

106TH CONGRESS
1ST SESSION

H. R. 1314

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. DICKS (for himself, Mr. INSLEE, Mr. SMITH of Washington, Mr. BAIRD, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Resources

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 the following:

5 (1) The 50-mile Hanford Reach—

6 (A) is the last free-flowing nontidal seg-
7 ment of the Columbia River in the United
8 States; and

1 (B) has been preserved in a relatively nat-
2 ural condition because of its location within the
3 Hanford Nuclear Reservation.

4 (2) Public Law 100–605 (102 Stat. 3043) re-
5 quired an analysis of protection alternatives for the
6 Hanford Reach and a report to Congress by the Sec-
7 retary of the Interior, who concluded in the Hanford
8 Reach Final Environmental Impact Statement dated
9 June 1994 that the Hanford Reach should be des-
10 ignated as a recreational river under the Wild and
11 Scenic Rivers Act (16 U.S.C. 1271 et seq.).

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

19 (4) The Hanford Reach provides important
20 habitat for wintering and migrating wildlife, includ-
21 ing waterfowl, bald eagles, deer, elk, and numerous
22 Federal and State-listed threatened and endangered
23 plant and animal species, some of which are found
24 nowhere else.

1 (5) The shoreline area known as White Bluffs
2 and the pristine conditions of the Hanford Reach
3 offer scenic beauty and opportunities for solitude
4 and recreation, including hunting, fishing, boating,
5 hiking, swimming, and wildlife observation, in close
6 proximity to the cities of Richland, Pasco, and
7 Kennewick, Washington.

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

13 (7) The southern shore of the Hanford Reach
14 chronicles the history of—

15 (A) the Manhattan Project;

16 (B) defense nuclear production during the
17 cold war; and

18 (C) early Euro-American settlement of the
19 area.

20 (8) The White Bluffs and adjacent shoreline
21 areas are significant paleontological resources and
22 rich with fossilized remains from the Pliocene pe-
23 riod.

24 (9) Protection of the Hanford Reach as a com-
25 ponent of the national wild and scenic rivers system

1 could enhance local revenues from outdoor recreation
2 and increase economic investment in the cities of
3 Richland, Pasco, and Kennewick, Washington, by
4 highlighting the quality of life and natural amenities
5 of the area.

6 (10) Economic activities along the river corridor
7 in existence on the date of enactment of this Act,
8 such as agriculture, power production and trans-
9 mission, and water withdrawal, are compatible with
10 the designation of the Hanford Reach as a rec-
11 reational river under the Wild and Scenic Rivers Act
12 (16 U.S.C. 1271 et seq.).

13 (11) Designation of the Hanford Reach as a
14 recreational river under such Act cannot be changed
15 except by a subsequent Act of Congress.

16 (12) Designation of the Hanford Reach as a
17 recreational river under such Act can facilitate, and
18 make less costly, the remediation of contaminated
19 areas of the Hanford Nuclear Reservation by—

20 (A) establishing future land use within the
21 river corridor; and

22 (B) helping to ensure the Federal commit-
23 ment to the cleanup of the Hanford Site.

24 (13) The Hanford Reach has special signifi-
25 cance as an outdoor laboratory and classroom and

1 offers a singular opportunity for government agen-
2 cies, Indian tribes, and community organizations to
3 develop a partnership around an education and in-
4 terpretation program focused on the area’s unique
5 natural and human history.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to protect the natural, cultural, scenic, and
9 recreational resources of the Hanford Reach of the
10 Columbia River by designating the Hanford Reach
11 as a recreational river under the Wild and Scenic
12 Rivers Act (16 U.S.C. 1271 et seq.);

13 (2) to encourage education and interpretation
14 of the Hanford Reach; and

15 (3) to protect the land adjacent to the Hanford
16 Reach.

17 **SEC. 3. DESIGNATION OF THE HANFORD REACH OF THE**
18 **COLUMBIA RIVER AS A RECREATIONAL**
19 **RIVER UNDER THE WILD AND SCENIC RIVERS**
20 **ACT.**

21 (a) DESIGNATION.—Section 3(a) of the Wild and
22 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
23 ing at the end the following:

24 “(160) HANFORD REACH, COLUMBIA RIVER, WASH-
25 INGTON.—Subject to section 3A, the river segment from

1 river mile 346.5 to river mile 396 of the Hanford Reach
2 of the Columbia River, Washington, as a recreational
3 river.”.

