

106TH CONGRESS
1ST SESSION

H. R. 1759

To ensure the long-term protection of the resources of the portion of the
Columbia River known as the Hanford Reach.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1999

Mr. HASTINGS of Washington (for himself, Mr. NETHERCUTT, and Ms. DUNN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To ensure the long-term protection of the resources of the
portion of the Columbia River known as the Hanford Reach.

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. SHORT TITLE.**

4 This Act may be cited as the “Hanford Reach Na-
5 tional Salmon Preserve and Recreational Area Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The 51-mile stretch of the Columbia River,
9 known as the “Hanford Reach”, provides 80 percent
10 of the fall Chinook salmon in the river system, crit-

1 ical habitat for wildlife, a high-quality waterfowl
2 sanctuary, as well as numerous scenic, historic, and
3 recreational opportunities for the public.

4 (2) In 1996 Congress, through Public Law
5 104–333, prohibited damming, dredging, channeling,
6 or other such activities along the Hanford Reach in
7 order to help preserve and protect the unique envi-
8 ronmental benefits of the region.

9 (3) The lands surrounding the Hanford Reach
10 area of the Columbia River, Washington, should be
11 properly managed in order to protect plant, fish,
12 wildlife, cultural, recreational, and scenic resources,
13 while preserving access to these lands.

14 (4) Recognizing the unique and pristine values
15 of the area, local citizens in cooperation with Fed-
16 eral and State authorities have developed a com-
17 prehensive protection plan which has enhanced salm-
18 on habitat along the Hanford Reach. This plan,
19 known as the Vernita Bar Agreement, has preserved
20 the free flowing, riparian character of the Hanford
21 Reach, and serves as a blueprint for further success-
22 ful management along the Columbia River.

23 (5) Although dozens of local, State, and Federal
24 environmental protection and management laws and
25 regulations exist for the Hanford Reach, manage-

1 ment efforts can be better integrated and can lead
2 to more efficient use of public resources and im-
3 proved habitat and recreation management.

4 (6) Inasmuch as Federal financial resources are
5 constrained, joint partnerships among Federal,
6 State, and local entities can provide long-term habi-
7 tat and wildlife management, maintain recreational
8 opportunities, and develop a responsible and environ-
9 mentally sound management plan for the Hanford
10 Reach.

11 (7) The people and the governments of Benton,
12 Franklin, and Grant Counties desire to enter into
13 such a partnership with the State of Washington
14 and the United States to ensure the continued pro-
15 tection of plant, fish, wildlife, cultural, recreational,
16 and scenic resources on the lands surrounding the
17 Hanford Reach.

18 (8) Such a cooperative partnership will provide
19 a forum for public input from the entire region and
20 ensure the long-term protection of the river as wild,
21 scenic, and accessible.

22 (9) Congress recommends the formation of a
23 commission, with Federal, State and local members,
24 to manage the Reach in accordance with the above
25 goals.

1 (10) The commission will be structured to en-
2 sure that each entity will have equal standing to
3 make or reject management decisions.

4 **SEC. 3. PURPOSE.**

5 The purpose of this Act is to protect and enhance
6 the plant resources, fish and wildlife resources, cultural
7 resources, recreational access and other uses of the Han-
8 ford Reach through a joint partnership with Federal,
9 State and local governments.

10 **SEC. 4. DEFINITIONS.**

11 For purposes of this Act:

12 (1) COMMISSION.—The term “Commission”
13 means the Hanford Reach Protection and Manage-
14 ment Commission.

15 (2) HANFORD REACH.—The term “Hanford
16 Reach” refers to the portion of the Columbia River
17 from river mile 353 to river mile 392.

18 (3) HANFORD SITE.—The term “Hanford Site”
19 means the property represented as “Department of
20 Energy” under the Land Status Legend on the Bu-
21 reau of Land Management topographic map of
22 Priest Rapids, Washington, Edition-1991.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Energy.

1 **SEC. 5. GENERAL AUTHORITY; PROPERTY DESCRIPTIONS.**

2 (a) **AUTHORITY.**—As soon as practicable after the
3 date of the enactment of this Act, the Secretary for no
4 consideration shall convey to the governmental entities re-
5 ferred to in subsection (c) all right, title, and interest of
6 the United States in and to the properties described in
7 subsection (c).

8 (b) **ENVIRONMENTAL SAFETY.**—The conveyance
9 made under subsection (c) shall be made only after the
10 Administrator of the Environmental Protection Agency
11 certifies to the Secretary that—

12 (1) the properties described in section 5(c) are
13 clean of hazardous, toxic, or radioactive materials or
14 substances;

15 (2) all corrective, remedial, or response actions
16 have been completed; and

17 (3) all obligations of the Secretary at the Han-
18 ford Site under the Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980
20 (42 U.S.C. 9601 et seq.) and other applicable laws
21 have been fulfilled.

