of financial institutions, the National Bankers Association. I believe that the support this measure has gained from such organizations shows that despite the opposition of some banks, there is significant support in the United States for a truly international approach to the problem of money laundering.

Lastly, our proposal has been endorsed by the National Association of District Attorneys. We believe that this is a particularly important endorsement because it is the State and local law enforcement officials who most frequently prosecute narcotics-related cases, including those concerning money laundering. The National Association of District Attorneys understands how vital certain basic financial information can be in the investigation and prosecution of money-laundering cases. Currently, even those foreign banks willing to cooperate with U.S. law enforcement agencies do not maintain the necessary records. I hope that the current negotiations to bring the drug bill up for debate are soon resolved, and I look forward to Senate consideration of this proposal.

WOMEN'S BUSINESS OWNERSHIP ACT OF 1988

Mr. WEICKER. Mr. President, I rise in support of the amendment offered by Senator Bumpers on the Women's Business Ownership Act of 1988, legislation to promote the development and ownership of small businesses owned by women.

There has been an enormous growth in the number of women owned businesses in recent years. According to the Small Business Administration, the number of women-owned businesses has increased by 11 percent annually from 1974 to 1984, as compared to a 5.4 percent growth rate of businesses owned by men during that period. Today, women own one in four of all small businesses, and those businesses contribute jobs to our economy. The phenomenal growth in women owned businesses has occurred in many instances despite the continued stereotyping and discrimination that they face.

The bill will provide an important stimulus to encourage policies to foster the development of businesses owned and operated by women. It passed the House of Representatives earlier this week with overwhelming bipartisan support. The provisions of this amendment, which have already been outlined by Chairman Bumpers, are designed to address these very critical problems confronting women entrepreneurs. Those problems include getting access to capital and credit and obtaining management and technical assistance. It is important to note that this body has already concurred in two provisions of this measure: The Demonstration Grant Program to provide management and technical assistance for women was contained in the SBA reauthorization conference report, H.R. 4174, and the Small Business Commerce appropriations law signed by the President provides $2 million for this program in fiscal year 1989. The second is an initiative to encourage preferred and certified lenders to make smaller loans, less than $50,000, by allowing the payment of half of the 2-percent fee charged on those loans. This provision was also contained in the SBA reauthorization bill.

Another key provision of the bill would amend the Equal Credit Opportunity Act to address business loans to the type of loans covered by the Act. It also would require lenders to keep records relating to loans and to provide written notice to applicants of their right to receive notice of reasons for a loan denial.

In addition to modifying existing programs which should be helpful to women owned businesses, the bill also establishes a National Women's Business Council to study and review existing programs for helping women owned businesses enter the mainstream and to make recommendations to the Congress and the administration on improving efforts to promote women business ownership.

Mr. President, women entrepreneurs have made great gains. This legislation will help continue that process. Furthermore, it will provide a blueprint for future Federal efforts to assist women owned businesses. I urge my colleagues to support passage of the bill.

EXTENDING COVERAGE OF THE EQUAL CREDIT OPPORTUNITY ACT

Mr. GARN. Mr. President, this bill extends the coverage of certain provisions of the Equal Credit Opportunity Act to business and commercial loans. But it gives the Federal Reserve the authority to exempt certain commercial loans and to determine the size and nature of the loans to be covered. We are not trying to cover million dollar loans to corporations. What we intend to include would be small business-type loans. We would expect the Federal Reserve to analyze the loan data and arrive at a reasonable figure in exempting large-dollar loans. I would expect that the dollar number might be somewhere around $100,000 or even less, depending on what the data showed.

OMNIBUS OREGON WILD AND SCENIC RIVERS ACT

Mr. BYRD. Mr. President, I ask unanimous consent to strike all after the enacting clause and insert in lieu thereof the following:

This Act may be referred to as the "Omni-
bus Oregon Wild and Scenic Rivers Act of
1988."

Section 2(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraph at the end thereof:

 Conjunctive

(A) the 25.5-mile segment from its headwaters to Boulder Creek at the Kalmiopsis Wilderness boundary as a wild river;

(B) the eight-mile segment from Boulder Creek to Steel Bridge as a scenic river;

(C) the 11-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

2. Amendments to the Wild and Scenic Rivers Act

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraph at the end thereof:

 Conjunctive

(A) the 9-mile segment from June Creek to Steel Bridge as a scenic river; and

(B) the 4-mile segment from Big Springs to the Siskiyou National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

"(A) the 25.5-mile segment from its headwaters to Boulder Creek at the Kalmiopsis Wilderness boundary as a wild river;

(B) the eight-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

(C) the 11-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

2. Amendments to the Wild and Scenic Rivers Act

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraph at the end thereof:

 Conjunctive

(A) the 9-mile segment from June Creek to Steel Bridge as a scenic river; and

(B) the 5.5-mile segment from Tar Creek to just south of Indian Henry Campground as a scenic river.

2. Amendments to the Wild and Scenic Rivers Act

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 907), as amended, is further amended by adding the following new paragraph at the end thereof:

 Conjunctive

(A) the 15-mile segment just south of Indian Henry Campground to Big Cliff as a recreational river.
"(a) The 7-mile segment from the National Grassland boundary to River Mile 4 south of Opal Spring as a recreational river; and
(b) the 8-mile segment from Bowman Dam to Camp as a recreational river.
"(c) Deschutes, Oregon.—Those portions as follows:
(a) The 40.4-mile segment from Wickwood Dam to northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east as a recreational river; to be administered by the Secretary of Agriculture;
(b) the 11-mile segment from the northern boundary of Sunriver at the southwest quarter of section 20, township 19 south, range 11 east, to Lava Island Camp as a scenic river; to be administered by the Secretary of Agriculture;
(c) the 3-mile segment from Lava Island Camp to the Bend Urban Growth Boundary at the southwest corner of section 13, township 18 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture;
(d) the 19-mile segment from Eden Falls to the upper end of Lake Billy Chinook as a scenic river; to be administered by the Secretary of the Interior;
(e) the 100.5-mile segment from the Pelon Regulating Dam to its confluence with the Columbia River as a recreational river; to be administered by the Secretary of the Interior through a cooperative management agreement between the Confederated Tribes of the Warm Springs Reservation, and the State of Oregon as provided in section 10 of this act and section 4 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988.
"(d) Donna und Blitzen, Oregon.—Those segments, including its major tributaries, as a wild river; to be administered by the Secretary of the Interior as follows:
(a) the 16.75-mile segment of the Donna and Little Blitzen from its confluence with the South Fork Blitzen and Little Blitzen;
(b) the 12.5-mile segment of the Little Blitzen from its headwaters to its confluence with the South Fork Blitzen;
(c) the 16.5-mile segment of the South Fork Blitzen from its headwaters to its confluence with the South Fork Blitzen;
(d) the 10-mile segment of Big Indian Creek from its headwaters to its confluence with the South Fork Blitzen;
(e) the 3.7-mile segment of Little Indian Creek from its headwaters to its confluence with Big Indian Creek; and
(f) the 15.25-mile segment of Fish Creek from its headwaters to its confluence with the Donna und Blitzen.
"Eagle Creek, Oregon.—The 27-mile segment from its headwaters below Eagle Lake to the Wallowa-Whitman National Forest boundary at Skull Creek; to be administered by the Secretary of Agriculture in the following classes:
(a) the 4-mile segment from its headwaters below Eagle Lake to the Eagle Cap Wilderness boundary at Hummingbird Mountain as a wild river;
(b) the 15.5-mile segment from the Eagle Creek to the Wallowa-Whitman National Forest boundary at Hummingbird Mountain to Paddy Creek as a recreational river;
(c) the 6-mile segment from Paddy Creek to Laddie Eagle Creek as a scenic river; and
(d) the 1.5-mile segment from Little Eagle Creek to the Wallowa-Whitman National Forest boundary at Hummingbird Mountain as a recreational river.
"Elk, Oregon.—The 19-mile segment to be administered by the Secretary of Agriculture in the following classes:
(a) the 10-mile segment from the confluence of the North and South Forks of the Elk to Auvil Creek as a recreational river; and
(b) the 5-mile segment of the North Fork Elk from the fall of the river to its confluence with the South Fork as a wild river.
"Granite Ridge, Oregon.—The 43.8-mile segment from its confluence with the Wallowa River to the Oregon-Washington State line in the following classes:
(a) the 8.9-mile segment from the confluence of the Wallowa River with the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, as a recreational river; to be administered by the Secretary of Agriculture;
(b) the 17.4-mile segment from the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, to the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek as a wild river; to be administered by the Secretary of Agriculture;
(c) the 9-mile segment from the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek to Wildhorse Creek as a scenic river; to be administered by the Secretary of the Interior;
(d) the 15.6-mile segment from Wildhorse Creek to the Oregon-Washington State line as a recreational river; to be administered by the Secretary of the Interior.
"In John Day, Oregon.—The 68.8-mile segment from its confluence with the North and South Forks of the Imnaha River to its mouth; to be administered by the Secretary of Agriculture in the following classes:
(a) the 6-mile segment from its confluence with the North and South Forks of the Imnaha River to Indian Crossing as a wild river;
(b) the 58-mile segment from Indian Crossing to Cow Creek as a recreational river;
(c) the 4-mile segment from Cow Creek to its mouth as a scenic river.
"John Day, Oregon.—The 147.5-mile segment from its confluence with the Ochoco National Forest boundary, one-half mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture.
"Klickitat, Oregon.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River in the following classes:
(a) the 3-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture;
(b) the 3.7-mile segment from the Lower Eagle Creek Trailhead to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture; and
(c) the 7-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lame Dog Creek as a scenic river; to be administered by the Secretary of Agriculture.
"Little Deschutes, Oregon.—The 12-mile segment from its source to the north section line of section 12, township 28 south, range 6 west, as a recreational river; to be administered by the Secretary of Agriculture.
"Lostine, Oregon.—The 16-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:
(a) the 8.6-mile segment from Joseph Creek on one mile downstream from Cougar Creek to the Oregon-Washington State line in the following classes:
(b) the 20.5-mile segment from the Wallowa-Whitman National Forest boundary to the Oregon-Washington State line as a wild river; to be administered by the Secretary of the Interior;
(c) Little Deschutes, Oregon.—The 12-mile segment from its source to the north section line of section 12, township 28 south, range 6 west as a recreational river; to be administered by the Secretary of Agriculture;
"John Day, Oregon.—The 147.5-mile segment from its confluence with the Ochoco National Forest boundary, one-half mile from Lame Dog Creek as a scenic river; to be administered by the Secretary of Agriculture.
"John Day, Oregon.—The 147.5-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture.
"Klickitat, Oregon.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River in the following classes:
(a) the 3-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture; and
(b) the 3.7-mile segment from the Lower Eagle Creek Trailhead to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture; and
(c) the 7-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lame Dog Creek as a scenic river; to be administered by the Secretary of Agriculture.
"McKenzie, Oregon.—The 12.7-mile segment from its source in the South Fork of Scott Creek to be administered by the Secretary of Agriculture in the following classes:
(a) the 1.8-mile segment from Clear Lake to the head of the Pelton Bridge Reservoir as a recreational river;
(b) the 4.3-mile segment from a point 100 feet downstream from Carmen Dam to the mouth of the South Fork of Scott Creek as a recreational river; and
(c) the 6.6-mile segment from the development at the base of the Trail Bridge Reservoir to Carmen Dam as a recreational river.
"Makah, Oregon.—The 28.6-mile segment from the south end of the National Forest boundary to Lake Billy Chinook in the following classes:
(a) the 11.5-mile segment from the south Deschutes National Forest boundary approximately 2,055.5 feet from Melotius Springs) to Bridge 99 as a recreational river; to be administered by the Secretary of Agriculture.
(b) the 17.1-mile segment from Bridge 99 to Lake Billy Chinook as a scenic river; by the Secretary of Agriculture, through a cooperative management agreement between the Confederated Tribes of the Warm Springs Reservation, and the State of Oregon as provided in section 10 of this act and section 4 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988: Provided, That the river and its adjacent land area will be managed to provide a primitive recreational experience as defined in the ROS User's Guide.
"Minam, Oregon.—The 39.5-mile segment from its headwaters at the south end of the Eagle Cap Wilderness boundary, one-half mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture.
"North Fork Crooked, Oregon.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River in the following classes:
(a) the 3-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture; and
(b) the 3.7-mile segment from the Lower Eagle Creek Trailhead to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture; and
(c) the 7-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lame Dog Creek as a scenic river; to be administered by the Secretary of Agriculture.
"Onset to Bridge Creek as a wild river; to be administered by the Secretary of the Interior; and
"(F) the 5-mile segment from Committee Creek to Bridge Creek as a wild river; to be administered by the Secretary of the Interior; and
"North Fork John Day, Oregon.—The 54.1-mile segment from its headwaters at the North Fork of the John Day Wilderness Area at section 13, township 8 south, range 36 east, to its confluence with Canyon Creek in the following classes:
"(A) the 3.5-mile segment from its headwaters in the North Fork of the John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork of the John Day Wilderness boundary as a recreational river; to be administered by the Secretary of Agriculture.