4 (b) SPECIAL REQUIREMENTS.—The Wild and Scenic
5 Rivers Act is amended by inserting after section 3 (16
6 U.S.C. 1274) the following:

7 **“SEC. 3A. SPECIAL REQUIREMENTS APPLICABLE TO HAN-**
8 **FORD REACH, COLUMBIA RIVER, WASH-**
9 **INGTON.**

10 “(a) DEFINITION.—In this section, the term ‘Han-
11 ford Reach recreational river’ means the river segment of
12 the Hanford Reach of the Columbia River, Washington,
13 designated as a recreational river by section 3(a)(160).

14 “(b) MANAGEMENT.—The Secretary of the Interior
15 shall manage the Hanford Reach recreational river as a
16 recreational river in accordance with this Act, the National
17 Wildlife Refuge System Administration Act of 1966 (16
18 U.S.C. 668dd et seq.), and other applicable law.

19 “(c) PROHIBITION ON ALTERATION OF DESIGNA-
20 TION.—Nothing in this Act or any other law authorizes
21 the Secretary of the Interior or any other governmental
22 officer to alter the designation of the Hanford Reach rec-
23 reational river as a recreational river under this Act.

24 “(d) MANAGEMENT PLAN COMMISSION.—

1 “(1) MEMBERSHIP.—There shall be a 15-member
2 ber management commission for the Hanford Reach
3 recreational river, which shall be comprised of rep-
4 resentatives of each of the following:

5 “(A) The Department of the Interior, the
6 Department of Commerce, and the Department
7 of Energy.

8 “(B) The Department of Fish and Wild-
9 life, the Department of Ecology, and the De-
10 partment of Community, Trade, and Economic
11 Development of the State of Washington.

12 “(C) The Washington counties of Benton,
13 Franklin, and Grant.

14 “(D) Certain Indian tribes in the State of
15 Washington, including the Umatilla Indian
16 tribe, the Nez Perce Indian tribe, and the
17 Yakama Nation.

18 “(E) Members of the public interested in
19 conservation, recreation, and business.

20 “(2) APPOINTMENT.—Members of the manage-
21 ment commission described in paragraph (1)(E)
22 shall be—

23 “(A) nominated by persons residing in the
24 vicinity of the Hanford Reach recreational river;
25 and

1 “(B) appointed by the Governor of Wash-
2 ington.

3 “(3) SUPERMAJORITY REQUIREMENT.—All
4 Commission decisions shall be adopted with a vote of
5 at least 10 of the members of the Commission.

6 “(e) DEVELOPMENT OF MANAGEMENT PLAN.—The
7 management commission shall be responsible for devel-
8 oping the management plan for the Hanford Reach rec-
9 reational river. In developing and periodically revising the
10 plan, the management commission shall—

11 “(1) provide opportunity for public participa-
12 tion;

13 “(2) recognize recreation as an outstandingly
14 remarkable value of the Hanford Reach recreational
15 river and give recreation a high management pri-
16 ority, along with protection of natural, cultural, and
17 scenic resources;

18 “(3) coordinate and cooperate with State, local,
19 and tribal governments, public school districts, and
20 other entities in the development and implementa-
21 tion of educational and interpretive programs related
22 to the Hanford Reach recreational river;

23 “(4) determine how an educational and inter-
24 pretive center for the Hanford Reach recreational
25 river, with appropriate exhibit, conference, and sup-

1 port facilities, can be constructed or incorporated
2 into a compatible community facility; and

3 “(5) determine how recreational tourism efforts
4 associated with the Hanford Reach recreational river
5 can be coordinated through a community-based vis-
6 itor and convention bureau.

7 “(f) PROHIBITION ON INCLUSION OF PRIVATELY
8 OWNED LAND.—

9 “(1) PROHIBITION.—Except as provided in
10 paragraph (2), only public land adjacent to the Han-
11 ford Reach recreational river, and no privately
12 owned land, may be included in the Hanford Reach
13 recreational river.

