

Appendix B – Public Laws 100-605 And 104-333, Section 404

PUBLIC LAW 100-605

*100th Congress
2nd Session*

An Act

To authorize a study of the Hanford Reach of the Columbia River, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPREHENSIVE RIVER CONSERVATION STUDY.

The Secretary of the Interior (“Secretary”), in consultation with the Secretary of Energy, shall prepare a comprehensive river conservation study for that segment of the Columbia River extending from one mile below Priest Rapids Dam downstream approximately fifty-one miles to the McNary Pool north of Richland, Washington, as generally depicted on the map entitled “Proposed Columbia River Wild and Scenic River Boundary” dated May 17, 1988, hereinafter referred to as the “study area” which is on file with the United States Department of the Interior. The study shall identify and evaluate the outstanding features of the study area and its immediate environment, including fish and wildlife, geologic, scenic, recreational, natural, historical, and cultural values, and examine alternatives for their preservation. In examining alternative means for the preservation of such values, the Secretary shall, among other things, consider the potential addition of all or a portion of the study area to the National Wild and Scenic Rivers System, and recommend a preferred alternative for the protection and preservation of the values identified. The Secretary shall cooperate and consult with the State and political subdivisions thereof, local, and tribal governments, and other interested entities in preparation of such a study and provide for public comment. The study shall be completed and presented to Congress within three years after the date of enactment of this Act.

SECTION 2. INTERIM PROTECTION.

(a) For a period of eight years after the enactment of this Act, within the study area identified in section 1 of this Act:

(1) No Federal agency may construct any dam, channel, or navigation project.

(2) All other new Federal and non-Federal projects and activities shall, to the greatest extent practicable:

(A) be planned, designed, located and constructed to minimize direct and adverse effects on the values for which the river is under study; and

(B) utilize existing structures and facilities including, but not limited to, pipes, pipelines, transmission towers, water conduits, powerhouses, and reservoirs to accomplish the purposes of the project or activity.

(3) Federal and non-Federal entities planning new projects or activities in the study area shall consult and coordinate with the Secretary to minimize and provide mitigation for any direct and adverse effects on the values for which the river is under study.

(4) Upon receiving notice from the entity planning the new project or activity, the Secretary shall, no later than ninety days after receiving such notice and consulting with the entity:

(A) review the proposed project or activity and make a determination as to whether there will be a direct and adverse effect on the values for which the river segment is under study; and

(B) review proposals to mitigate such effects and make such recommendations for mitigation as he deems necessary.

(5) If the Secretary determines that there will be a direct and adverse effect that has not been adequately mitigated, he shall notify the sponsoring entity and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his determination and any proposed recommendations.

(b) During the eight year interim protection period, provided by this section, all existing projects that affect the study area shall be operated and maintained to minimize any direct and adverse effects on the values for which the river is under study, taking into account any existing and relevant license, permit, or agreement affecting the project.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$150,000 for the purpose of conducting the study pursuant to section 1 of this Act.

Approved *November 4, 1988.*

Public Law 104-333, Section 404

***104th Congress
1st Session***

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE IV – RIVERS AND TRAILS

Section 404. Hanford Reach Preservation.

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

- (1) By striking “Interim” in the section heading.
- (2) By striking “For a period of eight years after” and inserting “After” in subsection (a).
- (3) By striking in subsection (b) “During the eight year interim protection period, provided by this section, all” and inserting “All.”

