

Union Calendar No. 381

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 2292**

[Report No. 104-716]

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## **A BILL**

To preserve and protect the Hanford Reach of the  
Columbia River, and for other purposes.

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JULY 29, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 1995

Mr. HASTINGS of Washington introduced the following bill; which was referred  
to the Committee on Resources

JULY 29, 1996

Additional sponsor: Mr. NETHERCUTT

JULY 29, 1996

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[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To preserve and protect the Hanford Reach of the Columbia  
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hanford Reach Preser-  
3 vation Act”.

4 **SEC. 2. AMENDMENT OF PUBLIC LAW 100-605.**

5 Section 2 of Public Law 100-605 is amended as  
6 follows:

7 (1) By striking “Interim” in the section  
8 heading.

9 (2) By striking “For a period of eight years  
10 after” and inserting “After” in subsection (a).

11 (3) By striking in subsection (b) “During the  
12 eight year interim protection period, provided by this  
13 section, all” and inserting “All”.

14 ***TITLE I—HANFORD REACH***  
15 ***PRESERVATION ACT***

16 ***SEC. 101. AMENDMENT OF PUBLIC LAW 100-605.***

17 *Section 2 of Public Law 100-605 is amended as fol-*  
18 *lows:*

19 (1) *By striking “**INTERIM**” in the section head-*  
20 *ing.*

21 (2) *By striking “For a period of eight years*  
22 *after” and inserting “After” in subsection (a).*

23 (3) *By striking in subsection (b) “During the*  
24 *eight year interim protection period, provided by this*  
25 *section, all” and inserting “All”.*

1     **TITLE II—LAMPREY WILD AND**  
2                   **SCENIC RIVER ACT**

3     **SEC. 201. DESIGNATION.**

4           *Section 3(a) of the Wild and Scenic Rivers Act (16*  
5 *U.S.C. 1274(a)) is amended by adding the following new*  
6 *paragraph at the end thereof:*

7           “(157) *LAMPREY RIVER, NEW HAMPSHIRE.—The*  
8 *11.5-mile segment extending from the southern Lee town*  
9 *line to the confluence with the Piscassic River in the vicin-*  
10 *ity of the Durham-Newmarket town line (hereinafter in this*  
11 *paragraph referred to as the ‘segment’) as a recreational*  
12 *river. The segment shall be administered by the Secretary*  
13 *of the Interior through cooperative agreements between the*  
14 *Secretary and the State of New Hampshire and its relevant*  
15 *political subdivisions, namely the towns of Durham, Lee,*  
16 *and Newmarket, pursuant to section 10(e) of this Act. The*  
17 *segment shall be managed in accordance with the Lamprey*  
18 *River Management Plan dated January 10, 1995, and such*  
19 *amendments thereto as the Secretary of the Interior deter-*  
20 *mines are consistent with this Act. Such plan shall be*  
21 *deemed to satisfy the requirements for a comprehensive*  
22 *management plan pursuant to section 3(d) of this Act.”.*

23     **SEC. 202. MANAGEMENT.**

24           *(a) COMMITTEE.—The Secretary of the Interior shall*  
25 *coordinate his management responsibilities under this Act*

1 *with respect to the segment designated by section 3 with*  
2 *the Lamprey River Advisory Committee established pursu-*  
3 *ant to New Hampshire RSA 483.*

4       **(b) LAND MANAGEMENT.**—*The zoning ordinances duly*  
5 *adopted by the towns of Durham, Lee, and Newmarket, New*  
6 *Hampshire, including provisions for conservation of*  
7 *shorelands, floodplains, and wetlands associated with the*  
8 *segment, shall be deemed to satisfy the standards and re-*  
9 *quirements of section 6(c) of the Wild and Scenic Rivers*  
10 *Act, and the provisions of that section, which prohibit Fed-*  
11 *eral acquisition of lands by condemnation, shall apply to*  
12 *the segment designated by section 201 of this Act. The au-*  
13 *thority of the Secretary to acquire lands for the purposes*  
14 *of this paragraph shall be limited to acquisition by dona-*  
15 *tion or acquisition with the consent of the owner thereof,*  
16 *and shall be subject to the additional criteria set forth in*  
17 *the Lamprey River Management Plan.*

