scenic and natural resources of the  
23 area, the Secretary is authorized and directed to ac-  
24 quire such lands or interests in lands and to take  
25 such actions as are necessary to provide access by

1 noncommercial entities on the north side of the  
2 Gauley River at the area known as Woods Ferry uti-  
3 lizing existing roads and rights-of-way. Such actions  
4 by the Secretary shall include the construction of  
5 parking and related facilities in the vicinity of  
6 Woods Ferry for noncommercial use on lands ac-  
7 quired pursuant to paragraph (3) or on lands ac-  
8 quired with the consent of the owner thereof within  
9 the boundaries of the recreation area.

10 “(B) If necessary, in the discretion of the Sec-  
11 retary, in order to minimize environmental impacts,  
12 including visual impacts, within portions of the  
13 recreation area immediately adjacent to the river,  
14 the Secretary may, by contract or otherwise, provide  
15 transportation services for noncommercial visitors,  
16 at reasonable cost, between such parking facilities  
17 and the river.

18 “(C) Nothing in subparagraph (A) shall affect  
19 the rights of any person to continue to utilize, pur-  
20 suant to a lease in effect on April 1, 1993, any right  
21 of way acquired pursuant to such lease which au-  
22 thorizes such person to use an existing road referred  
23 to in subparagraph (A). Except as provided under  
24 paragraph (2) relating to access immediately down-  
25 stream of the Summersville project, until there is

1 compliance with this paragraph the Secretary is pro-  
2 hibited from acquiring or developing any other river  
3 access points within the recreation area.”.

4 **SEC. 303. AMENDMENTS PERTAINING TO THE BLUESTONE**  
5 **NATIONAL SCENIC RIVER.**

6 (a) BOUNDARIES.—Section 3(a)(65) of the Wild and  
7 Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by  
8 striking out “WSR–BLU/20,000, and dated January  
9 1987” and inserting “BLUE–80,005, dated May 1996”.

10 (b) PUBLIC ACCESS.—Section 3(a)(65) of the Wild  
11 and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is  
12 amended by adding the following at the end thereof: “In  
13 order to provide reasonable public access and vehicle park-  
14 ing for public use and enjoyment of the river designated  
15 by this paragraph, consistent with the preservation and  
16 enhancement of the natural and scenic values of such  
17 river, the Secretary may, with the consent of the owner  
18 thereof, negotiate a memorandum of understanding or co-  
19 operative agreement, or acquire not more than 10 acres  
20 of lands or interests in such lands, or both, as may be  
21 necessary to allow public access to the Bluestone River  
22 and to provide, outside the boundary of the scenic river,  
23 parking and related facilities in the vicinity of the area  
24 known as Eads Mill.”.

1 **TITLE IV—LIMITATION ON LAND**  
 2 **ACQUISITION: MISSOURI**  
 3 **RIVER, NEBRASKA AND**  
 4 **SOUTH DAKOTA**

5 The undesignated paragraph in section 3(a) of the  
 6 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) relating  
 7 to the 39-mile segment of the Missouri River, Nebraska  
 8 and South Dakota, from the headwaters of Lewis and  
 9 Clark Lake to Ft. Randall Dam is amended by adding  
 10 at the end the following: “Notwithstanding section 6(a),  
 11 lands and interests in lands may not be acquired for the  
 12 purposes of this paragraph without the consent of the  
 13 owner thereof.”.

14 **TITLE V—TECHNICAL AMEND-**  
 15 **MENT TO THE WILD AND SCE-**  
 16 **NIC RIVERS ACT**

17 **SEC. 501. NUMBERING OF PARAGRAPHS.**

18 (a) DESIGNATIONS.—The unnumbered paragraphs in  
 19 section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.  
 20 1274(a)), relating to each of the following river segments,  
 21 are each amended by numbering such paragraphs as  
 22 follows:

<b>River:</b>	<b>Paragraph Number</b>
East Fork of Jemez, New Mexico .....	(109)
Pecos River, New Mexico .....	(110)
Smith River, California .....	(111)
Middle Fork Smith River, California .....	(112)
North Fork Smith River, California .....	(113)
Siskiyou Fork Smith River, California .....	(114)