22 (c) **CONVEYANCE TO THE STATE OF WASHINGTON.**—
23 The Secretary shall convey to the State of Washington the
24 property that consists of the portion of the Hanford Site
25 that runs along both banks of the Columbia River and
26 lies within the one quarter mile to the north of the mean

1 high water mark on the north bank of the Columbia River,
2 and that lies within the one quarter mile to the south of
3 the mean high water mark on the south bank of the Co-
4 lumbia River.

5 (d) WATER RIGHTS AND UTILITY EASEMENTS.—The
6 conveyances under subsection (c) shall be made subject to
7 all existing water rights and all easements and rights of
8 any public and private utility districts which operate and
9 maintain transmission and generation facilities along the
10 lands described under section 5.

11 **SEC. 6. DESIGNATION OF THE HANFORD REACH CORRIDOR.**

12 Upon passage of this Act, the lands conveyed under
13 section 5(c) and the Columbia River corridor adjacent to
14 such lands shall be referred to the “Hanford Reach Na-
15 tional Salmon Preserve and Recreational Area.”

16 **SEC. 7. ESTABLISHMENT OF HANFORD REACH PROTEC-**
17 **TION AND MANAGEMENT COMMISSION.**

18 Not later than 6 months after the conveyances under
19 section 5(b)(1) are made, the Department of Energy and
20 the State of Washington shall enter into a written joint
21 agreement with the governments of Benton, Franklin, and
22 Grant Counties to establish the Hanford Reach Protection
23 and Management Commission as follows:

24 (1) MEMBERSHIP APPOINTMENT.—The Com-
25 mission shall be composed of 9 members. As soon as

1 practicable, but not more than 6 months after the
2 date of the enactment of this Act, the members shall
3 be appointed as follows:

4 (A) LOCAL PANEL.—

5 (i) One member who shall be a resi-
6 dent of Benton County, appointed by the
7 government of such county.

8 (ii) One member who shall be a resi-
9 dent of Franklin County, appointed by the
10 government of such county.

11 (iii) One member who shall be a resi-
12 dent of Grant County, appointed by the
13 government of such county.

14 (B) STATE PANEL.—Three members who
15 shall each be residents of the State of Wash-
16 ington, appointed by the Governor of the State
17 of Washington.

18 (C) FEDERAL PANEL.—

19 (i) One Member who shall be a resi-
20 dent of the State of Washington, appointed
21 by the Secretary of Energy.

22 (ii) One member who shall be a resi-
23 dent of the State of Washington, appointed
24 by the Secretary of the Interior.

1 (iii) One member who shall be a resi-
2 dent of the State of Washington, appointed
3 by the Bureau of Indian Affairs.

4 (2) VOTING REQUIREMENTS.—Each issue be-
5 fore the Commission shall be deemed approved only
6 if a majority of each panel has voiced approval.

7 (3) NONVOTING MEMBERS.—The Commission
8 should seek the advice and technical expertise from
9 state and Federal agencies, public utility districts,
10 irrigators, academics, biologists, and others, on mat-
11 ters before the Commission.

12 (4) TERMS OF OFFICE.—The length of the
13 terms of office of the members appointed under
14 paragraph (1) shall not exceed 4 years. Terms shall
15 be staggered within each panel.

16 (5) VACANCY.—Any vacancy that may occur
17 prior to the expiration of a member's term shall be
18 filled for the balance of such term by appointment
19 made by the entity which appointed the vacating
20 member.

21 (6) ESTABLISHMENT OF COMMISSION AUTHOR-
22 ITY.—As soon as practicable after the appointment
23 of a majority of the members of the Commission,
24 such members shall be authorized to convene meet-
25 ings of the Commission and to adopt rules and pro-

1 visions governing the administration, voting, meet-
2 ing, terms of service, and finances of the Commis-
3 sion. The first meeting shall be held no later than
4 1 year from the date of the establishment of the
5 Commission.

6 (7) DEVELOPMENT OF HANFORD REACH PRO-
7 TECTION AND MANAGEMENT PLAN.—

8 (A) The primary duty of the Commission
9 shall be to develop and implement a plan to
10 manage the lands conveyed pursuant to section
11 5(c) consistent with the purposes of this Act.

12 (B) From the date the conveyances under
13 section 5(c) are made until such time as a per-
14 manent protection and management plan is ap-
15 proved by the Commission, the lands conveyed
16 pursuant to such section shall be managed
17 under an interim management plan approved by
18 the governments of Benton, Franklin, and
19 Grant Counties, which shall be consistent with
20 the purposes of this Act.

21 (8) USE OF FEDERAL RESOURCES AUTHOR-
22 IZED.—The Secretary of the Interior may enter into
23 agreements with the State of Washington and the
24 governments of Benton, Franklin, and Grant Coun-
25 ties to allow the utilization of personnel, and the

1 provision of technical and financial assistance from
2 the United States Fish and Wildlife Service to assist
3 the county governments in the administration and
4 management of the lands transferred under this Act.

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