"(B) the 7.0-mile segment from the North Fork of the John Day Wilderness boundary to Trail Creek as a recreational river; to be administered by the Secretary of Agriculture.

"(C) the 9.3-mile segment from Trail Creek to Big Creek as a wild river; to be administered by the Secretary of Agriculture.

"(D) the 7-mile segment from its headwaters at the confluence of Camas Creek to its confluence with Green Peter Reservoir as a recreational river; to be administered by the Secretary of Agriculture.

"(E) the 12.5-mile segment from its headwaters to its confluence with the Clackamas River as a recreational river.

"(F) the 13.7-mile segment from its headwaters to its confluence with the Sandy River in the following classes:

"(1) The 7-mile segment from its headwaters to the south boundary line of section 6, township 4 south, range 9 east as a recreational river; to be administered by the Secretary of Agriculture.

"(2) The 15-mile segment from the south boundary line at section 6, township 4 south, range 9 east to the junction with the South Fork of the Owyhee River as a wild river; to be administered by the Secretary of Agriculture.

"(3) The 27-mile segment from the junction with the South Fork of the Salmon River to the Mt Hood National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture.

"(G) the 3.2-mile segment from the Mt. Hood National Forest boundary to Limp Creek as a recreational river; to be administered by the Secretary of Agriculture.

"(H) the 8.8-mile segment from the boundary of the Three Sisters Wilderness Area to the section line between sections 8 and 9, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(I) the 13.7-mile segment from its headwaters to the western boundary of the Three Sisters Wilderness Area to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(J) the 26.4-mile segment from the northwestern boundary of section 16, township 33 south, range 13 east as a scenic river.

"(K) the 33.3-mile segment from the section line of section 22, township 33 south, range 13 east as a scenic river.

"(L) the 4.5-mile segment from its headwaters to the Oregon-California State line; to be administered by the Secretary of Agriculture.

"(M) the 10-mile segment from the Oregon-California State line to the north boundary of the Willamette National Forest as a scenic river; to be administered by the Secretary of Agriculture.

"(N) the 15-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(O) the 18-mile segment from its headwaters to the Oregon-California State line as a scenic river; to be administered by the Secretary of Agriculture.

"(P) the 21-mile segment from its headwaters to the section line of section 22, township 12 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(Q) the 26.4-mile segment from its headwaters to the section line of section 22, township 33 south, range 13 east as a scenic river; to be administered by the Secretary of Agriculture.

"(R) the 33.3-mile segment from the section line of section 22, township 33 south, range 13 east as a scenic river; to be administered by the Secretary of Agriculture.

"(S) the 4.5-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(T) the 3-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(U) the 10-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(V) the 15-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(W) the 21-mile segment from its headwaters to the section line of section 22, township 13 south, range 17 east as a scenic river; to be administered by the Secretary of Agriculture.

"(X) the 26.4-mile segment from its headwaters to the section line of section 22, township 33 south, range 13 east as a scenic river; to be administered by the Secretary of Agriculture.

"(Y) the 33.3-mile segment from the section line of section 22, township 33 south, range 13 east as a scenic river; to be administered by the Secretary of Agriculture.
(C) the 33.7-mile segment from Mineahana Creek to the Rogue River National Forest boundary as a scenic river.

“Oreg. — The 21.56-mile segment from the confluence of the North Fork and South Fork to the Umatilla National Forest as a wild river;

“Idaho — The 2.7-mile segment from the north boundary of the Wenaha State Wildlife Area to the confluence with the Grand Ronde River; to be administered by the Secretary of Agriculture in the following classes:

(A) The 18.7-mile segment from the confluence of the North Fork and South Fork to the Umatilla National Forest as a wild river;

(B) the 2.7-mile segment from the north boundary of the Wenaha State Wildlife Area to the confluence with the Grand Ronde River as a recreational river.

“West Little Owyhee, Oregon. — The 5-mile segment from its headwaters to its confluence with the Owyhee River as a wild river; to be administered by the Secretary of the Interior.

“J. Waste, Oregon. — The 46.5-mile segment from its headwaters to its confluence with the Deschutes River in the following classes:

(A) The 2-mile segment from its headwaters to the section line between sections 9 and 16, township 3 south, range 9 east, as a recreational river; to be administered by the Secretary of Agriculture;

(B) the 13.6-mile segment from the section line between sections 9 and 16, township 3 south, range 9 east, to Deep Creek as a recreational river; to be administered by the Secretary of Agriculture;

(C) the 6.5-mile segment from Deep Creek to the Milk River National Forest boundary as a wild river; to be administered by the Secretary of Agriculture;

(D) the 22.8-mile segment from the Milk River National Forest boundary to River Mile 2.2 of the Deschutes River; to be administered by the Secretary of the Interior; and

(E) the 1.6-mile segment from River Mile 1.6 of the Deschutes River as a recreational river; to be administered by the Secretary of the Interior.

SEC. 3. WILD AND SCENIC RIVER STUDIES.

Section 3(a) of the Wild and Scenic Rivers Act (Public Law 92-542, 93 Stat. 1281) as amended, is further amended by adding the following paragraph at the end thereof:

“(5) Oregon. — The segment from its headwaters to the Blue River Reservoir; by the Secretary of Agriculture.

“(6) J. Chewawan, Oregon. — The segment from its headwaters to the Paisley-Upland Growth boundary to be studied in cooperation with, and integrated with, the Klamath River Basin Plan; by the Secretary of Agriculture.

“J. North Fork Malheur, Oregon. — The segment from the Malheur National Forest boundary to Beulah Reservoir; by the Secretary of Agriculture.

“J. South Fork McKenzie, Oregon. — The segments from its headwaters to the upper end of the McKenzie Reservoir and from the lower end of Cougar Reservoir to its confluence with the McKenzie River; by the Secretary of Agriculture.

“J. Steamboat Creek, Oregon. — The entire creek; by the Secretary of Agriculture.

“J. Upper Klamath, Oregon. — The segment from the city of John Day to the Oregon-California State line; by the Secretary of the Interior: Provided, That nothing in this Act, or any amendments thereto, shall be interpreted to affect delay, or to interfere with completion of, any studies or proceedings by any Department or agency of the United States which has jurisdiction over the Klamath-Siskiyou-Salmon-Hoopa-Hoopa Project proposed by the City of Klamath Falls, Oregon.

“J. Wallowa, Oregon. — The segment from its confluence with the Minam River to its confluence with the Grande Ronde River; by the Secretary of Agriculture.

“SEC. 4. INDIAN TRIBAL LANDS AND ADMINISTRATIVE PROVISIONS.

(1) Lands now or hereafter held in trust by the United States for the benefit of an Indian tribe or individual Indian shall not be included within the boundaries of the Deschutes or Metolius Rivers as designated by this Act, without the consent of the applicable tribal council.

(2) When Indian treaty lands exist in association with lands included in the National Wild and Scenic River System, or under this Act, the Secretaries of the Interior and Agriculture, as appropriate, shall fully consult and enter into written cooperative management agreements with Indian tribes for planning, administration, and management of such areas.

(b) Nothing in this section shall affect:

(1) the jurisdiction or responsibilities of an Indian tribe with respect to fish, wildlife, land, and water management.

(2) the treaty or other rights of an Indian tribe:

(3) the water and land claims, present or future, of an Indian tribe.

(4) the relicensing or amending the license of the Pelton Hydroelectric Project, FERC Project No. 2030 so long as such project does not adversely affect the values for which the Deschutes River was designated;

(5) the licensing of the Whitewater Hydroelectric Project located within the Warm Springs Indian Reservation;

(6) the rights or jurisdiction of Indian tribes over waters or any river or stream within the area of tributary streams, or over any ground water resource; or

(7) the beneficial ownership interest of land held in trust, now or hereafter, by the United States for Indian Tribes or individual Indians.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal wars after the fiscal year 1985:

(A) for the purpose of acquisition of lands, waters, and interests therein pursuant to this Act, not to exceed $10,000,000; and

(B) for the purpose of preparing the studies for the rivers and river segments listed in section 3 of this Act, not to exceed $2,500,000.

AMENDMENT NO. 3025

Mr. HATFIELD. Mr. President, I thank the majority leader for culling up this bill. I propose at this time amendments to the bill that have been cleared on both sides of the aisle. I move that they be considered en bloc, and agreed to.

The question is on agreeing to the amendment.

The question is on agreeing to the amendment.

The motion was agreed to.

Page 20, line 22: After the word "interior", strike the period and insert "as provided in section 10(e) of this Act."

Page 29, line 2: After the word "Interior", strike the period and insert "as provided in section 10(e) of this Act."

Page 29, lines 5-6: Strike the words "Oregon-Washington State line in the following classes:" and insert "Wallowa-Whitman National Forest boundary as a Wild river, to be administered by the Secretary of Agriculture."

Page 29, lines 7-15 in their entirety.

Page 31, line 16: After the word "source", strike the period and insert "and insert the word "and."

Page 31, line 17: After the word "Reservation," strike the period and insert "and the State of Oregon."

Page 31, line 17: After "Act", strike the period and insert "as.

Page 31, line 18: Strike the word "act" and insert "Act."

Page 31, line 18: Strike "4" and insert "105."

Page 36, line 18: Delete the words "Slack Water" and insert "slack water."

Page 38, line 22: After the word "Agriculture", strike the period and insert "and the word "and."

Page 39, line 9: Delete the "" after "Act" and insert "as.

Page 39, line 9: Strike Provided, That nothing in" and delete lines 10-21 in their entirety.

Page 39, strike lines 22-25 in their entirety.

Page 40, line 18: Strike the word "act" and insert "Act."

Page 41, line 7: After "14" insert "1/2."

Page 42, line 8: Strike "wild" and insert "scenic."

Page 43, line 24: Strike "22.8" and insert "23.6."

Page 43, line 25: Strike "River Mile 2.2" and insert "Three Mile Creek."

Page 44, page 25-24, line 1: Strike "recreational" and insert "scenic."

Page 44, line 2: After the word "interior", strike the period and insert "and the word "and."

Page 44, line 3: Insert a new section (E)
(E) the 5.3-mile segment from Three Mile Creek to River Mile 2.2 as a recreational- water service to the Hermiston, West Extension, Westland, and Stanfield Irrigation Districts, for the project water exchange, that is pursuant to the Federal reclamation laws (Act of June 17, 1902, and Acts amendatory thereof and supplemental thereto), is authorized to accomplish the purposes of the Umatilla Basin Project, Oregon, substantially in accordance with the report entitled: "Engineering, Planning Report," dated February 12, 1988, in the manner specified by this Title. The principal work of the project shall consist of:

1. lands, water rights, or interests therein acquired for the benefit of fishery resources;
2. measures to convey water and improve the efficiency of the existing conveyance, distribution, and drainage systems of the Umatilla Basin Project, where such measures are found to make water available for the benefit of fishery resources;
3. (pumping plants and related diversion, conveyance, and distribution features;
4. works incidental to the rehabilitation or modification of existing irrigation systems necessary to accomplish a water exchange required to fulfill the purposes of this title;
5. fish passage and protective facilities and other necessary mitigation measures;
6. a program to monitor and regulate project operations; and
7. a program to evaluate fishery resource mitigation measures.

