

105TH CONGRESS  
1ST SESSION

# S. 200

To amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1997

Mrs. MURRAY (for herself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational 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,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) the 50-mile Handford Reach is the last free-  
6 flowing nontidal segment of the Columbia River in  
7 the United States and has been preserved in a rel-  
8 atively natural condition because of its location with-  
9 in the Hanford Nuclear Reservation;

1           (2) in 1988, Congress, in Public Law 100–605  
2           (102 Stat. 3043), called for an analysis of protection  
3           alternatives for the Hanford Reach and a report to  
4           Congress by the Secretary of the Interior, who con-  
5           cluded in the Hanford Reach Final Environmental  
6           Impact Statement dated June 1994 that the Han-  
7           ford Reach should be designated as a recreational  
8           river under the Wild and Scenic Rivers Act;

9           (3) the Hanford Reach is a vital migration cor-  
10          ridor for anadromous fish and contains some of the  
11          most productive spawning areas in the Northwest  
12          United States, producing an estimated 80 percent of  
13          the Columbia Basin’s fall chinook salmon and  
14          healthy runs of naturally spawning steelhead trout,  
15          sturgeon, and other highly valued fish species;

16          (4) the Hanford Reach provides important habi-  
17          tat for wintering and migrating waterfowl, bald ea-  
18          gles, deer, elk, and a diversity of other wildlife, in-  
19          cluding numerous Federal and State-listed threat-  
20          ened and endangered plant and animal species, some  
21          of which are found nowhere else;

22          (5) the White Bluffs and pristine conditions of  
23          the Hanford Reach offer scenic beauty, opportunities

1 for solitude, and recreation, including hunting, fish-  
2 ing, boating, hiking, swimming, and wildlife observa-  
3 tion, in close proximity to the Tri-Cities area of the  
4 State of Washington;

5 (6) the Hanford Reach and its salmon runs  
6 have been important to mid-Columbia Native Ameri-  
7 cans for subsistence, cultural, and religious purposes  
8 for more than 10,000 years, and there are 150 reg-  
9 istered archaeological sites in the area;

10 (7) the southern shore of the Hanford Reach  
11 chronicles the history of the Manhattan Project, de-  
12 fense nuclear production during the cold war, and  
13 early Euro-American settlement of the area;

14 (8) the White Bluffs and adjacent shoreline  
15 areas are a significant paleontological resource and  
16 are rich with fossils remains from the Pliocene pe-  
17 riod;

18 (9) protection of the Hanford Reach as a na-  
19 tional wild and scenic river can enhance local reve-  
20 nues from outdoor recreation and increase economic  
21 investment in the Tri-Cities area by highlighting the  
22 quality of life and natural amenities of the area;

23 (10) economic activities along the river corridor  
24 in existence on the date of enactment of this Act,

1 such as agriculture, power production and trans-  
2 mission, and water withdrawal, are compatible with  
3 the recreational classification of the river, and the  
4 classification made by this Act cannot be changed  
5 except by a subsequent Act of Congress;

6 (11) designation of the Hanford Reach as a  
7 wild and scenic river can facilitate, and make less  
8 costly, the remediation of contaminated areas of the  
9 Hanford Nuclear Reservation by determining future  
10 land use within the river corridor and helping to en-  
11 sure the Federal commitment to the cleanup of the  
12 Hanford Site;

13 (12) the Hanford Reach has special significance  
14 as an outdoor laboratory and classroom and offers  
15 a singular opportunity for government agencies,  
16 tribes, and community organizations to develop a  
17 partnership around an education and interpretation  
18 program focused on the area's unique natural and  
19 human history;

20 (13) the Columbia River shore immediately  
21 downstream of the Hanford Reach in the Tri-Cities  
22 area currently contains miles of high, steep levees  
23 which create a sterile gauntlet through which mi-  
24 grating anadromous fish must pass, and that flow

1 controls on the Columbia River have reduced the  
2 need for levees of this height;

3 (14) modifying levees in the Tri-Cities area  
4 could significantly improve the habitat value of this  
5 transition area to the Hanford Reach for fish and  
6 wildlife, decrease mortality of migratory fish and wa-  
7 terfowl, and have the additional benefits of improv-  
8 ing rivershore access, recreation, and aesthetics; and

9 (15) local jurisdictions in the Tri-Cities area  
10 have expressed interest in a partnership with the  
11 Army Corps of Engineers and other agencies to  
12 study rivershore restoration in the Tri-Cities area  
13 and develop a plan of action.

