

HOUSE BILL REPORT

HJM 4025

As Reported By House Committee On:

Agriculture & Ecology

Brief Description: Protecting and managing the Hanford Reach.

Sponsors: Representatives Chandler, Lisk and Mulliken.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/15/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Delvin; Koster; Mastin and Sump.

Minority Report: Do not pass. Signed by 4 members: Representatives Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper and Regala.

Staff: Kenneth Hirst (786-7105).

Background: The federal government acquired the area that became known as the Hanford Reservation in February 1943. The Wahluke Slope Control Zone, an area north of the Columbia River, was established on November 15, 1943.

The federal Department of Energy has deactivated its reactors at the Hanford Reservation and is decontaminating them and related areas. As the department goes through this process, it will make decisions on how to return these lands to state and local control. The Wahluke Slope Control Zone is currently managed as a wildlife area. The U.S. Fish and Wildlife Service manages one portion of these lands, and the Washington State Department of Fish and Wildlife manages the remainder of these lands.

A bill in the U.S. House of Representatives (H.R. 1811), referred to in the memorial, would require the State of Washington, and Benton, Franklin, and Grant Counties, to create a Hanford Reach Protection and Management Commission by written agreement. The members of the commission would be as follows: one resident of the county appointed by Benton County, one resident of the county appointed by Franklin County,

and one resident of the county appointed by Grant County; one resident of the state appointed by the Governor; one resident of the state appointed by the U.S. Secretary of Energy; and one resident of the state appointed by the U.S. Secretary of the Interior. These members would appoint an additional member who is to be a resident of a county along or through which the Columbia River runs.

The primary duty of the commission would be to develop and implement a plan to manage lands conveyed to the state by the bill to ". . . protect and enhance plant resources, fish and wildlife resources, cultural resources, recreational access, and other uses or resources prescribed by the Commission." The measure would require conveyances of lands from the Department of Energy's Hanford Works to the state, to Adams County, to Grant County, and to Franklin County, and permits the conveyance of additional property within the Hanford Works.

The lands would be conveyed to the counties only following their reporting to the secretary regarding: the risk of and recommendations concerning slides in the White Bluffs Wasteway; and a comprehensive land use plan of the Wahluke Slope. If the state did not fulfill its obligations under the measure regarding the commission, the lands conveyed to it would be conveyed to the counties in which they are located and the counties would be required to create a commission to manage the lands. If neither the state nor the counties fulfilled these obligations, the lands would revert to the United States. In the interim following the conveyances and before the commission adopted a permanent plan, the lands conveyed to the state would be managed under an interim plan approved by the governments of Benton, Franklin, and Grant Counties that is consistent with the purposes of the measure.

Summary of Substitute Bill: The U.S. Congress is requested to join with the state in creating a Hanford Reach Protection and Management Commission composed as prescribed in H.R. 1811.

The memorial further requests that:

- lands owned by the United States in the Hanford Reach area be conveyed to the state of Washington and to Adams, Grant, and Franklin Counties for management as prescribed and authorized in H.R. 1811;
- the commission develop and implement a plan to manage the lands so conveyed to protect and enhance plant resources, fish and wildlife resources, cultural resources, recreational access, and other uses or resources; and
- that Congress will unilaterally create a Hanford Reach Protection and Management Committee that provides local residents with an authoritative voice, rather than an advisory voice.

Substitute Bill Compared to Original Bill: The President and U.S. Congress are memorialized to jointly create a Hanford Reach Protection and Management Commission comprised of the same representation as in H.R. 1811.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: Salmon are protected under prior agreements reached in 1996, so we have the flexibility to look at broader management purposes. There is prime agricultural land in this area. HR1811 provides for local input. For too long, the federal government has made decisions. Now it's time for more balance. Counties must use GMA in their decisions. If sloughing is a problem at White Bluff, we will require that the Bureau of Reclamation drain the pools that cause the sloughing. Multiple use is a shared responsibility. "Wild and Scenic" means only some people get to use the river. Federal control means an incremental loss of multiple use over time. Local residents overwhelmingly support local control. Salmon listings will take out 36 to 45 percent of salmon habitat and produce 33 percent less electricity. Local landowners have a huge stake in the Reach. Real cause of sloughing is not agriculture, but the capture ponds of the Bureau of Reclamation. The National Marine Fisheries Service was going to allow commercial fishing right where salmon were spawning. Effects: The existing national refuge (98,000) would go away. One half is farmable; the other half is best for wildlife. The local plan is for no development in Reach area.

Testimony Against: Prefer U.S. Senator Murray's bill, which would retain federal protection with a mixed state/local advisory committee. Protection of the reach is key. Need to determine if there is any water in the area for development. A federal "Wild and Scenic Area" designation is favored. This area is the crown jewel of the salmon fishery that remains. This is a cornerstone of the U.S.-Canada fishery. The quality of the water coming from the Bureau of Reclamation is a concern. This area is home to dozens of species, including some that have just been discovered and many that are threatened or endangered. This area is one of the last examples of undisturbed shrub-steppe habitat. Turning over this kind of area to local control sets a bad precedent for other conveyances. It took federal legislation to protect the Reach from dredging; we want a continued federal presence to provide some certainty to fish protection.

Testified: David Morrison, The Nature Conservancy (con); Mike Conley, Port of Mattawa (pro); Leo Bowman, Benton County (pro); Tim Snead, Grant County (pro); Ron Schultz, National Audubon Society (con); John Rosapepe, Sierra Club Cascade Chapter (con); Josh Baldi, Washington Environmental Council (con); and Bill Robinson, Trout Unlimited (con).