SEC. 203. INTEGRATION AND OPERATION OF PROJECT
Project facilities and features authorized by this Act are subject to coordination as determined by an operational standpoint, into existing features of the Umatilla Project, and shall be operated in a manner consistent with Federal reclamation laws and water rights established pursuant to State law including the contract rights of water users. Prior to the initiation of project construction, the Secretary is required to enter into agreements with all Federal agencies with respect to activities or actions on this segment and its immediate environment.

Page 45, line 14: Insert "SEC. 4."

Page 45, line 16: Insert "SEC. 103.

Page 45, line 20: After the word "this" insert "act." And insert "Title."

Page 45, line 24: After the word "this" insert "act."

Page 45, line 27: After the word "areas" strike the period and insert "as provided in section 10(e) of this Act."

Page 46, line 4: Insert "Act." And insert "Title."

Page 46, line 15: Insert "SEC. 4."

Page 46, line 17: In their entirety.

Page 47, line 23: "" and insert "".

Page 46, line 23: Insert the following new subsection:

"(c) Nothing in this Title shall preclude, modify, or impair the use by the City of Portland, Oregon of water in the Bull Run and Little Sandy Rivers to the extent that such water is necessary for the purpose of municipal water supply."

Page 47, line 1: Strike "SEC. 5." and insert "SEC. 106."

Page 47, line 5: Strike "Act." and insert "Title."

Page 47, line 6: Strike "$10,000,000; and" and insert "$15,000,000; and".

Page 47, line 10: Strike "$2,500,000; and" and strike "$2,500,000; and".

Page 47, line 9: Strike "$2,500,000; and".

Page 47, line 10: Strike "$2,500,000; and".

Page 48, line 9: Strike "Title.

Page 48, line 10: Strike "Title."

Page 48, line 9: Strike "Title."

Page 48, line 10: Strike "Title."

Page 48, line 9: Strike "$2,500,000; and".

Page 48, line 9: Strike "$2,500,000; and".

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SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) There is hereby authorized to be appropriated for construction of the Umatilla Basin Project and the study authorized by section 213 of this title the sum of $42,400,000.

(b) Provided, That such funds are authorized to be available only through the tenth fiscal year after which construction funds are first made available.

(c) Provided further. That all costs, including operation and maintenance cost, allocated to the mitigation of anadromous fish species and the study authorized to be appropriated such sums as maybe required for the Federal share of operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.

SEC. 211. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) impair the validity of or preempt any provision of State water law, or of any interstate compact governing water;

(2) alter the rights of any State to any appropriate share of the waters of any body of water or ground water, whether determined by past or future interstate compacts, or by past or present legislative or judicial allocation;

(3) prevent or modify any State or Federal law or interstate compact dealing with water quality or disposal;

(4) contract negotiation and administration;

(5) water conservation plans and activities required by section 210 of the Reclamation Act of 1962 (P.L. 87-293);

(6) elevation of reservoir storage space;

(7) water deliveries outside the authorized service area; and,

(8) water rights held by the United States.

(SEC. 212. REHABILITATION AND BETTERMENT AUTHORIZATION.

For purposes of encouraging water conservation, the Secretary shall make grants to water supply systems of the irrigation districts participating in the project authorized by this Title, Stanfield and Westland Irrigation Districts shall receive financial assistance, in an amount not to exceed $2,000,000 each, as deemed appropriate by the Secretary, under provisions of the Rehabilitation and Betterment Act of October 7, 1946 (63 Stat. 724), as amended.

SEC. 213. REVIEW OF UMATILLA PROJECT OPERATIONS.

Within one year from the date of enactment of this Title, the Secretary shall conduct a review of the operations of the Umatilla Project, for the purpose of identifying opportunities to further mitigate losses of anadromous fishery resources. Within fifteen days of this review, the Secretary shall transmit a report thereon, together with any conclusions and recommendations to improve the management of the project. Inclusion of measures that may require additional legislation, to the Committee on the Interior and Insular Affairs of the House of Representatives, Energy and Natural Resources of the Senate. The review shall include, but not be limited to the following:

Mr. HATFIELD. Mr. President, today, Senator Packwood and I seek Senate passage of S. 2148, the Omnibus Oregon Wild and Scenic Rivers Act of 1988. This bill is the result of a thorough public comment process conducted over a period of nearly a year. Public hearings were conducted under the jurisdiction of the Subcommittee on Public Lands, National Parks and Forestry of the full Senate Committee on Environment and Public Works.

As introduced, S. 2148 was introduced to add segments of 40 Oregon rivers totaling 1,705.5 miles to the National Wild and Scenic Rivers System. At that time, this represented the largest single effort to expand the System in the lower 48 States since the Wild and Scenic Act's inception in 1968.

Mr. President, I have stated often that I believe water resources use will be the preeminent natural resource issue as we enter the 21st century. The experiences we have had during the last several years with droughts in the West only serve to underscore that concern. Accordingly, I believe that we must begin the process of planning for the proper utilization of our precious water resources.

While I have been an ardent supporter of many of the Bureau of Reclamation's western water projects, and have supported several water storage projects in the past, I do not believe that dams and impoundments are the appropriate solution to all our water problems. Just as important as storing and holding water for irrigation, hydroelectric generation, drinking water, or other purposes, is the preservation of the watersheds of many of our free-flowing rivers.

The purpose of this legislation, then, was to make a thorough examination of at least 40 Oregon rivers and to determine whether they should be preserved in their existing free-flowing conditions. Now that we have come to the conclusion of that process, I am confident that the values of the rivers in this bill have been reviewed and ensuring that the rivers remain in their free-flowing state.

When S. 2148 was introduced on March 4 of this year, I stated that it was being offered as a discussion document for the purposes of beginning the public comment process.

Due to its very nature as a legislative proposal, I fully expected the bill to be revised and shaped further in the public arena. Accordingly, some of the rivers which were included in the bill when it was introduced have been deleted from consideration while others have been added. These changes were instituted predominantly from the oral and written comments that was received in four official Senate hearings—three Oregon field hearings, one hearing in Washington, DC, and a public meeting that I conducted on my own. The field hearings were held in Oregon City on May 3, Bend on May 30, and Grants Pass on June 1.

The hearing in Washington was conducted on July 26, and the public meeting was held on August 30 in Baker, OR. These proceedings provided the opportunity for over 200 individuals to testify and provide public comment on the merits of S. 2148.

However, Mr. President, public input was not limited to just these hearings. My staff and I also reviewed hundreds of letters written by individuals and organizations from 32 different States. Furthermore, where I was unable to attend meetings personally, representatives of my office attended several public meetings ranging in size from 5 to 500 people in every part of Oregon.

During this process, I received many excellent comments and suggestions for improvement of the bill. These suggestions have resulted in the documents before the Senate today. This bill will, upon enactment, designate segments of 40 Oregon rivers totaling over 1,400 miles as wild, scenic, or recreational river areas under the National Wild and Scenic Rivers System.

The increase of one river over the original version of the bill is due to the addition of six rivers—the Elk River, the North Fork of the Middle Fork of the Willamette River, the Sandy River, the Malheur River, the North Fork of the Malheur River, and the North Fork of the Owyhee River. The deletion of five rivers—the Alsea River, the Burnt River, the Nestucca River, the South Fork of the Crooked River, and the Lower Williamson River.

This legislation provides for the study of all or part of six other Oregon rivers according to section 503.
of the Wild and Scenic Rivers Act of 1968. All of these rivers were discussed during the public hearings process, but further study is required to determine whether these rivers should be included in the Wild and Scenic Rivers System. The rivers to be studied are the Blue River, the Chewaucan River, the North Fork of the Malheur River, the South Fork of the McKenzie River, the Wallowa River, and Steamboat Creek.

A seventh river also will be studied, but is given special attention in the legislation. That river is the Upper Klamath. My decision to include the Upper Klamath River as a study river came only after extensive consideration and deliberation with my congressional delegation colleagues, the Governor of Oregon, representatives of the Klamath tribes, and after listening to and reading the testimony of many Oregonians.

Public sentiment about the Upper Klamath River is strong and understandable on both sides. The concern centered on the proposed Salt Caves Hydroelectric Project on the last free-flowing stretch of the river. The sponsor of the project is the city of Klamath Falls. Klamath Falls submitted its license application for the Salt Caves project in 1983, and has proceeded through the process for that license application since that time.

Mr. President, as many of my colleagues will attest, I am a stickler for process. I do not believe it is appropriate to avoid or circumvent established process simply for the sake of expediency. With regard to the Salt Caves Dam project, the city has entered into an administrative process, established in law, to move forward with the Federal Power Act. And while I choose not to offer any thoughts or comments on the relative merits of the Salt Caves project, I feel strongly that the city must be able to proceed through the process to move its application through over the years. If the application were new, I might feel differently about it. But the Salt Caves application is a mature one and I believe it is inappropriate to interfere with it.

On the other hand, it is important to note that I received more comments—testimony and personal comments—on this matter than on any other, except, perhaps, public concern about condemnation of private lands, which I will address shortly. If anything emerged from those comments, it is that an equally large number of Oregonians feel very strongly about the natural values of the Upper Klamath River and believe that it should remain undeveloped. Although much information about the Upper Klamath has been developed in analyzing its natural values in terms of what would be destroyed with the construction of the Salt Caves Dam, there remains a lack of information about the natural qualities of the area in the context of no development.

There has been much language included in the bill which would authorize a study of the Upper Klamath by the Secretary of the Interior in accordance with section 5(d) of the original 1968 act. The study shall run concurrently with and shall not interfere with Federal agency reviews on this section of the Klamath, including the city's license application for the Salt Caves project which is currently pending before FERC. It is the intent of this section that the study of the Klamath River's wild and scenic values should not delay or interfere with FERC's licensing process. It is intended that FERC should proceed without delay in such a process, including the preparation of an environmental impact statement.

We have directed the Secretary of the Interior to complete the wild and scenic study by April 1, 1989, to dovetail the completion of that study with the completion of the FERC EIS for the Salt Caves project. The effect of this timeline is to allow the FERC process to move ahead unimpeded, but a full and complete study of the Upper Klamath will be provided for FERC and Congress to consider.

Related to the matter of the Upper Klamath River is the Klamath River basin compact. This compact is an interstate agreement between the States of Oregon and California which was approved by Congress in 1957. It addresses the various uses of water in the Klamath River basin, and has served Oregonians and Californians in the river basin very well for over 30 years.

Chief among the concerns expressed during the field hearings on S. 2148 was that wild and scenic river designation might conflict with, and possibly override, the compact. Oregon Attorney General Dave Frohnmeyer recently prepared an analysis and opinion addressing this question. The Oregon attorney general concluded that section 13(e) of the Wild and Scenic Rivers Act of 1968 makes it clear that there is no necessary conflict between the compact and wild and scenic designation. As such, a conflict between the compact and any designation which Congress might make in the future could not occur.

I strongly believe in protecting interstate agreements. Congress should not attempt to overturn or override them through backdoor methods. I stated my concerns through the hearings process that I did not intend for the compact to be overturned by a future wild and scenic river designation, and am pleased that Attorney General Frohmeyer has underscored this principle through his opinion. The text of the attorney general's opinion will be included in the Record at the conclusion of my statement.

Section 4 of the bill establishes a process whereby lands along the Deschutes and Metolius Rivers which are held in trust for the Confederated Tribes of the Warm Springs Reservation, cannot be included in the Wild and Scenic Rivers System without the consent of the applicable tribal council. This provides an assurance for the tribes, and individual Indians, that their treaty rights will be fully respected and protected by establishing the full consultation and cooperation we have come to expect between the Federal Government and the Warm Springs tribes. It is also my understanding that lands are held in trust for the Warm Springs tribes along the John Day River, and Klamath Falls. It is my intention that the provisions of section 4 apply to these lands as well.