18 **SEC. 203. UPSTREAM SEGMENT.**

19       *Upon request by the town of Epping, which abuts an*  
20 *additional 12 miles of river found eligible for designation*  
21 *as a recreational river, the Secretary of the Interior shall*  
22 *offer assistance regarding continued involvement of the*  
23 *town of Epping in the implementation of the Lamprey*  
24 *River Management Plan and in consideration of potential*

1 *future addition of that portion of the river within Epping*  
2 *as a component of the Wild and Scenic Rivers System.*

3 **TITLE III—WEST VIRGINIA NA-**  
4 **TIONAL RIVERS AMEND-**  
5 **MENTS OF 1996**

6 **SEC. 301. AMENDMENTS PERTAINING TO THE NEW RIVER**  
7 **GORGE NATIONAL RIVER.**

8 (a) *BOUNDARIES.*—Section 1101 of the National Parks  
9 and Recreation Act of 1978 (16 U.S.C. 460m–15) is amend-  
10 ed by striking out “NERI–80,023, dated January 1987”  
11 and inserting “NERI–80,028A, dated March 1996”.

12 (b) *FISH AND WILDLIFE MANAGEMENT.*—Section 1106  
13 of the National Parks and Recreation Act of 1978 (16  
14 U.S.C. 460m–20) is amended by adding the following at  
15 the end thereof: “The Secretary shall permit the State of  
16 West Virginia to undertake fish stocking activities carried  
17 out by the State, in consultation with the Secretary, on wa-  
18 ters within the boundaries of the national river. Nothing  
19 in this Act shall be construed as affecting the jurisdiction  
20 of the State of West Virginia with respect to fish and wild-  
21 life.”.

22 (c) *CONFORMING AMENDMENTS.*—Title XI of the Na-  
23 tional Parks and Recreation Act of 1978 (16 U.S.C. 460m–  
24 15 and following) is amended by adding the following new  
25 section at the end thereof:

1 **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

2       “(a) *COOPERATIVE AGREEMENTS.*—*The provisions of*  
3 *section 202(e)(1) of the West Virginia National Interest*  
4 *River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1))*  
5 *shall apply to the New River Gorge National River in the*  
6 *same manner and to the same extent as such provisions*  
7 *apply to the Gauley River National Recreation Area.*

8       “(b) *REMNANT LANDS.*—*The provisions of the second*  
9 *sentence of section 203(a) of the West Virginia National In-*  
10 *terest River Conservation Act of 1987 (16 U.S.C. 460ww–*  
11 *2(a)) shall apply to tracts of land partially within the*  
12 *boundaries of the New River Gorge National River in the*  
13 *same manner and to the same extent as such provisions*  
14 *apply to tracts of land only partially within the Gauley*  
15 *River National Recreation Area.”.*

16 **SEC. 302. AMENDMENTS PERTAINING TO THE GAULEY**  
17 **RIVER NATIONAL RECREATION AREA.**

18       (a) *TECHNICAL AMENDMENT.*—*Section 205(c) of the*  
19 *West Virginia National Interest River Conservation Act of*  
20 *1987 (16 U.S.C. 460ww–4(c)) is amended by adding the*  
21 *following at the end thereof: “If project construction is not*  
22 *commenced within the time required in such license, or if*  
23 *such license is surrendered at any time, such boundary*  
24 *modification shall cease to have any force and effect.”.*

25       (b) *GAULEY ACCESS.*—*Section 202(e) of the West Vir-*  
26 *ginia National Interest River Conservation Act of 1987 (16*

1 *U.S.C. 460ww-1(e)* is amended by adding the following  
2 *new paragraph at the end thereof:*