14 “(2) LIMITED ACQUISITION AUTHORITY.—As
15 part of the management plan for the Hanford Reach
16 recreational river, the management commission shall
17 develop a strategy for acquiring private land, by pur-
18 chase, conservation easement, lease, or donation,
19 from persons willing to convey private land in the
20 area defined by the applicable environmental impact
21 statement.

22 “(g) RELATIONSHIP TO ACCESS CORRIDORS.—Ac-
23 cess corridors for the Hanford Reach recreational river in
24 existence on the date of enactment of this section shall
25 be retained.

1 “(h) RELATIONSHIP TO OTHER LAWS AND AUTHORI-
2 TIES.—The designation of the Hanford Reach recreational
3 river shall not—

4 “(1) prohibit or approve relicensing of any hy-
5 droelectric facility by the Federal Energy Regulatory
6 Commission;

7 “(2) affect any law, agreement, plan, or policy
8 in effect on the date of enactment of this section re-
9 garding water rights or instream flows on the des-
10 ignated river segment;

11 “(3) prohibit the operation or maintenance of
12 any energy, transmission, water intake, or water
13 outfall facility in existence on the date of enactment
14 of this section;

15 “(4) prohibit the modification, repair, or re-
16 placement of any energy, transmission, water intake,
17 or water outfall facility so long as there is no sub-
18 stantial impact on the natural, cultural, or scenic re-
19 sources of the Hanford Reach recreational river and
20 adjacent land area;

21 “(5) establish or impose remediation require-
22 ments more restrictive than those that would apply
23 but for the designation;

24 “(6) prohibit construction of temporary facili-
25 ties necessary for the remediation and restoration of

1 contaminated areas within the view shed of the Han-
2 ford Reach recreational river; or

3 “(7) relieve the Secretary of Energy from any
4 obligation or other liability at the Hanford Nuclear
5 Reservation under the Comprehensive Environ-
6 mental Response, Compensation, and Liability Act
7 of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste
8 Disposal Act (42 U.S.C. 6901 et seq.), and other ap-
9 plicable law imposing any similar obligation or other
10 liability on the Secretary of the Interior.

11 “(i) RIVERSHORE RESTORATION AND ENHANCE-
12 MENT.—The Secretary of the Army, acting through the
13 Chief of Engineers of the Army Corps of Engineers, in
14 cooperation and coordination with the heads of other rel-
15 evant Federal agencies and State and local governments,
16 shall develop a comprehensive plan of improvement for the
17 levees and other rivershore areas downstream of the Han-
18 ford Reach recreational river in the vicinity of the cities
19 of Richland, Pasco, and Kennewick, Washington,
20 including—

21 “(1) restoration and enhancement of fish and
22 wildlife habitat;

23 “(2) recreation;

24 “(3) river access; and

25 “(4) overall aesthetics.”.

1 (c) EXISTING UNDESIGNATED PARAGRAPHS; RE-
2 MOVAL OF DUPLICATION.—Section 3(a) of the Wild and
3 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

4 (1) by striking the first undesignated paragraph
5 after paragraph (156), relating to Elkhorn Creek,
6 Oregon; and

7 (2) by designating the three remaining undesignated
8 paragraphs after paragraph (156) as para-
9 graphs (157), (158), and (159), respectively.

10 **SEC. 4. CONSOLIDATION OF BUREAU OF LAND MANAGE-**
11 **MENT HOLDINGS, HANFORD NUCLEAR RES-**
12 **ERVATION.**

13 (a) STUDY OF EXCHANGE OPTIONS.—The Secretary
14 of the Interior and the Secretary of Energy shall—

15 (1) study the consolidation of parcels of land
16 administered by the Bureau of Land Management
17 on the Hanford Nuclear Reservation; and

18 (2) prepare to exchange lands on completion of
19 documents required under the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

21 (b) OBJECTIVES.—The objectives of the land ex-
22 change under subsection (a) shall be—

23 (1) to clear title to parcels of land along the
24 railroad in the southeast corner of the Hanford Nu-

1 clear Reservation and in the area known as the “200
2 Area” for industrial development;
3 (2) to protect wildlife and native plants; and
4 (3) to preserve cultural sites important to Na-
5 tive Americans.

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