Mr. President, I also want to make it very clear that our intent and desire is to honor the Oregon State Scenic Waterway Program fully administer the lower 100 miles of the Deschutes River from Pelton Dam to the Columbia. In 1987 the Oregon State Legislature passed a bill creating the Deschutes River Management Committee. Where Indian lands lie within the boundary of a national wild and scenic river designated under the act, we expect full consultation and coordination with the appropriate tribal council during development of the river management plan. This is the first and only time the State legislature has ever passed a bill to address river management issues on a specific river. The intent of the committee is to develop a recreational management plan to address public access on the Deschutes. Our intent is to allow the committee and the State Scenic Waterway Program to move forward with its plans unimpeded by this act. Neither Congress nor the Bureau of Land Management should interfere with the program.

One of the major concerns which frequently arose during the public hearings was the Federal Government's authority, under the Wild and Scenic Rivers Act, to condemn lands within wild and scenic river corridors. Of course, we all know that all levels of government—Federal, State, or local—have the power of eminent domain. Where it is determined to be in the public interest or need, government can condemn private lands or interest in private lands so long as the landowner is compensated for that land or interest. It is important to keep in mind that the Wild and Scenic Rivers Act empowers the Federal Government to acquire private lands through its power. Section 6(b) of the act eliminates the power of condemnation of fee lands where 50 percent or more of the land in a federally designated wild and scenic river corridor is under some
kind of public ownership. I also want to emphasize that when calculating the number of publicly owned and privately owned acres within a federally designated river corridor, the Federal land management agencies should include all designated lands within a river system as a single management unit. For example, the Imnahn River and the South Fork Imnahn River are designated in this bill. When preparing a river management plan for these areas, the Forest Service should prepare a single management plan for these river systems.

Mr. President, while I would not go so far as to say that condemnation for national purposes should never occur, I strongly believe that this power is one that should be eliminated wherever possible, and when not eliminated, should be used only as a last resort where all other methods of addressing land use considerations have been fully evaluated and determined unworkable.

In my sensitivity to the issue of condemnation, this bill does not include rivers which have a preponderance of privately owned land. The evaluations which led to the final proposed river corridors were based on a level of ownership which was provided to me by the Forest Service and the BLM.

Among other concerns I heard during the review of S. 2148 as how of a river corridor, the multiple uses typically associated with river areas would be affected by wild and scenic river designation. As I have told my fellow Oregonians on many occasions, the Wild and Scenic Rivers Act is probably one of the most flexible land use statutes in existence. It recognizes that river areas have been intrinsically important to human development throughout our history. The act does not attempt to undo developments which are already in place. It does not interfere with activities which already exist in the designated river area. For example, timber harvesting, mining, agriculture, grazing, and recreational uses are all grandfathered uses in the act and are allowed to continue to the extent they are currently practiced.

For example, if a rancher has cattle grazing in a designated river corridor—even in a wild river corridor—that grazing would be allowed to continue. In fact, with our programs designed to enhance and restore riparian areas from overgrazing, I can envision the day when it would be possible for grazing units to increase with improved riparian buffer plantings.

Or, if a farmer were raising crops in a river area, he or she would be free to continue that activity. If a farmer were raising corn, and wanted to shift to a different crop, that would also be allowed.

Mining activities are also protected. Section 9 of the Wild and Scenic Rivers Act fully protects valid existing mining claims. Recreational mining is also allowed, particularly on scenic and recreational river areas.

Water rights also are fully protected. Section 12 clearly states that all existing rights in place before enactment of this act, and are protected under this act, are protected and may not be abrogated without the consent of the party involved. Further, because of the importance of water projects in central and eastern Oregon, integrated surface water and ground water programs conducted outside the designated corridor which are designed to control run-off, reduce erosion, provide a beneficial impact on the seasonal stability of water, or which otherwise store or enhance the values which led to the designation of the river area are not, per se, adverse to the purposes of this act. An example of these types of projects is the East Fork Cottonwood Creek project along the North Fork of the John Day River.

I also am aware of strong concerns over the legislation's potential impact on timber harvesting. While some slight reductions in the allowable sale quantities do occur, the bill attempts to avoid concentrating these impacts in any particular river area. Based upon information provided by the Forest Service and BLM and my experience in the forest products industry, this reduction to exceed 15 million board feet (MMBF statewide under the bill.

Concern over potential timber harvesting impacts focused on the management of lands within, adjacent to, and upstream of river corridors. Timber harvesting is a statutorily accepted management activity on public lands which provides both environmental and economic balance in public land stewardship. Although section 12(a) of the 1968 Wild and Scenic Rivers Act provides agency direction with regard to adjacent land management, it is not my intent to create definite river boundaries encompassing lands beyond the designated corridors.

Management activities should follow the existing statutory direction, including that provided in the National Forest Management Act (Pub. L. 94-588, 90 Stat. 2949, as amended), the act of August 28, 1937 (the O&C Lands Act), (43 U.S.C. 1181a et seq., 50 Stat 574, as amended), and the Federal Land Policy Management Act (Pub. L. 94-579, 90 Stat. 2743, as amended) to protect the values for which the rivers were designated. While these and other values need to be protected, this should not be construed to mean that timber harvesting, and associated road and bridge construction necessary to accomplish that harvesting, not occur on designated lands. Even in designated scenic or recreational river areas corridors. The administering agencies already have land management policies that take into account river designation of lands and management of adjacent lands, and that will take these new designations into account. Professional agency direction in the management of adjacent and upstream lands is not to be further constrained by these designations. Rather, it should be noted that timber management activities are to continue adjacent to, and within scenic and recreational river areas in a manner consistent with the public values which led to the river's designation.

It is also intended that designation of the wild and scenic river segments contemplated by the legislation should not, by itself, result in any additional restriction of forest management activities in areas upstream from the designated stream segments as a consequence of Oregon's water quality standards, including the State's antidegradation policy (OAR 340-41-029).

As I have said earlier, it is our understanding that the water quality standards might result in additional restrictions on a different river stretch, providing that the State's antidegradation policy (OAR 340-41-029) might be reprinted at the conclusion of my statement in the record and other water quality standards, including the State's antidegradation policy (OAR 340-41-029) might be reprinted at the conclusion of my statement in the record.
tors from the project be used only on land presently eligible for irrigation and which are within the boundaries of the irrigation districts. Another concern of the House that was addressed in section 212 of title II of this bill is the proposal to amend section 502 of title 43 of the United States Code that authorizes the Secretary to be included in a report on the Umatilla project to the Senate committee by the end of 1 year from the date of enactment to identify opportunities to further mitigate losses to anadromous fishery resources. That study is authorized in section 213 of title II.

Finally, Mr. President, I thank Senator Bumpers, chairman of the Subcommittee on Public Lands, National Parks and Forests, Senator Bradley, chairman of the Subcommittee on Water and Power, and Senator Johnston, chairman of the full Senate Committee on Energy and Natural Resources, for their assistance in bringing this bill before the Senate today.

I also express my sincere appreciation to Bob Doppelt and Rick George of the Oregon Rivers Council for their vast knowledge of the rivers in this bill, and their invaluable help and support throughout the entire process. I know they have spent thousands of hours working on this proposal, and am hopeful that they are pleased with the final version of the bill. Liz Frenkel, representing the Oregon chapter of the Sierra Club, also deserves special recognition for her role in developing this legislation, as well.

I thank the professional staff members of the Committee on Energy and Natural Resources for their expertise and assistance in this process. They have been down this road with me several years, and continue to be impressed with their grasp of natural resource issues in the State of Oregon. In particular, I want to thank Tom Williams, Jim O'Toole, Mike Harvey, Gary Ellsworth, Jim Beirne, and Russell Brown for their assistance over the past several months. Not only am I thankful for their knowledge of these issues, I am especially appreciative for their willingness to always work with my staff in a friendly and cooperative manner.

Two members of my personal staff, Mike Salsgiver and Mark Walker, also deserve special thanks. Mike, who lives and works in Portland, became intimately familiar with every one of the rivers in this bill, and I know that this has been a long and sometimes arduous process for him and his family.

Last but not least, I thank Gil Achtermann, Tom Imeson, John Lilly, and Bill Furl, members of Governor Goldschmidt's staff, for their involvement in the drafting of this bill. Without their help, we would not be where we are today.

My only regret with regard to this legislation is that my dear friend Tony Bevinetto is not here today to share this moment with us. Tony provided valuable assistance to us in the early days of the bill's development, and, as any good river guide can tell you, the first few miles are the roughest of any trip.

Mr. President, I ask unanimous consent to consent that copies of letters between the Oregon Congressmen and Senator Domenici of the State of Oregon, Attorney General Fromhauer's opinion on the Klamath River basin compact, a summary of the characteristics of the rivers contained in the bill, and a copy of Senate Report No. 100-488 on the Umatilla Basin Project Act be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:


Mr. FRED HANSEN, Director, Department of Environmental Quality, State of Oregon, Portland, OR.

DEAR MR. HANSEN: As you may know, we are working on legislation to designate over 40 Oregon rivers for protection under the National Wild and Scenic Rivers Act. It is important that we provide these outstanding water quality resources with the recognition and protection they deserve. At the same time, it is imperative that we do so in a fashion that minimizes any adverse effects on Oregon and does not result in any unintended impacts on upstream activities.

We are, therefore, writing to you to make sure that we have an accurate understanding of the applicability of Oregon's water quality standards, including the state's antidegradation policy, to the control of activities that have the potential to generate nonpoint source pollution in areas upstream from designated national wild and scenic river segments. This concern is raised in testimony by forest landowners, including the USDA Forest Service.

Under existing federal Environmental Protection Agency policy, the CWA specifically provides that States and operators, managers and/or owners of large tracts of private or public land containing areas of high quality water, where changes in the use or management of the land could pose a significant risk, may find it advantageous to negotiate and establish comprehensive planning and operating procedures for the NFS management of such tracts or major portions thereof, consistent with this guidance. Such agreements would include, among other things, understanding regarding monitoring responsibilities, BMP implementation and plan enforcement.

Such procedures could be incorporated into memoranda of understandings (MOUs) between the parties, the provisions of which could be reviewed and reexecuted periodically to allow for changes in conditions and/or policy.

This is our understanding that the USDA Forest Service and the Bureau of Land Management have entered into such memoranda of understanding, with the DEQ, and that it is requirements and practices contained in Forest Service and BLM timber sales contracts are deemed to be equivalent to those in the state forest practice rules. It is our further understanding with respect to the Forest Service, that the state is reviewing each draft plan prepared under the provisions of the National Forest Management Act of 1976 (NFMA) as approved by DEQ and that such plans would not constitute a violation of the state's water quality standards.

Based upon the provisions of the proposed legislation, the DEQ has informed us in testimony that the designation of wild and scenic river segments as contemplated in our bill should not, in itself, result in any additional restriction of forest management activities in areas upstream from the designated stream segments as a consequence of the provisions of NFMA. Therefore, we are confident that existing mechanisms for working with the DEQ are adequate to...
We conclude that the Klamath Compact quality standards program without significance and whether the state concurs with the Forest Service's assessment of the extent of any upstream impacts from the proposed legislation. It is our intention to include your response in the legislative history of the bill so that there will be no confusion over the applicability or impact of Oregon's water quality standards on streams above a segment designated in the legislation.

We may move to mark-up this bill as early as next week. Thank you for a prompt response to this inquiry.

Sincerely,

BOB PACKWOOD, U.S. Senator.
MARK O. HATFIELD, U.S. Senator.
LES AUCINN, Member of Congress.
RON WYDEN, Member of Congress.
Denny Smith, Member of Congress.
Peter DeFazio, Member of Congress.

DEPARTMENT OF ENVIRONMENTAL QUALITY,
Senator Mark O. Hatfield,
Ita Senate Office Building, Washington, DC.

Dear Senator Hatfield: I am pleased to respond to your letter of September 14, 1988 and our discussion with your staff that occurred prior to September 22, 1988 regarding the applicability of Oregon's water quality standards, including the antidegradation policy, to the control of forest management activities or other activities that have the potential to generate nonpoint source pollution in areas upstream from designated national wild and scenic river segments.

Your letter accurately reflects our understanding of EPA policy direction regarding state water quality standards, the required antidegradation policy, and control of nonpoint sources of pollution. Specifically, we generally agree with the assessment of the U.S. Forest Service relative to the extent of any upstream impacts from the proposed legislation.