3           “(4) *ACCESS TO RIVER.*—(A) *In order to facili-*  
4 *tate public safety, use, and enjoyment of the recre-*  
5 *ation area, and to protect, to the maximum extent*  
6 *feasible, the scenic and natural resources of the area,*  
7 *the Secretary is authorized and directed to acquire*  
8 *such lands or interests in lands and to take such ac-*  
9 *tions as are necessary to provide access by non-*  
10 *commercial entities on the north side of the Gauley*  
11 *River at the area known as Woods Ferry utilizing ex-*  
12 *isting roads and rights-of-way. Such actions by the*  
13 *Secretary shall include the construction of parking*  
14 *and related facilities in the vicinity of Woods Ferry*  
15 *for noncommercial use on lands acquired pursuant to*  
16 *paragraph (3) or on lands acquired with the consent*  
17 *of the owner thereof within the boundaries of the*  
18 *recreation area.*

19           “(B) *If necessary, in the discretion of the Sec-*  
20 *retary, in order to minimize environmental impacts,*  
21 *including visual impacts, within portions of the recre-*  
22 *ation area immediately adjacent to the river, the Sec-*  
23 *retary may, by contract or otherwise, provide trans-*  
24 *portation services for noncommercial visitors, at rea-*

1       sonable cost, between such parking facilities and the  
2       river.

3               “(C) Nothing in subparagraph (A) shall affect  
4       the rights of any person to continue to utilize, pursu-  
5       ant to a lease in effect on April 1, 1993, any right  
6       of way acquired pursuant to such lease which author-  
7       izes such person to use an existing road referred to in  
8       subparagraph (A). Except as provided under para-  
9       graph (2) relating to access immediately downstream  
10      of the Summersville project, until there is compliance  
11      with this paragraph the Secretary is prohibited from  
12      acquiring or developing any other river access points  
13      within the recreation area.”.

14   **SEC. 303. AMENDMENTS PERTAINING TO THE BLUESTONE**  
15                           **NATIONAL SCENIC RIVER.**

16       (a) *BOUNDARIES*.—Section 3(a)(65) of the Wild and  
17      Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by  
18      striking out “WSR–BLU/20,000, and dated January 1987”  
19      and inserting “BLUE–80,005, dated May 1996”.

20       (b) *PUBLIC ACCESS*.—Section 3(a)(65) of the Wild and  
21      Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by  
22      adding the following at the end thereof: “In order to provide  
23      reasonable public access and vehicle parking for public use  
24      and enjoyment of the river designated by this paragraph,  
25      consistent with the preservation and enhancement of the

1 *natural and scenic values of such river, the Secretary may,*  
2 *with the consent of the owner thereof, negotiate a memoran-*  
3 *dum of understanding or cooperative agreement, or acquire*  
4 *not more than 10 acres of lands or interests in such lands,*  
5 *or both, as may be necessary to allow public access to the*  
6 *Bluestone River and to provide, outside the boundary of the*  
7 *scenic river, parking and related facilities in the vicinity*  
8 *of the area known as Eads Mill.”.*

9 **TITLE IV—LIMITATION ON LAND**  
10 **ACQUISITION: MISSOURI**  
11 **RIVER, NEBRASKA AND**  
12 **SOUTH DAKOTA**

13 *The undesignated paragraph in section 3(a) of the*  
14 *Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) relating*  
15 *to the 39-mile segment of the Missouri River, Nebraska and*  
16 *South Dakota, from the headwaters of Lewis and Clark*  
17 *Lake to Ft. Randall Dam is amended by adding at the end*  
18 *the following: “Notwithstanding section 6(a), lands and in-*  
19 *terests in lands may not be acquired for the purposes of*  
20 *this paragraph without the consent of the owner thereof.”.*

