

106TH CONGRESS  
1ST SESSION

# S. 715

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

MARCH 25, 1999

Mrs. MURRAY (for herself, Mr. WYDEN, and Mr. BAUCUS) 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 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-mem-  
 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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