Establishment of a wild and scenic river segment, by itself, will not automatically result in additional restrictions on activities upstream from a designated segment. Under existing laws and rules, such activities would have to be conducted in a manner whereby all management practices are applied, existing water quality standards are not violated, and that beneficial uses of the waterway downstream from the segment are not adversely affected by changes in water quality.

Perhaps the most significant issue is whether the antidegradation policy contained in Oregon's Water Quality Standards would be interpreted to mean "no scientifically measurable change" in any physical, chemical or biological properties of the water when applied to a wild and scenic river segment. Water quality varies naturally. Some variation or change in water quality would not arbitrarily preclude activities upstream by reinterpreting the existing antidegradation policy as a "no measurable water quality change" policy. In order to protect beneficial uses and the special values associated with a designated wild and scenic river segment, however, it is appropriate to require quality changes resulting from activities upstream are minimized to the maximum extent practicable by use of best management practices.

The Interstate Compact on Water Quality and Environmental Quality Commission are currently in the process of reviewing their point source pollution control program. This review process is expected to result in greater emphasis on monitoring and evaluating the effectiveness of best management practices in meeting water quality standards. Improved monitoring may identify the need in some instances to modify current best management practices to assure that water quality standards are met. In addition, the federal Clean Water Act requires states to review and update water quality standards on a three year cycle as appropriate. In conjunction with, and pursuant to Environmental Quality Commission policy direction, the current antidegradation policy is being reviewed. Any clarifications of existing rules resulting from these processes would be generally applicable on a statewide basis.

However, if through ongoing review processes, current management practices are determined to be insufficient to protect the beneficial uses and values in wild and scenic river segments, and perhaps other segments, improved or additional best management practices may be required, or it may be necessary to control more strictly or limit specific activities in portions of the upstream area.

Sincerely,

Pier Hansen, Director.

DEPARTMENT OF JUSTICE,
Salem, OR, September 21, 1988.
William E. Young, Director, Water Resources Department, Salem, OR.

Re: Opinion Request OP-6268.

Dear Mr. Young: You have asked several questions about the relationship between the Klamath River Compact (Compact) and various possible state or federal management or designation actions. Because of the complexity of the issues involved, we address in this letter only your query as to what constraints, if any, the Compact places on the federal government's authority to designate that portion of the Klamath River governed by the Compact as a wild and scenic river. A letter addressing your remaining questions will follow shortly.

We conclude that the Klamath Compact does not affect congressional authority to designate the Klamath as a wild and scenic river. The Compact does not limit the potential effect of that designation.

DISCUSSION

The Klamath River Basin Compact (the Compact), codified at ORS 426.610 and 426.620, took effect in 1957 upon ratification by Oregon and California and consent of the United States Congress.1 The purposes of the Compact are to provide for orderly development, use, conservation and control of the waters of the river for various purposes, including irrigation, domestic purposes, protection and enhancement of recreationally significant areas and wildlife, and hydropower and industrial purposes. See Art I(A).

The Wild and Scenic Rivers Act (Act), as amended, 16 USC §§ 1271-1278, initially was enacted in 1968. The Act provides for the establishment of wild and scenic rivers in a free-flowing condition. The original Act designated a number of river stretches as wild and scenic, see 16 USC § 1274, and provided for additional segment designations. See HR 1464.

Designation of a river under the Wild and Scenic Rivers Act affects both the federal government and the states. The Federal Energy Regulatory Commission (FERC) may not license a hydroelectric facility "on or directly affecting" any designated river stretch. 16 USC § 1278(a). No other federal agency may "assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect" on a designated stretch. Id. A state may continue to exercise its authority over the waters in the river only "to the extent that such jurisdiction may be exercised without impairing the pur- poses of the Wild and Scenic Rivers Act" or its administration." 16 USC § 1284(c).

The effect of designation under the Act may be modified where the designated river stretch is covered by another compact. Congress recognized that designation might interfere with rights and responsibilities established under an interstate compact. The Wild and Scenic Rivers Act provides:

"Nothing contained in this chapter shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system." 16 USC § 1284(e).

There is little doubt that Congress retains the right to override a compact if so choose. One session of Congress links power to impair the legislative power of the subsequent Congress. U.S. Steel Corp. v. Multistate Tax Comm'n, 434 US 452, 466 n 10, 98 S Ct 799, 54 L Ed 2nd 682 (1978); Pennsylvania v. Wheeling & Belmont Bridge Co., 59 US (18 How) 421, 423, 15 L Ed 435 (1855). In consenting to the Klamath Compact, Congress specifically reserved to itself its "right to override a compact if so desired." See HR 1460, § 71 Stat 497, 508 (1957) ("The right to alter, amend, or repeal this Act is expressly reserved."). However, in the question of designation, the context of HR 1464, which does not mention the Compact, we have analyzed your question assuming the applicability of 16 USC § 1284(e).

Under the terms of the Act, a conflict between wild and scenic designation and the Compact must be resolved in favor of the latter. For instance, where Congress has allocated water between an upstream and downstream state, nothing in a wild and scenic river designation would increase the state's water allocation. The Klamath Compact does not make such an allocation, but embodies a number of management principles to which the parties have agreed.

Our inquiry, therefore, turns to whether designating a portion of the Klamath as a wild and scenic river would or could conflict with the Compact. To answer that question, we first must determine the nature of the rights and obligations created by the Compact.

1. State and Federal Obligations Under the Compact

Several features of the Compact are important to this discussion: (1) The Compact recognizes existing pre-Compact vested rights, 3 Art III(A); (2) As a general rule, no
person may acquire any water rights after the enactment of the Compact except through the state permit process, Art III(C).

The federal government’s obligations under the Compact are more limited than those of the states. Article XI limits the federal obligations to those specifically acknowledged, at least on the Senate floor, by Senator Gaylord Nelson, a principal sponsor and floor manager of the bill. By and large, the Compact is designed to be self-executing. The provisions of the Compact “shall by operation of law be conditions of the various rights for domestic or irrigation purposes. See 16 USC § 1284(c)(1)(B).

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Several provisions in the Compact are of particular importance and are of direct relevance to the protection of the Klamath River, which the states have designated as a Wild and Scenic River. First, Article III(B)(1) provides that each state shall give preference to certain uses over others in the event of conflict among applications for water use. These preferences, from highest to lowest are: (a) domestic; (b) industrial; (c) recreation use, including fish and wildlife; (d) industrial use; (e) generation of hydroelectric power; and (f) other uses recognized under state law.

In the event of a conflict, the Compact provides that the states may adjust the use of water to conform to the Compact's provisions. This provision is designed to ensure that the Compact's purposes and intentions are carried out, and it provides for the adjustment of water use in the event of a conflict. The Compact also provides for the adjustment of water use in the event of a conflict with another state. This provision is designed to ensure that the Compact's purposes and intentions are carried out, and it provides for the adjustment of water use in the event of a conflict with another state.

The Klamath Basin Project was established in 1909 to provide irrigation water for the Klamath River valley. The project includes the construction of several dams and reservoirs, as well as the construction of canals and ditches to distribute the water. The project has been controversial, with some opponents arguing that it has had a negative impact on the Klamath River ecosystem and the wild and scenic river designation.

The Klamath River is a wild and scenic river, which means that it is protected from development and other uses that could degrade its natural character. The states have designated the Klamath River as a wild and scenic river, and they have taken steps to ensure that the river is protected from development and other uses that could degrade its natural character. The Compact provides that the Compact's purposes and intentions are carried out, and it provides for the adjustment of water use in the event of a conflict with another state.
The river also provides expert whitewater kayaking and rafting opportunities (Class IV-V) during the spring runoff period.

**DECHUTES, OREGON**

Outstanding scenic, recreational, cultural, geologic, wilderness, fish and wildlife as well as historic and botanical values exist in this area. The Deschutes flows through a rugged, highly scenic, steep-walled basalt canyon that increases in depth as it proceeds northward. The canyon contains outstanding scenery. Three waterfalls and a wide variety of riparian vegetation also enhance the area's scenic values. Excellent fishing opportunities exist for rainbow, German brown, Dolly Varden and Kokanee. Access is limited in the corridor due to its rugged character, but fish can be found in the area. A portion of this river segment is located in the Steelhead Falls Wilderness Study Area. This segment contains significant cultural values which include prehistoric rock art sites, rock shelters and a historic river crossing. Unusual botanical values such as the Espe wormwood which is not known to occur anywhere else in the world is located in the area.

The lower 100 miles of the Deschutes provides excellent whitewater boating opportunities and boasts some of the best fishing opportunities. The Deschutes is designated as a Wild and Scenic River.

**JOHN DAY RIVER, OREGON**

The outstandingly remarkable values of the John Day River are scenic, wildlife and fisheries. The river flows through gentle farmland which is privately owned as well as areas through rugged 1,000 foot deep basalt canyons which are predominantly public land. In the Dayville to Kimberly segment it flows through high quality spawning beds and reading pools, as well as flat, wide and calm sections. The river's recreation resource is also important.

**IMAHNA RIVER, OREGON**

The outstandingly remarkable values of the Imnaha River are scenic, wildlife and fisheries. The river also has recreational, geological and cultural values.

**JOHN DAY RIVER, OREGON**

The outstandingly remarkable values of the John Day River are scenic, wildlife and fisheries. The river flows through gentle farmland which is privately owned as well as areas through rugged 1,000 foot deep basalt canyons which are predominantly public land.

**LOSTINE RIVER, OREGON**

The outstandingly remarkable values of the Lostine River are scenic, recreational, and wildlife and fisheries. The river is one of the most important drainages in the Eagle Cap Wilderness in terms of scenic quality and recreational potential. Part of it flows through typical glacialized "U" shaped valleys with beautiful mountain meadows surrounded by high, craggy limestone, granitic, and basaltic peaks. Segment B, while also a glaciated valley, is at a lower elevation and consequently more forested. The river offers numerous opportunities for hiking, camping, fishing, and hunting. The Lostine supports anadromous fish and a herd of Rocky Mountain Bighorn Sheep.

**MALHEUR RIVER, OREGON**

The Malheur River's outstandingly remarkable value is its unique scenic character. The river is in a rugged canyon, in some sections 500 to 1,000 feet deep, with prominent rock outcrops, particularly along the southwestern edge of the canyon. The canyon bottom vegetation is park-like, with meadows, marshes, meadows, and scattered old growth ponderosa pine.
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MCKENZIE RIVER, OREGON

The outstandingly remarkable values associated with the McKenzie River are scenic, recreational, and cultural, and the Nationwide Rivers Inventory includes fisheries. The McKenzie River is an important and valuable water resource in Oregon in terms of its ability to challenge the skills of whitewater rafters and driftboat users, fishing, and magnificent vegetation. Its water clarity and cold temperature make it a national reputation.

METOLIUS RIVER, OREGON

The outstandingly remarkable values of the Metolius include: scenic, recreational, archaeological and historical, geological, water quality, and fisheries. The Metolius River originates from high volume springs of clear, cold water offering a unique point source of water quality. Excellent kayaking and rafting opportunities exist in the study area. The river is noted for its excellent fishing and its kokanee spawning in the fall of the year.

MINAM RIVER, OREGON

The outstandingly remarkable values of the Minam River are: scenic, recreational, geological, and fisheries. The river flows through a typically glaciated valley surrounded by high and craggy granite, limestone, and basaltic peaks. The valley is primarily forested with frequent occurrence of open grassy meadows. The river offers numerous opportunities for hiking, camping, fishing, and hunting.

NORTH FORK CROOKED RIVER, OREGON

The North Fork of the Crooked River is a free flowing tributary of the North Fork flows through an existing wilderness study area. The river canyon has outstanding scenic qualities formed by basalt cliffs ranging from 300 to 900 feet high. The canyon has a large variety of vegetation ranging from Douglas fir, ponderosa pine, and open grassy meadows to gentry rolling hills covered with juniper and sage in others. The river provides outstanding fishing for trout, hunting for ducks, waterfowl, and some whitewater boating. There are two waterfalls located within the study area with vertical drops of 10-15 feet. These features add significantly to the beauty of the North Fork Canyon. The area also has significant cultural and geological features and is a favorite winter roosting area for bald eagles.