1 **TITLE V—TECHNICAL AMEND-**  
 2 **MENT TO THE WILD AND SCE-**  
 3 **NIC RIVERS ACT**

4 **SEC. 501. NUMBERING OF PARAGRAPHS.**

5 (a) *DESIGNATIONS.*—*The unnumbered paragraphs in*  
 6 *section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.*  
 7 *1274(a)), relating to each of the following river segments,*  
 8 *are each amended by numbering such paragraphs as*  
 9 *follows:*

<b>River:</b>	<b>Paragraph Number</b>
<i>East Fork of Jemez, New Mexico</i> .....	(109)
<i>Pecos River, New Mexico</i> .....	(110)
<i>Smith River, California</i> .....	(111)
<i>Middle Fork Smith River, California</i> .....	(112)
<i>North Fork Smith River, California</i> .....	(113)
<i>Siskiyou Fork Smith River, California</i> .....	(114)
<i>South Fork Smith River, California</i> .....	(115)
<i>Clarks Fork, Wyoming</i> .....	(116)
<i>Niobrara, Nebraska</i> .....	(117)
<i>Missouri River, Nebraska and South Dakota</i> .....	(118)
<i>Bear Creek, Michigan</i> .....	(119)
<i>Black, Michigan</i> .....	(120)
<i>Carp, Michigan</i> .....	(121)
<i>Indian, Michigan</i> .....	(122)
<i>Manistee, Michigan</i> .....	(123)
<i>Ontonagon, Michigan</i> .....	(124)
<i>Paint, Michigan</i> .....	(125)
<i>Pine, Michigan</i> .....	(126)
<i>Presque Isle, Michigan</i> .....	(127)
<i>Sturgeon, Hiawatha National Forest, Michigan</i> .....	(128)
<i>Sturgeon, Ottawa National Forest, Michigan</i> .....	(129)
<i>East Branch of the Tahquamenon, Michigan</i> .....	(130)
<i>Whitefish, Michigan</i> .....	(131)
<i>Yellow Dog, Michigan</i> .....	(132)
<i>Allegheny, Pennsylvania</i> .....	(133)
<i>Big Piney Creek, Arkansas</i> .....	(134)
<i>Buffalo River, Arkansas</i> .....	(135)
<i>Cossatot River, Arkansas</i> .....	(136)
<i>Hurricane Creek, Arkansas</i> .....	(137)
<i>Little Missouri River, Arkansas</i> .....	(138)
<i>Mulberry River, Arkansas</i> .....	(139)
<i>North Sylamore Creek, Arkansas</i> .....	(140)
<i>Richland Creek, Arkansas</i> .....	(141)
<i>Sespe Creek, California</i> .....	(142)

*Sisquoc River, California* ..... (143)  
*Big Sur River, California* ..... (144)  
*Great Egg Harbor River, New Jersey* ..... (145)  
*The Maurice River, Middle Segment* ..... (146)  
*The Maurice River, Middle Segment* ..... (147)  
*The Maurice River, Upper Segment* ..... (148)  
*The Menantico Creek, Lower Segment* ..... (149)  
*The Menantico Creek, Upper Segment* ..... (150)  
*Manumuskin River, Lower Segment* ..... (151)  
*Manumuskin River, Upper Segment* ..... (152)  
*Muskee Creek, New Jersey* ..... (153)  
*Red River, Kentucky* ..... (154)  
*Rio Grande, New Mexico* ..... (155)  
*Farmington River, Connecticut* ..... (156)

1       (b) *STUDY RIVERS*.—Section 5(a) of such Act is  
2 amended as follows:

3           (1) Paragraph (106), relating to St. Mary’s,  
4 Florida, is renumbered as paragraph (108).

5           (2) Paragraph (112), relating to White Clay  
6 Creek, Delaware and Pennsylvania, is renumbered as  
7 paragraph (113).