14 **SEC. 2. PURPOSES.**

15 The purposes of this Act are—

16 (1) to protect the natural, cultural, scenic, and  
17 recreational resources of the Hanford Reach of the  
18 Columbia River;

19 (2) to encourage education and interpretation  
20 of the Hanford Reach; and

21 (3) to restore and enhance the natural habitat  
22 of the rivershore immediately downstream of the  
23 Hanford Reach in the vicinity of the Tri-Cities area  
24 of the State of Washington.

1 **SEC. 3. COLUMBIA RIVER NATIONAL WILD AND SCENIC**  
 2 **RIVER.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
 4 U.S.C. 1274(a)) is amended by adding at the end the fol-  
 5 lowing:

6 “( ) HANFORD REACH, COLUMBIA RIVER, WASH-  
 7 INGTON.—The river segment from river mile 346.5 to  
 8 river mile 396, Hanford Reach, Columbia River, Washing-  
 9 ton, as a recreational river, subject to the following:

10 “(A) NO PRIVATELY OWNED LAND.—Only  
 11 public land adjacent to the river segment, and  
 12 no privately owned land, may be included in the  
 13 river segment.

14 “(B) MANAGEMENT.—

15 “(i) IN GENERAL.—The Secretary of  
 16 the Interior shall manage the river seg-  
 17 ment as a recreational river in accordance  
 18 with the National Wildlife Refuge System  
 19 Administration Act of 1996 (16 U.S.C.  
 20 668dd et seq.), this Act, and other applica-  
 21 ble law.

22 “(ii) RULE OF CONSTRUCTION.—  
 23 Nothing in this Act or any other law au-  
 24 thORIZES the Secretary of the Interior or  
 25 any other governmental officer to alter the

1 classification of the river segment as a rec-  
2 reational river.

3 “(C) DEVELOPMENT OF PLAN.—In devel-  
4 oping and periodically revising a plan for the  
5 management of the river segment, the Secretary  
6 of the Interior shall—

7 “(i) consult with—

8 “(I) affected Indian tribes;

9 “(II) the State of Washington;

10 “(III) the Secretary of Energy;

11 “(IV) governments of local juris-  
12 dictions adjacent to the river segment;  
13 and

14 “(V) and advisory council com-  
15 posed of the chairperson of the county  
16 commissions for Benton County,  
17 Franklin County, and Grant County,  
18 Washington, and four citizens selected  
19 by the Governor of Washington from  
20 those counties to represent environ-  
21 mental, recreational, cultural, and  
22 other stakeholder interests;

23 “(ii) provide opportunity for public  
24 participation;

1           “(iii) develop a strategy for acquiring  
2 private land in the area defined by the ap-  
3 plicable environmental impact statement by  
4 purchase, conservation easement, lease, or  
5 donation on a willing-seller basis only;

6           “(iv) recognize recreation as an out-  
7 standingly remarkable value of the des-  
8 ignated area and give recreation a high  
9 management priority, along with protection  
10 of natural, cultural, and scenic resources;

11           “(v) coordinate and cooperate with  
12 State, local, and tribal governments and  
13 other entities in the development and im-  
14 plementation of educational and interpre-  
15 tive programs related to the Hanford  
16 Reach; and

17           “(vi) determine how—

18           “(I) a Hanford Reach edu-  
19 cational and interpretive center with  
20 appropriate exhibit, conference, and  
21 support facilities can be constructed  
22 or be incorporated into a compatible  
23 community facility;

24           “(II) interpretive education ef-  
25 forts can be coordinated with local

1 governments and public school dis-  
2 tricts in the region; and

3 “(III) recreational tourism ef-  
4 forts associated with the Hanford  
5 Reach can be coordinated through a  
6 community-based visitor and conven-  
7 tion bureau.

8 “(D) ACCESS CORRIDORS.—Access cor-  
9 ridors in existence on the date of enactment of  
10 this paragraph shall be retained.