NORTH FORK MINAM RIVER, OREGON

The outstandingly remarkable values of this study area include scenic, geologic, cultural, recreational, as well as fish and wildlife. The river canyon possesses unique topography created by rugged basalt outcrops. The vegetation of the area varies from dense ponderosa pine and Douglas fir on the upper portions, aspen and sagebrush covered hillsides near Monument and Kimberly. The North Fork is one of the most important fisheries in the region. It supports the largest spawning population of wild spring chinook and summer steelhead in the Columbia River system upstream from Bonneville Dam.

NORTH FORK MIDDLE FORK WILLAMETTE RIVER, OREGON

The Inventory and study of the North Fork of the Middle Fork of the Willamette River for Oregon State Scenic Waterways designation suggests that the outstanding values include scenic, recreational opportunities, scenery, archaeological and historical sites, and unique plant and animal species.

NORTH FORK PUDER RIVER, OREGON

The values which make this North Umpqua River suitable for designation are water quality, scenic quality, recreation opportunities, and the fisheries resource.

POWDER RIVER, OREGON

The Bureau has identified this area as having excellent raptor nesting and foraging habitat, bald eagle winter habitat, and outstanding recreational, scenic and cultural values.

QUARTZVILLE CREEK, OREGON

Recreational mining and scenic drive with some white-water boating opportunities at high flows.

ROARING RIVER, OREGON

The Roaring River’s primitive character and remoteness are its outstandingly remarkable values. The Roaring River’s drainage is largely undeveloped with no vehicular access. Scenery and fisheries are two significant resources associated with the river.

SALMON RIVER, OREGON

The Salmon River’s outstandingly remarkable values are its exceptional sport fishery and its varied vegetation and topography, and the Nationwide Rivers Inventory includes scenic value. The Salmon River is regarded as the best tributary fishery in the Lower Sandy River drainage. Anadromous species include winter and summer steelhead, and spring chinook and coho salmon. Anadromous species are confined to the lower third of the river. Pink and Chum trout occur in good numbers above the falls. From its headwaters through the upper third, the Salmon River is characterized by exposed rock and sparse coniferous vegetation. Steep canyon walls and dense coniferous forest, creating a sense of seclusion and isolation, are typical of the river’s mid and lower sections. A 2.5 mile stretch of the river has successive, spectacular waterfalls ranging in height from approximately 15 to 75 feet.

SANDY RIVER, OREGON

The Upper Sandy River’s outstandingly remarkable value is its striking scenery. Views from the river include forest, tall bluffs, and cliffs.

SANDY RIVER, OREGON

The Lower Sandy River’s outstandingly remarkable values are its striking scenery and important recreational anadromous sport fishery. The Lower Sandy River flows through deep cut gorges, with striking views from the river of the tail bluffs in a natural forested setting.

SAINT QUINNEN RIVER, OREGON

From the State study report, “the Sandy River in this stretch is a wonderful 5 miles of picturesque scenery, with views of the river, forest, and mountain range. The river flows through a completely forested area with tall bluffs, and cliffs.”

SOUTH FORK IMHAHA RIVER, OREGON

The outstandingly remarkable values of the SP Imaha River are: scenic, recreational, geological, and fisheries. The river flows through a glaciated valley surrounded by high and craggy granite, limestone, and basaltic peaks. The valley is primarily forested broken with frequent open grassy meadows. There are numerous opportunities for hiking, camping, fishing, and hunting.
SOUTH FORK JOHN DAY RIVER, OREGON

This 47 mile river segment has unique and outstanding scenery with lavish riparian outcrops and a wide diversity of vegetation which includes grasses, willows, Juniper and ponderosa pine with some Douglas fir on the upper east slopes. In the upper reaches the river flows through relatively level agricultural land before entering the more rugged canyon. This area has high value for sightseeing, camping, fishing, and other forms of dispersed recreation. There are 6 small ranches and a well maintained public road that parallels the river throughout the 48 mile length. Except for the road and ranches, the study area is natural in character. There are numerous small rapids and falls areas where the river drops 55 vertical feet in a short distance. Aldrich Mountain Wilderness Study Area provides a bark drop for a portion of the river. Squaw Creek and its tributaries include 6 small ranches and a well maintained upper reaches the river flows through relatively level agricultural land before entering the more rugged canyon. This area has high value for sightseeing, camping, fishing, and other forms of dispersed recreation. There are 6 small ranches and a well maintained public road that parallels the river throughout the 48 mile length. Except for the road and ranches, the study area is natural in character. There are numerous small rapids and falls areas where the river drops 55 vertical feet in a short distance. Aldrich Mountain Wilderness Study Area provides a back drop for a portion of the river.

SQUAW CREEK, OREGON

The outstandingly remarkable values of Squaw Creek and tributaries are scenic, recreational, archeological and historical. Squaw Creek originates in the Three Sisters Wilderness Area, and flows through the Wenaha River are: scenic, recreational, archeological and historical. Squaw Creek originates in the Three Sisters Wilderness Area, and flows through

SQUAW CREEK, OREGON

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UPPER ROGUE RIVER, OREGON

Outstandingly remarkable values of the river segment, scenic, geological and historic features. Included within the river corridor are diverse landforms that vary from pumice flats to steep canyons and deep gorges. Volcanic actions have combined with fluvial and climatic forces to produce a river landscape with a rich diversity of landform, water features, vegetation and ecological systems. The river is an inherent part of a scenic highway corridor that serves as a major tourist route to Crater Lake National Park.

WENAHA RIVER, OREGON

The outstandingly remarkable values of the Wenahe River are: scenic, recreational, and wildlife and fisheries. The river flows between rugged basalt outcrops which rise about 1,600 feet to the plateau above. This is one of the best streams in this part of the state for rainbow trout fishing.

WEST LITTLE OXYFORD RIVER, OREGON

The river segment of the Oxyford is unique in that it is deeply incised with interesting erosional patterns and varied rock formations. The vegetation within the river corridor is typically prairie due to the rugged canyon walls that prevent livestock grazing. The canyon also offers superb scenery, unique cultural sites and opportunities for solitude and primitive recreation.
SEC. 12. AUTHORIZATION OF APPROPRIATIONS.
(a) Thereby authorized to be appropriated for construction of the Umatilla Basin Project the sum of $42,200,000 (April 1987 prices), plus or minus such amounts as may be required because of changes in the cost of construction work of the types involved therein as shown by applicable engineering costs indices and exclusive of facilities installed in the Umatilla project. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.
(b) Related fish passage and protective facilities constructed or to be constructed by the Bonneville Power Administration that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: Provided, That the Secretary shall not request an appropriation of funds to construct any such facilities.

SEC. 13. WATER RIGHTS.
Nothing in this act shall be construed to—
(1) impair the validity of or preempt any provision of State water law, or of any interstate compact governing water;
(2) alter the rights of any State to any appropriated water from surface or ground water, whether determined by past or future Interstate compacts, or by past or future legislative or final judicial allocations;
(3) preempt or modify any State or Federal law or Interstate compact dealing with water quality or disposal;
(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources; or
(5) affect any water rights of any Indian or Indian tribe if such rights were established by the Act.

SEC. 10. REHABILITATION AND RESTORATION AUTHORIZATION.
For purposes of encouraging water conservation and improvements to water supply systems of the irrigation districts participating in the project authorized by this Act, such districts eligible to receive financial assistance, as determined appropriate by the Secretary, under provisions of the Pacific Northwest Electric Power Planning and Conservation Act of October 7, 1949 (63 Stat. 724), as amended.

SEC. 11. LEASE AND PURCHASE OF WATER.
The Secretary is authorized to acquire from willing parties land, water rights, or interests therein for benefit of fishery resources consistent with the purpose of this Act: Provided, That acquisition of water rights shall be in accordance with applicable State law. There is authorized to be appropriated such sums as required to accomplish the purposes of this section.

SEC. 8. NON-FEDERAL COSTS
(a) Credit for Non-Federal Fishery Resource Improvements. The Umatilla Basin Project authorized by this Act is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Umatilla River and its anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the ColoradoRiver and Northwest Electric Power Planning and Conservation Act of 1980 (94 Stat. 2697) and programs of the State of Oregon and other entities shall be consolidated in any final calculation of required cost sharing.

(b) Treatment of Non-Federal Costs Incurred in Implementing Project Features Described. Where there is a purchase or use of a private entity share in the cost of or constructs any feature of the project or portion thereof prior to the appropriation of funds for such feature and, in the event thereof, the incurred shall be credited to the total amount of any cost sharing required for the project. The Secretary is authorized to accept such contributions and shall be considered a part of the project.

SEC. 9. CONSTRUCTIVE USE OF PUMPING FACILITIES.
When pumping capacity is available in excess of that needed for fishery resource benefits as determined by the Secretary of the Interior, such capacity shall be available to supplement the water supply of irrigated lands eligible for service from the irrigation districts that participate in the project. Nothing in this Act at a rate based upon a share of operation and maintenance costs associated with such use as negotiated by the Secretary of the Interior and the irrigator detriment. That such use shall be considered as access to the purpose of providing water for fishery resource purposes. Pumping power for this purpose is credited to the Bonneville Power Administration by the Administrator of the Bonneville Power Administration. The Administrator's rate for this service during the peak period shall be the same as the rate to be paid by public agencies for irrigation load during off peak periods. The cost of power for such pumping shall be borne by irrigation districts and the Secretary of the Interior.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.
(a) Thereby authorized to be appropriated for construction of the Umatilla Basin Project and programs of the State of Oregon and other entities shall be consolidated in any final calculation of required cost sharing.

(b) Related fish passage and protective facilities constructed or to be constructed by the Bonneville Power Administration that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: Provided, That the Secretary shall not request an appropriation of funds to construct any such facilities.

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(1) impair the validity of or preempt any provision of State water law, or of any interstate compact governing water;
(2) alter the rights of any State to any appropriated water from surface or ground water, whether determined by past or future Interstate compacts, or by past or future legislative or final judicial allocations;
(3) preempt or modify any State or Federal law or Interstate compact dealing with water quality or disposal;
(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources; or
(5) affect any water rights of any Indian or Indian tribe if such rights were established by the Act.
Instream flows for the passage of anadromous fish shall be provided by the Bureau of Reclamation by the Administrator of the Bonneville Power Administration. The amendment requires that the cost of such pumping shall be borne by irrigation districts receiving such water rights. The irrigation districts shall be responsible for the cost of obtaining such water rights and for the cost of transmitting the water from the Columbia River Power System to the project pumping facilities. The cost of such water rights and power shall be included in the cost of operation and maintenance.

**LEGISLATIVE HISTORY**

S. 1613 was introduced on August 6, 1987 by Senator Hatfield and was referred to the Committee on Energy and Natural Resources. A field hearing was held by the Subcommittee on Pendleton, Oregon on February 6, 1988 (H. R. 10141). A Washington, D.C. hearing was held before the Senate on June 28, 1988, at which time the Administration opposed enactment.

A house companion measure, H.R. 2003, was introduced on March 3, 1988 by Congressman Smith of Oregon and is cosponsored by Congressman DeFazio and Wyden. H.R. 770 was held over before the Subcommittee on Water and Power Resources of the House Committee on Interior and Insular Affairs.

In the 99th Congress, a similar measure, S. 2931, was introduced but Congress adjourned before taking any action on the measure.

At a business meeting on Wednesday, August 10, 1988, the Senate Committee on Energy and Natural Resources ordered S. 1613 to be reported with an amendment in the nature of a substitute.

**COMMITTEE RECOMMENDATION**

The Senate Committee on Energy and Natural Resources, in open business session on August 10, 1988, by unanimous vote of a quorum present recommends that the Senate pass S. 1613 with an amendment in the nature of a substitute.

**COMMITTEE AMENDMENT**

The Committee adopted an amendment to S. 1613 in the nature of a substitute. The amendment specifies the project document (report of the Secretary dated February 12, 1988, on the Initial Mitigation Analysis for the Pacific Northwest Power and Water Planning Act of 1984, which establishes a Pacific Northwest Water Planning Council) as the basis for the recommendations of the Secretary to construct, operate, and maintain the Umatilla Basin Project.

