

105TH CONGRESS  
1ST SESSION

# H. R. 1811

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 1997

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

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## 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 “Columbia River Habi-  
5        tat Protection and Recreational Access Act of 1997”.

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, criti-

1 cal 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) Several of the areas adjacent to the Han-  
5       ford Reach of the Columbia River, including lands  
6       known as the Wahluke Slope, currently owned by the  
7       United States, have been extensively studied and re-  
8       viewed through environmental impact statements  
9       and have been declared environmentally sound and  
10      certified suitable for conveyance.

11              (7) Inasmuch as Federal financial resources are  
12      constrained, joint partnerships among Federal,  
13      State, and local entities can provide long-term habi-  
14      tat and wildlife management, maintain recreational  
15      opportunities, and develop a responsible and environ-  
16      mentally sound local land use plan for the region.

17              (8) The people and the governments of Benton,  
18      Franklin, Grant, and Adams Counties desire to  
19      enter into such a partnership with the State of  
20      Washington and the United States to ensure the  
21      continued protection of plant, fish, wildlife, cultural,  
22      recreational, and scenic resources on the lands sur-  
23      rounding the Hanford Reach.

24              (9) Such a cooperative partnership will provide  
25      a forum for public input from the entire region and

1 ensure the long-term protection of the river as wild,  
2 scenic, and accessible.

3 (10) Congress recommends the formation of a  
4 commission, of which a majority of the members of  
5 such a commission represent the local entities, to en-  
6 sure that the above goals are achieved and to main-  
7 tain maximum involvement by the citizens of Ben-  
8 ton, Franklin, Grant, and Adams Counties.

9 **SEC. 3. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “Secretary” means the Secretary  
12 of Energy;

13 (2) the term “Hanford Works” means the prop-  
14 erty represented as “Department of Energy” under  
15 the Land Status Legend on the Bureau of Land  
16 Management topographic map of Priest Rapids,  
17 Washington, Edition-1991; and

18 (3) the term “Commission” means the Hanford  
19 Reach Protection and Management Commission.

20 **SEC. 4. GENERAL AUTHORITY; PROPERTY DESCRIPTIONS.**

21 (a) **AUTHORITY.**—As soon as practicable after the  
22 date of the enactment of this Act, the Secretary for no  
23 consideration shall convey to the governmental entities re-  
24 ferred to in subsection (b) all right, title, and interest of

1 the United States in and to the properties described in  
2 subsection (b).

3 (b) CONVEYANCES.—

4 (1) STATE OF WASHINGTON.—The Secretary  
5 shall convey to the State of Washington the property  
6 that consists of the portion of the Hanford Works  
7 that runs along both banks of the Columbia River  
8 and lies within the one quarter mile to the north of  
9 the mean high water mark on the north bank of the  
10 Columbia River, and that lies within the one quarter  
11 mile to the south of the mean high water mark on  
12 the south bank of the Columbia River.

13 (2) ADAMS COUNTY, WASHINGTON.—The Sec-  
14 retary shall convey to Adams County, Washington,  
15 the property that consists of the portion of the Han-  
16 ford Works that lies within Adams County, Wash-  
17 ington.

18 (3) GRANT COUNTY, WASHINGTON.—The Sec-  
19 retary shall convey to Grant County, Washington,  
20 the property that consists of the portion of the Han-  
21 ford Works that lies within Grant County, Washing-  
22 ton, to the north of the Columbia River and that is  
23 not part of the conveyance made pursuant to para-  
24 graph (1) of this subsection.

1           (4) FRANKLIN COUNTY, WASHINGTON.—The  
2 Secretary shall convey to Franklin County, Washing-  
3 ton, the property that consists of the portion of  
4 Hanford Works that lies within Franklin County,  
5 Washington, to the north of the Columbia River and  
6 that is not part of the conveyance made pursuant to  
7 paragraph (1) of this subsection.

8           (5) ADDITIONAL PROPERTIES.—In addition to  
9 properties described in paragraphs (1) through (4),  
10 the Secretary may convey to a State or local govern-  
11 ment referred to in paragraphs (1) through (4) such  
12 property within the Hanford Works as the Secretary  
13 and the State or local government agree is appro-  
14 priate to carry out this Act.

15 **SEC. 5. TERMS AND CONDITIONS.**

16 (a) SPECIAL RULES FOR STATE OF WASHINGTON.—

17           (1) ENVIRONMENTAL SAFETY.—The conveyance  
18 made under section 4(b)(1) shall be made only after  
19 the Administrator of the Environmental Protection  
20 Agency certifies to the Secretary that—

21                   (A) the properties described in section  
22 4(b)(1) are clean of hazardous, toxic, or radio-  
23 active materials or substances;

24                   (B) all corrective, remedial, or response ac-  
25 tions have been completed; and

1 (C) all obligations of the Secretary at the  
2 Hanford Nuclear Reservation under the Com-  
3 prehensive Environmental Response, Compensa-  
4 tion, and Liability Act of 1980 (42 U.S.C. 9601  
5 et seq.) and other applicable laws have been ful-  
6 filled.

7 (2) FEDERAL LEASEHOLDS.—Any leasehold in-  
8 terest by any agency of the United States on lands  
9 described under section 4(b) shall terminate upon  
10 enactment of this Act, and such interest shall be  
11 transferred pursuant to section 4.

12 (3) WATER RIGHTS AND UTILITY EASE-  
13 MENTS.—The conveyances under section 4 shall be  
14 made subject to all existing water rights and all  
15 easements and rights of any public and private util-  
16 ity districts which operate and maintain trans-  
17 mission and generation facilities along the lands de-  
18 scribed under section 4.