11 “(E) RULES OF CONSTRUCTION.—The des-  
12 ignation of the river segment shall not be con-  
13 strued as—

14 “(i) prohibiting or approving relicens-  
15 ing of any hydroelectric facility by the Fed-  
16 eral Energy Regulatory Commission;

17 “(ii) affecting any law, agreement,  
18 plan, or policy in effect on the date of en-  
19 actment of this paragraph regarding water  
20 rights or instream flows on the river seg-  
21 ment;

22 “(iii) prohibiting the operation or  
23 maintenance of any energy, transmission,

1 water intake, or water outfall facility in ex-  
2 istence on the date of enactment of this  
3 paragraph;

4 “(iv) prohibiting the modification, re-  
5 pair, or replacement of any energy, trans-  
6 mission, water intake, or water outfall fa-  
7 cility so long as there is no substantial im-  
8 pact on the natural, cultural, or scenic re-  
9 sources of the river segment and adjacent  
10 land area;

11 “(v) establishing or imposing remedi-  
12 ation requirements more restrictive than  
13 those that would apply but for this para-  
14 graph;

15 “(vi) prohibiting construction of tem-  
16 porary facilities essential to the remedi-  
17 ation and restoration of contaminated  
18 areas within the viewshed of the river seg-  
19 ment; or

20 “(vii) relieving the Secretary of En-  
21 ergy from any obligation or other liability  
22 at the Hanford Nuclear Reservation under  
23 the Comprehensive Environmental Re-  
24 sponse, Compensation, and Liability Act of  
25 1980 (42 U.S.C. 9601 et seq.), the Solid

1 Waste Disposal Act (42 U.S.C. 6901 et  
2 seq.), and other applicable law or imposing  
3 any such obligation or other liability on the  
4 Secretary of the Interior.

5 “(F) RIVERSHORE RESTORATION AND EN-  
6 HANCEMENT.—The Secretary of the Army, act-  
7 ing through the Chief of Engineers of the Army  
8 Corps of Engineers, in cooperation and coordi-  
9 nation with the heads of other relevant Federal  
10 agencies and State and local governments, shall  
11 develop a comprehensive plan of improvement  
12 for restoration and enhancement of fish and  
13 wildlife habitat, recreation, river access, and  
14 overall aesthetics of the levees and other  
15 rivershore areas downstream of the river seg-  
16 ment in the Tri-Cities area of the State of  
17 Washington.

18 “(G) SECTION 1135 PROJECTS.—The Sec-  
19 retary of the Army, acting through the Chief of  
20 Engineers of the Army Corps of Engineers—

21 “(i) subject to receipt of a statement  
22 of interest from the non-Federal interests  
23 for the following projects, shall, not later  
24 than 180 days after the date of enactment  
25 of this paragraph, complete a preliminary

1 restoration plan under section 1135 of the  
2 Water Resources Development Act of 1986  
3 (33 U.S.C. 2309a) for each of—

4 “(I) a portion of the rivershore of  
5 Clover Island and a portion of the  
6 levee immediately upstream of Clover  
7 Island;

8 “(II) the rivershore immediately  
9 upstream of the portion described in  
10 subclause (I) in the city of Kennewick,  
11 Washington, to United States Route  
12 395 bridge;

13 “(III) the levee modified in 1994  
14 between road 39 and the United  
15 States Route 395 bridge in Franklin  
16 County, Washington; and

17 “(IV) the levee between the Unit-  
18 ed States Route 395 bridge to the  
19 area immediately downstream of the  
20 10th Avenue bridge in the city of  
21 Pasco, Washington;

22 “(ii) shall consider each of the  
23 projects described in subclauses (I), (II),  
24 (III), and (IV) of clause (i) to be a sepa-  
25 rate project for purposes of the program

1 under section 1135 of the Water Resources  
2 Development Act of 1986 (33 U.S.C.  
3 2309a); and

4 “(iii) subject to receipt of necessary  
5 commitments from the non-Federal inter-  
6 ests for the projects, shall, not later than  
7 18 months after the date of enactment of  
8 this paragraph, complete a project modi-  
9 fication report for each of the projects.”.

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