8           (3) The unnumbered paragraphs, relating to  
9 each of the following rivers, are amended by number-  
10 ing such paragraphs as follows:

<b>River:</b>	<b>Paragraph Number</b>
<i>Mills River, North Carolina</i> .....	(109)
<i>Sudbury, Assabet, and Concord, Massachusetts</i> .....	(110)
<i>Niobrara, Nebraska</i> .....	(111)
<i>Lamprey, New Hampshire</i> .....	(112)
<i>Brule, Michigan and Wisconsin</i> .....	(114)
<i>Carp, Michigan</i> .....	(115)
<i>Little Manistee, Michigan</i> .....	(116)
<i>White, Michigan</i> .....	(117)
<i>Ontonagon, Michigan</i> .....	(118)
<i>Paint, Michigan</i> .....	(119)
<i>Presque Isle, Michigan</i> .....	(120)
<i>Sturgeon, Ottawa National Forest, Michigan</i> .....	(121)
<i>Sturgeon, Hiawatha National Forest, Michigan</i> .....	(122)
<i>Tahquamenon, Michigan</i> .....	(123)
<i>Whitefish, Michigan</i> .....	(124)
<i>Clarion, Pennsylvania</i> .....	(125)
<i>Mill Creek, Jefferson and Clarion Counties, Pennsylvania</i> .....	(126)

<i>Piru Creek, California</i> .....	(127)
<i>Little Sur River, California</i> .....	(128)
<i>Matilija Creek, California</i> .....	(129)
<i>Lopez Creek, California</i> .....	(130)
<i>Sespe Creek, California</i> .....	(131)
<i>North Fork Merced, California</i> .....	(132)
<i>Delaware River, Pennsylvania and New Jersey</i> .....	(133)
<i>New River, West Virginia and Virginia</i> .....	(134)
<i>Rio Grande, New Mexico</i> .....	(135)

1 **TITLE VI—PROTECTION OF**  
 2 **NORTH ST. VRAIN CREEK,**  
 3 **COLORADO**

4 **SEC. 601. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

5 *The Act of January 26, 1915, establishing Rocky*  
 6 *Mountain National Park (38 Stat. 798; 16 U.S.C. 191 and*  
 7 *following), is amended by adding the following new section*  
 8 *at the end thereof:*

9 **“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

10 *“Neither the Secretary of the Interior nor any other*  
 11 *Federal agency or officer may approve or issue any permit*  
 12 *for, or provide any assistance for, the construction of any*  
 13 *new dam, reservoir, or impoundment on any segment of*  
 14 *North St. Vrain Creek or its tributaries within the bound-*  
 15 *aries of Rocky Mountain National Park or on the main*  
 16 *stem of North St. Vrain Creek downstream to the point at*  
 17 *which the creek crosses the elevation 6,550 feet above mean*  
 18 *sea level. Nothing in this section shall be construed to pre-*  
 19 *vent the issuance of any permit for the construction of a*  
 20 *new water gaging station on North St. Vrain Creek at the*  
 21 *point of its confluence with Coulson Gulch.”.*

1 **SEC. 602. ENCOURAGEMENT OF EXCHANGES.**

2       (a) *LANDS INSIDE ROCKY MOUNTAIN NATIONAL*  
3 *PARK.—Promptly following enactment of this Act, the Sec-*  
4 *retary of the Interior shall seek to acquire by donation or*  
5 *exchange those lands within the boundaries of Rocky Moun-*  
6 *tain National Park owned by the city of Longmont, Colo-*  
7 *rado, that are referred to in section 111(d) of the Act com-*  
8 *monly referred to as the “Colorado Wilderness Act of 1980”*  
9 *(Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).*

10       (b) *OTHER LANDS.—The Secretary of Agriculture*  
11 *shall immediately and actively pursue negotiations with the*  
12 *city of Longmont, Colorado, concerning the city’s proposed*  
13 *exchange of lands owned by the city and located in and*  
14 *near Coulson Gulch for other lands owned by the United*  
15 *States. The Secretary shall report to Congress 2 calendar*  
16 *years after the date of enactment of this Act, and every 2*  
17 *years thereafter on the progress of such negotiations until*  
18 *negotiations are complete.*