The amendment deleted section 5 of S. 1613 as introduced. The original text of section 5 provided for the computation of the interest rate applicable to reimbursable costs. Since the Bureau of Reclamation has determined that all of the construction costs pursuant to S. 1013 will be allocated to the mitigation of anadromous fishery and hence will be reimbursable, the original section 5 has been deleted since it has no application to the program authorized by the bill.

A provision to section 6 of S. 1613 as introduced was expressed that the authority contained in section 10 of the bill as introduced would allow the use of excess pumping capacity to serve on-recharge funds. The new section 9 of the amendment retains the authority to use excess project pumping capacity to supply irrigation water, but clarifies the bill provisions that such excess capacity shall be available only to supplement the water supply of irrigated lands eligible for service from the irrigation districts that participate in the project. The new section 9 also requires that the cost of such supplementary operation and maintenance shall be based upon a share of the operation and maintenance costs negotiated with such agencies.
STATEMENT OF JOHN KEYS, REGIONAL DIRECTOR IN CARRYING OUT THE ACTIONS AUTHORIZED BY S. 1613

In preparing this estimate, we assumed that S. 1613 would be enacted by the early part of fiscal year 1989 and that appropriations would be provided annually, beginning with fiscal year 1989. Construction outlays for each year were estimated based on information from BOR. They were inflated using CBO's baseline inflation projections. Authorization levels were then estimated based on historical outlay rates for similar projects. After adjusting for inflation, the total authorization is estimated to be $48.8 million, assuming appropriations begin in fiscal year 1989. Annual operation and maintenance costs were estimated based on information from BOR. We do not expect other provisions of the bill to result in significant additional costs to the Federal Government.

Basis of Estimate:

In preparing this estimate, we assume that S. 1613 would be enacted by the early part of fiscal year 1989 and that appropriations would be provided annually, beginning with fiscal year 1989. Construction outlays for each year were estimated based on information from BOR. They were inflated using CBO's baseline inflation projections. Authorization levels were then estimated based on historical outlay rates for similar projects. After adjusting for inflation, the total authorization is estimated to be $48.8 million, assuming appropriations begin in fiscal year 1989. Annual operation and maintenance costs were estimated based on information from BOR. We do not expect other provisions of the bill to result in significant additional costs to the Federal Government.

6. Estimated cost to State and local governments: None
7. Estimate comparison: None
8. Previous CBO estimate: None
9. Estimate prepared by: Theresa Gullo (226-2860)
10. Estimate approved by: JAMES L. BLUM, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1613. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in carrying out the actions authorized by S. 1613. There would be no impact on personal privacy.

Other than the normal paperwork resulting from the construction of the Umatilla Basin Project, there would be no additional paperwork.

EXECUTIVE COMMUNICATIONS

On January 12, 1988, the Committee on Energy and Natural Resources requested legislative reports from the Department of Energy, Department of the Interior, and the Office of Management and Budget setting forth legislative views on S. 1613. These reports had not been received in time for inclusion in this report. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the agencies at the Subcommittee hearing follows:

STATEMENT OF JOHN KEYS, REGIONAL DIRECTOR, PACIFIC NORTHWEST REGION, BUREAU OF RECLAMATION REGARDING S. 1613 TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTENANCE THE UMATILLA BASIN PROJECT, OREGON, FEBRUARY 8, 1988

I am John Keys, Regional Director for the Bureau of Reclamation's Pacific Northwest Region. I appreciate the opportunity to comment on the proposed Umatilla Basin Project. The project is needed for construction authorization in S. 1613.

BACKGROUND

Representatives of the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon appeared before a congressional committee in Washington, DC, a few years ago. They asked that Reclamation formulate a plan that would help resolve an intertribal conflict over need for Umatilla River water for irrigation and for salmon and steelhead. The opportunity for cooperation among these groups and local irrigation districts, and Congress directed that the planning be done.

This planning effort has been a cooperative endeavor with the Confederated Tribes, State, irrigation districts, citizens committees, Northwest Power Planning Council, Bonneville Power Administration, Federal fish and wildlife agencies, Forest Service, and others. Comments on the plan at a public hearing in Pendleton were very positive.

The Administration has not made recommendations regarding project implementation. Therefore, my comments today are limited to background and technical aspects of the project.

The purpose of the proposed project is to improve streamflow and passage conditions in the Umatilla River to help restore salmon and steelhead, and to continue to meet irrigation water supply commitments. The project does not address other basin water issues. The project will not abrogate or limit the reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation.

The project is part of a multifaceted program to restore the Umatilla fishery which has been greatly diminished by regional resource development, including construction of the Columbia River dam and reservoirs. The Columbia River project in the early 1990's. Features of the basinwide program have already been made part of the Northwest Power Planning Council's Fish and Wildlife Program and are currently being implemented by Bonneville Power Administration under authorities specifically granted by Congress in the past several years. All the Tribes and the State also are participating where they have authority and funding. The Umatilla basin project under study would provide the streamflow and habitat critical to success of the basinwide program.

Umatilla Basin Project Planning

The key feature of the proposed project is a water exchange with the Columbia River on the north boundary of the Umatilla basin. Irrigators would forego some Umatilla River diversions and have that water replaced from the Columbia River. The exchange would improve Umatilla River flows during periods critical to fish.

Plan features

Streamflow objectives in the lower 50 miles of the Umatilla River (from McKay Creek downstream) designed to be satisfied by the project are: 300 cfs from October 1 through November 15; 250 cfs from November 16 through June 30 and September 16-30.

These flow levels were established in cooperation with tribal, State, and Federal biologists and agreed with State flow objectives for the basin.

The project's major water exchange feature is a Columbia River pumping complex consisting of pumps to deliver Columbia River water to existing distribution facilities of the Hermiston and Stanfield Irrigation Districts.

Other water exchange features to be constructed include:

- A small pumping station on the Umatilla River at Cottonwood Bend (river mile 13) to exchange water (up to 140 cfs) with Westland Irrigation District.

The exchange water supply pumped from the Columbia River would average about 36,000 acre-feet annually and range from a low of about 13,000 each year to about 74,000 with the reserved water rights of the Confederated Tribes.

The purpose of the proposed project is to improve streamflow and passage conditions in the Umatilla River to help restore salmon and steelhead, and to continue to meet irrigation water supply commitments. The project does not address other basin water issues. The project will not abrogate or limit the reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation.

The proposed project would include a program to monitor postconstruction operations so that streams could be "fine tuned" to maximize fishery benefits.

A project oversight committee would be formed to provide a forum of communications among irrigation districts, federal, state, and tribal water managers, fish and wildlife experts, and project operators. This group would develop annual fish passage and flow objectives within project guidelines. Water regulation and enforcement would be provided in cooperation with the State watermaster office in Pendleton in accordance with State water rights and the agreements specific to the Umatilla Basin Project.

Operation and maintenance oversight would be by personnel of Reclamation's project office with the experience in managing and operating similar fishery enhancement programs and facilities in the Yakima River basin.

Proposed Project Accomplishments

Streamflow and fishway improvements are critical to the restoration of natural and hatchery runs of salmon and steelhead. Reclamation estimates that with the project, adult fish returns to the Umatilla River alone would average 46,000 fish. All together, the project would add an estimated average of 112,000 fish annually to the Columbia River. Pacific Ocean, add Umatilla River fisheries harvest.

Farmers would benefit from a resolution of the conflict over competing water needs for irrigation and flood control. The Columbia River is now位居为 Chinook salmon migration up the Columbia River this past fall—evidence that Columbia River fishery restoration is working. In contrast, Umatilla River flow needed for fish migration were practically nonexistent. Address a new water source, irrigation water supply could be jeopardized under claims of Indian treaty rights. Over 40,000 acres of cropland could risk loss of water supply.

Project cost estimate:

Construction (4/07) $46,000,000
CONGRESSIONAL RECORD — SENATE  October 7, 1988

S 15254

Project costs (annual):

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Project benefits (annual):

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This concludes my testimony. I will be pleased to answer any questions you may have.

STATEMENT OF JOHN S. ROBERTSON, DEPUTY ADMINISTRATOR, BONNEVILLE POWER ADMINISTRATION, U.S. DEPARTMENT OF ENERGY

INTRODUCTION

Mr. Chairman and members of the sub-committee, I have the opportunity to come before you to discuss the Umatilla Basin Project Act. My name is Jack Robertson, and I am the Deputy Administrator of the Bonneville Power Administration (BPA).

Mr. Chairman, since passage of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), BPA has aggressively met its fish and wildlife obligations and has expended over $120 million on capital facilities and revenue-funded projects. Our costs reach nearly $800 million if estimates of foregone revenues for water budget and spill, and costs of operations and maintenance, depreciation, and annual net payment on capital investment, are also included.

The bill would authorize $42 million for the Second Phase of the Interim to design, construct, and operate the components and other facilities for the Umatilla Basin Project. You will be pleased to know that some project activities which were authorized last year by the Congress in connection with the Department of Energy's appropriations are already being implemented.

The bill seeks to mitigate anadromous fishery resources by improving Umatilla River flows. In accomplishing this, the bill requires that BPA provide electricity for pump operations at the Dalles Dam into project irrigation districts facilities in exchange for water presently withdrawn from the Umatilla River. The bill also provides an opportunity for irrigation districts participating in the flow enhancement to obtain additional irrigation water by utilizing the pumps when they are not needed for pumping water for the purpose of fish flows.

Mr. Chairman, we have serious concerns with the provisions of the bill and the effects such obligations could have on BPA ratepayers in the Pacific Northwest. We also believe that the bill needs technical revisions to be consistent with the Regional Act. My comments today clarify these concerns and offer possible solutions.

BPA'S COMMITMENT AND INVESTMENT IN THE UMATILLA BASIN

Under the Regional Act, we have a responsibility to protect, mitigate, and enhance fish and wildlife to the extent that these resources are affected by Federal hydroelectric projects. However, the damage to the Umatilla's fishery resource is a result of irrigation practices and not from hydroelectric development. We are not obligated to make fish investments in the Umatilla Basin. However, the Regional Act does provide us the authority to invest in certain fishery improvements in the Umatilla as off-site mitigation for hydropower fish losses elsewhere.

We previously determined that off-site mitigation to improve fish passage conditions, in terms of increased fish production under existing flows. To date, we have invested $7 million, and we plan to spend an additional $13 million in Umatilla fishery improvements. For this $20-plus million investment, we hope to increase the salmon and steelhead runs back to the Umatilla by about 10,000 fish per year.

This bill seeks to increase existing flows by pumping water from the Columbia River to the Dalles Dam to increase the salmon and steelhead runs. We would otherwise draw from the Umatilla River. We are informed that this enhancement is expected to further increase Umatilla fish runs by another 17,400 fish and would come at a capital cost of $42 million and annual power costs of $675,000, plus wheeling costs of $172,000. In light of this commitment, we recommend that BPA ratepayers be appro priate.

CONCLUSION

In conclusion, the bill has the potential to enhance fish and wildlife resources. However, because of the large investment BPA has already made in the Umatilla Basin, we are opposed to BPA having any obligation to repay the $42 million.
Mr. PACKWOOD. Mr. President, passage today of the Oregon Omnibus Wild and Scenic Rivers Act of 1988 is the culmination of many years effort to preserve one of Oregon's most precious resources: our wild, free-flowing rivers.

First, I would like to congratulate my colleague Senator MARK HATFIELD for his vision in introducing this historic bill. I wish his dedication in seeing it through to its goal. I am genuinely proud to be an original co-sponsor of this landmark bill which will add 41 Oregon rivers encompassing about 1,200-miles to the Wild and Scenic Rivers system and calls for the study of seven additional rivers for possible inclusion in the system.

This legislation represents a year of intense study and information gathering. The bill we are discussing today of course has changed from the bill Senator HATFIELD and I introduced last March. The changes reflect the concerns raised by Oregonians through the public process. Many of the changes resulted because of overwhelming public concern over how designation of a river under the Wild and Scenic Rivers Act would affect them personally. I fully understand the fears held by communities and individual property-owners, and both Senator HATFIELD and I recognized the need to address these concerns.