19 (b) ESTABLISHMENT OF HANFORD REACH PROTEC-  
20 TION AND MANAGEMENT COMMISSION.—Not later than 6  
21 months after the conveyances under section 4(b)(1) are  
22 made, the State of Washington shall enter into a written  
23 joint agreement with the governments of Benton, Frank-  
24 lin, and Grant Counties to establish the Hanford Reach  
25 Protection and Management Commission as follows:

1           (1) MEMBERSHIP APPOINTMENT.—The Com-  
2 mission shall be composed of 7 members. As soon as  
3 practicable, but not more than 6 months after the  
4 date of the enactment of this Act, the members shall  
5 be appointed as follows:

6           (A) One member who shall be a resident of  
7 Benton County, appointed by the government of  
8 such county.

9           (B) One member who shall be a resident of  
10 Franklin County, appointed by the government  
11 of such county.

12           (C) One member who shall be a resident of  
13 Grant County, appointed by the government of  
14 such county.

15           (D) One member who shall be a resident of  
16 the State of Washington, appointed by the Gov-  
17 ernor of the State of Washington.

18           (E) One member who shall be a resident of  
19 the State of Washington, appointed by the Sec-  
20 retary of Energy.

21           (F) One member who shall be a resident of  
22 the State of Washington, appointed by the Sec-  
23 retary of the Interior.

24           (G) One member who shall be a resident of  
25 any county in the State of Washington through

1 or along which the Columbia River runs, ap-  
2 pointed by a majority vote of the other mem-  
3 bers of the Commission.

4 (2) TERMS OF OFFICE.—The length of the  
5 terms of office of the members appointed under (1)  
6 shall be fixed by each appointing governmental en-  
7 tity at the time of appointment, but no term shall  
8 exceed 4 years.

9 (3) VACANCY.—Any vacancy that may occur  
10 prior to the expiration of a member's term shall be  
11 filled for the balance of such term by appointment  
12 made by the entity which appointed the vacating  
13 member.

14 (4) RESTRICTION.—Except as provided herein,  
15 no person shall be appointed to the Commission who  
16 is an employee, agent, or independent contractor of  
17 the United States or any agency thereof.

18 (5) FAILURE TO APPOINT.—In the event a  
19 member has not been appointed within 6 months of  
20 the establishment of the Commission, any such va-  
21 cancy shall be filled by joint appointment by the gov-  
22 ernments of Benton, Franklin, and Grant Counties.

23 (6) ESTABLISHMENT OF COMMISSION AUTHOR-  
24 ITY.—As soon as practicable after the appointment  
25 of a majority of the members of the Commission,

1 such members shall be authorized to convene meet-  
2 ings of the Commission and to adopt rules and pro-  
3 visions governing the administration, voting, meet-  
4 ing, terms of service, and finances of the Commis-  
5 sion. The first meeting shall be held no later than  
6 1 year from the date of the establishment of the  
7 Commission.

8 (7) DEVELOPMENT OF HANFORD REACH PRO-  
9TECTION AND MANAGEMENT PLAN.—

10 (A) The primary duty of the Commission  
11 shall be to develop and implement a plan to  
12 manage the lands conveyed pursuant to section  
13 4(b)(1) to protect and enhance plant resources,  
14 fish and wildlife resources, cultural resources,  
15 recreational access, and other uses or resources  
16 prescribed by the Commission.

17 (B) From the date the conveyances under  
18 section 4(b)(1) are made until such time as a  
19 permanent protection and management plan is  
20 approved by the Commission, the lands con-  
21 veyed pursuant to such section shall be man-  
22 aged under an interim management plan ap-  
23 proved by the governments of Benton, Franklin,  
24 and Grant Counties, which shall be consistent  
25 with the purposes of this Act.

1           (c) NONPERFORMANCE OF STATE OF WASHINGTON,  
2 TRANSFER TO AND MANAGEMENT BY COUNTIES AU-  
3 THORIZED.—If the State of Washington does not fulfill  
4 its obligations under subsection (b), all right, title, and  
5 interest to the property conveyed pursuant to section  
6 4(b)(1) shall be transferred to the counties, with the con-  
7 sent of such counties, in which the lands are situated in  
8 order to carry out the purposes of this Act, and the gov-  
9 ernments of such counties shall jointly establish the Com-  
10 mission pursuant to subsection (b) and to provide for the  
11 management of the lands conveyed pursuant to section  
12 4(b)(1).

13           (d) REVERSION AND RIGHT TO REENTER.—If the  
14 State of Washington does not fulfill its obligations under  
15 subsection (b), and if the governments of Benton, Frank-  
16 lin, and Grant Counties do not fulfill their obligations  
17 under subsection (c), all right, title, and interest to the  
18 property conveyed pursuant to section 4(b)(1) shall revert  
19 to the United States and the United States shall have the  
20 right of immediate entry thereon.

21           (e) USE OF FEDERAL RESOURCES AUTHORIZED.—  
22 The Secretary of the Interior may enter into agreements  
23 with the State of Washington and the governmental enti-  
24 ties referred to in paragraphs (1) through (4) of section  
25 4(b) to allow the utilization of personnel, and the provision

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

5 (f) SPECIAL RULE FOR ADAMS COUNTY, GRANT  
6 COUNTY, AND FRANKLIN COUNTY.—The properties de-  
7 scribed under paragraphs (2) through (4) of section 4(b)  
8 shall be conveyed only after Adams County, Grant County,  
9 and Franklin County, Washington, have submitted a writ-  
10 ten report to the Secretary of the Interior which shall in-  
11 clude—

12 (1) a risk analysis of debris slides in the White  
13 Bluffs Wasteway;

14 (2) any recommendations necessary to address  
15 the risk of such slides; and

16 (3) a comprehensive land use plan of the  
17 Wahluke Slope.

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