South Fork Smith River, California .....	(115)
Clarks Fork, Wyoming .....	(116)
Niobrara, Nebraska .....	(117)
Missouri River, Nebraska and South Dakota .....	(118)
Bear Creek, Michigan .....	(119)
Black, Michigan .....	(120)
Carp, Michigan .....	(121)
Indian, Michigan .....	(122)
Manistee, Michigan .....	(123)
Ontonagon, Michigan .....	(124)
Paint, Michigan .....	(125)
Pine, Michigan .....	(126)
Presque Isle, Michigan .....	(127)
Sturgeon, Hiawatha National Forest, Michigan .....	(128)
Sturgeon, Ottawa National Forest, Michigan .....	(129)
East Branch of the Tahquamenon, Michigan .....	(130)
Whitefish, Michigan .....	(131)
Yellow Dog, Michigan .....	(132)
Allegheny, Pennsylvania .....	(133)
Big Piney Creek, Arkansas .....	(134)
Buffalo River, Arkansas .....	(135)
Cossatot River, Arkansas .....	(136)
Hurricane Creek, Arkansas .....	(137)
Little Missouri River, Arkansas .....	(138)
Mulberry River, Arkansas .....	(139)
North Sylamore Creek, Arkansas .....	(140)
Richland Creek, Arkansas .....	(141)
Sespe Creek, California .....	(142)
Sisquoc River, California .....	(143)
Big Sur River, California .....	(144)
Great Egg Harbor River, New Jersey .....	(145)
The Maurice River, Middle Segment .....	(146)
The Maurice River, Middle Segment .....	(147)
The Maurice River, Upper Segment .....	(148)
The Menantico Creek, Lower Segment .....	(149)
The Menantico Creek, Upper Segment .....	(150)
Manumuskin River, Lower Segment .....	(151)
Manumuskin River, Upper Segment .....	(152)
Muskee Creek, New Jersey .....	(153)
Red River, Kentucky .....	(154)
Rio Grande, New Mexico .....	(155)
Farmington River, Connecticut .....	(156)

- 1           (b) STUDY RIVERS.—Section 5(a) of such Act is  
2 amended as follows:
- 3           (1) Paragraph (106), relating to St. Mary’s,  
4 Florida, is renumbered as paragraph (108).

1           (2) Paragraph (112), relating to White Clay  
 2           Creek, Delaware and Pennsylvania, is renumbered  
 3           as paragraph (113).

4           (3) The unnumbered paragraphs, relating to  
 5           each of the following rivers, are amended by num-  
 6           bering such paragraphs as follows:

<b>River:</b>	<b>Paragraph Number</b>
Mills River, North Carolina .....	(109)
Sudbury, Assabet, and Concord, Massachusetts .....	(110)
Niobrara, Nebraska .....	(111)
Lamprey, New Hampshire .....	(112)
Brule, Michigan and Wisconsin .....	(114)
Carp, Michigan .....	(115)
Little Manistee, Michigan .....	(116)
White, Michigan .....	(117)
Ontonagon, Michigan .....	(118)
Paint, Michigan .....	(119)
Presque Isle, Michigan .....	(120)
Sturgeon, Ottawa National Forest, Michigan .....	(121)
Sturgeon, Hiawatha National Forest, Michigan .....	(122)
Tahquamenon, Michigan .....	(123)
Whitefish, Michigan .....	(124)
Clarion, Pennsylvania .....	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania .....	(126)
Piru Creek, California .....	(127)
Little Sur River, California .....	(128)
Matilija Creek, California .....	(129)
Lopez Creek, California .....	(130)
Sespe Creek, California .....	(131)
North Fork Merced, California .....	(132)
Delaware River, Pennsylvania and New Jersey .....	(133)
New River, West Virginia and Virginia .....	(134)
Rio Grande, New Mexico .....	(135)

7   **TITLE       VI—PROTECTION       OF**  
 8       **NORTH ST. VRAIN CREEK,**  
 9       **COLORADO**

10 **SEC. 601. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

11       The Act of January 26, 1915, establishing Rocky  
 12 Mountain National Park (38 Stat. 798; 16 U.S.C. 191

1 and following), is amended by adding the following new  
2 section at the end thereof:

3 **“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

4       “Neither the Secretary of the Interior nor any other  
5 Federal agency or officer may approve or issue any permit  
6 for, or provide any assistance for, the construction of any  
7 new dam, reservoir, or impoundment on any segment of  
8 North St. Vrain Creek or its tributaries within the bound-  
9 aries of Rocky Mountain National Park or on the main  
10 stem of North St. Vrain Creek downstream to the point  
11 at which the creek crosses the elevation 6,550 feet above  
12 mean sea level. Nothing in this section shall be construed  
13 to prevent the issuance of any permit for the construction  
14 of a new water gaging station on North St. Vrain Creek  
15 at the point of its confluence with Coulson Gulch.”.

16 **SEC. 602. ENCOURAGEMENT OF EXCHANGES.**

17       (a) LANDS INSIDE ROCKY MOUNTAIN NATIONAL  
18 PARK.—Promptly following enactment of this Act, the  
19 Secretary of the Interior shall seek to acquire by donation  
20 or exchange those lands within the boundaries of Rocky  
21 Mountain National Park owned by the city of Longmont,  
22 Colorado, that are referred to in section 111(d) of the Act  
23 commonly referred to as the “Colorado Wilderness Act of  
24 1980” (Public Law 96-560; 94 Stat. 3272; 16 U.S.C.  
25 192b-9(d)).

1           (b) OTHER LANDS.—The Secretary of Agriculture  
2 shall immediately and actively pursue negotiations with  
3 the city of Longmont, Colorado, concerning the city’s pro-  
4 posed exchange of lands owned by the city and located  
5 in and near Coulson Gulch for other lands owned by the  
6 United States. The Secretary shall report to Congress 2  
7 calendar years after the date of enactment of this Act,  
8 and every 2 years thereafter on the progress of such nego-  
9 tiations until negotiations are complete.

          Passed the House of Representatives September 4,  
1996.

Attest:

ROBIN H. CARLE,

*Clerk.*