Under this bill today I am confident that many agencies will work responsibly with private property owners to bring about cooperative land management agreements. This in turn will result in effective management of our river corridors to benefit all involved.

Obviously, this bill was fashioned under compromise. To meet the most serious concerns, in some instances, entire rivers have been dropped, and in others, segments have been eliminated. We have used the language to help clarify our intent and accommodate other local concerns. The Forest Service and the Bureau of Land Management have the clear directive to work with those property owners along designated stretches of rivers so that the rights of the owners are protected while management goals are achieved.

Passage of this bill is simply the first step to protect many of Oregon's rivers. The next phase begins with the development of management plans and the initiation of studies for those rivers so designated. Developing appropriate management plans is as important as designation itself in many cases. The rivers in this bill have an enormous variety of resources that need to be protected or enhanced. Some are recreational facilities to allow the public greater use of the river stretch. Others are fragile, supporting important fishery habitat, and need to be protected from overuse.

I encourage the agencies which will have these new responsibilities to recognize the wide array and values and manage accordingly.

Designation of these rivers in the Wild and Scenic Rivers Act also affords Federal managers the opportunity to work in conjunction with State and local programs aimed at enhancing and protecting river and water related resources. Watershed enhancement programs and fish and wildlife related resources. Watershed enhancement programs and fish and wildlife management plans, the Federal Government must be able to respond with laws and policies that complement the State's efforts. Further additions to the National Wild and Scenic Rivers System will undoubtedly be warranted in the near future.

In closing, let me add that my personal commitment to this legislation goes back nearly 20 years, and to our successful battle to preserve the Snake River with passage of the Hells Canyon National Recreation Area Act of 1975. I remember my first visit to Hells Canyon, I realized what was at stake was the destruction of one of the most beautiful and unique spots on the earth. Like the Snake River, many of Oregon's rivers and waterways represent a truly unique natural resource.

When Congress originally enacted the Wild and Scenic Rivers Act of 1968 we declared that our established national policy of protecting selected rivers in the following classes:

(A) The 25.5-mile segment from its headwaters to Boulder Creek at the Kalmopsis Wilderness boundary as a wild river;

(B) The 24.5-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

(C) The 11.5-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

(1) CLACKAMAS, OREGON.—The 47-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

(A) The 47-mile segment from Big Springs to the Forest Service Road 4609 bridge as a scenic river;

(B) The 5.5-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

(A) The 5.5-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

(B) The 5.5-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

(C) The 10.5-mile segment from Oregon State Highway 32 to the June Creek Bridge as a scenic river;

(D) The 9-mile segment from June Creek Bridge to Tar Creek as a recreational river;

(E) The 5.5-mile segment from Big Springs to Big Cliff; to be administered by the Secretary of Agriculture in the following classes:

(F) the 14.5-mile segment just south of Indian Creek Campground to Big Cliff as a scenic river; and

(G) The 15-mile segment just south of Indian Creek Campground to Big Cliff as a scenic river;

(1) CROUCH, OREGON.—The 44.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

(A) The 25.5-mile segment from its headwaters to Boulder Creek at the Kalmopsis Wilderness boundary as a wild river;

(B) The 24.5-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

(C) The 11.5-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

(1) CROOK, OREGON.—The 15-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

(A) The 25.5-mile segment from its headwaters to Boulder Creek at the Kalmopsis Wilderness boundary as a wild river;

(B) The 24.5-mile segment from Boulder Creek to Steel Bridge as a scenic river; and

(C) The 11.5-mile segment from Steel Bridge to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.
ry to Dry Creek; to be administered by the Secretary of the Interior in the following classes:

(A) The 7-mile segment from the National deschutes National Forest boundary to the right Fork of the South Fork of Opal Spring as a recreational river;

and

(B) The 8-mile segment from Bowman Dam to the Deschutes River.

"(C) Deschutes, Oregon.—Those portions as follows:

(A) The 40.4-mile segment from Wickup Dam to the Deschutes National Forest boundary at the southwest quarter of section 20, township 19 south, range 11 east, as a recreational river; to be administered by the Secretary of Agriculture;

(B) The 11-mile segment from the northern boundary of Sunriver to the southwest quarter of section 20, township 19 south, range 11 east, to Lava Island Camp as a scenic river; to be administered by the Secretary of Agriculture;

(C) The 3-mile segment from Lava Island Camp to Sunriver as a scenic river; to be administered by the Secretary of the Interior; and

(D) The 19-mile segment from Oden Falls to the Upper End of Lake Billy Chinook as a scenic river; to be administered by the Secretary of the Interior.

(E) The 100-mile segment from the Pelton Regulating Dam to its confluence with the Columbia River as a recreational river; to be administered by the Secretary of the Interior through a cooperative management agreement between the Confederated Tribes of the Warm Springs Reservation, and the State of Oregon as provided in section 10(c) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

(F) Donner und Blitzen, Oregon.—Those segments, including its major tributaries, as a wild river; to be administered by the Secretary of the Interior as follows:

(A) The 16.75-mile segment of the Donner and Blitzen from its confluence with the South Fork Blitzen and Little Blitzen;

(B) The 12.5-mile segment from the Little Blitzen from its headwaters to its confluence with the South Fork Blitzen;

(C) The 10-mile segment of Big Indian Creek from its headwaters to its confluence with the South Fork Blitzen;

(E) The 3.75-mile segment of Little Indian Creek from its headwaters to its confluence with Big Indian Creek; and

(F) The 13.25-mile segment of Fish Creek from its headwaters to its confluence with the Donner and Blitzen.

(G) Eagle Cap, Oregon.—The 27-mile segment from its headwaters below Eagle Lake to the Eagle Cap Wilderness boundary at Hummingbird Mountain as a wild river;

(H) The 15.5-mile segment from the Eagle Cap Wilderness boundary at Hummingbird Mountain to Paddy Creek as a recreational river;

(I) The 8-mile segment from Paddy Creek to Little Eagle Creek as a scenic river; and

(J) The 1.5-mile segment from Little Eagle Creek to the Wallowa-Whitman National Forest boundary as a recreational river.

"(K) Elk, Oregon.—The 19-mile segment to be administered by the Secretary of Agriculture in the following classes:

(A) The 17-mile segment from the confluence of the North Fork of the Elk to Anvil Creek as a recreational river; and

(B) The 2-mile segment of the North Fork Elk from the confluence with the South Fork as a wild river.

(L) Grande Ronde, Oregon.—The 43.8-mile segment from its confluence with the Wallowa River to the Oregon-Washington State line in the following classes:

(A) The 1.5-mile segment from its confluence with the Imnaha River to the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, as a recreational river; to be administered by the Secretary of Agriculture.

(B) The 17.4-mile segment from the Umatilla National Forest boundary in section 11, township 3 north, range 40 east, to the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek as a wild river; to be administered by the Secretary of Agriculture.

(C) The 8-mile segment from the Wallowa-Whitman National Forest boundary approximately one-half mile east of Grossman Creek as a wild river; to be administered by the Secretary of the Interior;

and

(D) The 15.8-mile segment from Wildcat Creek to the Wallowa-Whitman National Forest line as a recreational river; to be administered by the Secretary of the Interior.

( ) Issac, Oregon.—Those segments, including the South Fork Imnaha, to be administered by the Secretary of Agriculture in the following classes:

(A) The 1.5-mile segment from its confluence with the North and South Forks of the Imnaha River to Indian Crossing as a wild river;

(B) The 58-mile segment from Indian Crossing to Cow Creek as a recreational river;

(C) The 4-mile segment from Cow Creek to its mouth as a scenic river; and

(D) The 9-mile segment of the South Fork Imnaha from its headwaters to its confluence with the Imnaha River as a wild river.

( ) John Day, Oregon.—The 147.5-mile segment from Service Creek to Tumwater Falls as a section to be administered through a cooperative management agreement between the State of Oregon and the Secretary of the Interior as provided in section 10(e) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988.

(K) Joseph Creek, Oregon.—The 8.6-mile segment from Joseph Creek Ranch, one mile downstream from Cougar Creek, to the Wallowa-Whitman National Forest boundary as a wild river; to be administered by the Secretary of Agriculture.

(L) Little Deschutes, Oregon.—The 12-mile segment from its source in the northwestern quarter of section 15, township 26 north, range 6 east, to the north section line of section 26, township 26 north, 7 east as a recreational river; to be administered by the Secretary of Agriculture.

( ) LOSTINE, Oregon.—The 10-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary as a wild river; to be administered by the Secretary of Agriculture.

( ) McAleese, Oregon.—The 7-mile segment from its headwaters to the Ochoco National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture.

(M) Malheur, Oregon.—The 15.7-mile segment from the Malheur National Forest boundary to the Malheur National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

(A) The 7-mile segment from Bosmenge Creek to Malheur Ford as a scenic river; and

(B) The 6.7-mile segment from Malheur Ford to the Malheur National Forest boundary as a wild river.

( ) McKenzie, Oregon.—The 12.7-mile segment from Clear Lake to Scott Creek; to be administered by the Secretary of Agriculture in the following classes:

(A) The 6.7-mile segment from Clear Lake to the head of maximum pool at Carmen Reservoir as a recreational river;

(B) The 4.3-mile segment from the point 100 feet downstream from Carmen Dam to the maximum pool at Trail Bridge Reservoir as a recreational river; and

(C) The 6.6-mile segment from the development at the base of the Trail Bridge Reservoir Dam to Scott Creek as a recreational river.

(N) Metolius, Oregon.—The 28.8-mile segment from the south Deschutes National Forest boundary to Lake Billy Chinook in the following classes:

(A) The 11.5-mile segment from the south Deschutes National Forest boundary (approximately 2,055.5 feet from Metolius Springs) to Bridge 99 as a recreational river; to be administered by the Secretary of Agriculture.

(B) The 17.1-mile segment from Bridge 99 to Lake Billy Chinook as a scenic river; by the Secretary of Agriculture, through a cooperative management agreement between the Secretary of the Interior and the Confederated Tribes of the Warm Springs Reservation provided in section 10(e) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988; Provided. That the river and its adjacent land area will be managed to provide a primitive recreational experience as defined in the ROS User's Guide.

( ) Minam, Oregon.—The 39-mile segment from its headwaters at the south end of Minam Lake to the Eagle Cap Wilderness boundary, one-half mile downstream from Cougar Creek, as a wild river; to be administered by the Secretary of Agriculture.

( ) North Fork Crooked, Oregon.—The 32.3-mile segment from its source at Williams Prairie to one mile from its confluence with the Crooked River in the following classes:

(A) The 3-mile segment from its source at Williams Prairie to the Upper End of Big Summit Prairie as a recreational river; to be administered by the Secretary of Agriculture.

(B) The 3.7-mile segment from the Lower End of Big Summit Prairie to the bridge across from the Deep Creek Campground as a recreational river; to be administered by the Secretary of Agriculture.

(C) The 8-mile segment from the bridge across from the Deep Creek Campground to the Ochoco National Forest boundary, one-half mile from Lakes Dog Creek as a scenic river; to be administered by the Secretary of Agriculture.

(D) The 1.5-mile segment from the Ochoco National Forest boundary to Upper Falls as a scenic river; to be administered by the Secretary of Agriculture.

(E) The 11.1-mile segment from Upper Falls to Committee Creek as a wild river; to be administered by the Secretary of Agriculture.

(F) The 5-mile segment from Committee Creek to one mile from its confluence with the Crooked River as a recreational river;
be administered by the Secretary of the Interior.

The 25.5-mile segment from its headwaters in the John Day Wilderness at section 13, township 8 south, range 36 east, to its confluence with Camas Creek in the following classes:

(B) the 7.5-mile segment from the North Fork of the John Day to its boundary as a wild river; to be administered by the Secretary of Agriculture;

(C) the 24.3-mile segment from Trail Creek to Big Creek as a wild river; to be administered by the Secretary of Agriculture;

(D) the 10.5-mile segment from Big Creek to Texas Bar Creek as a scenic river; to be administered by the Secretary of Agriculture;

(E) the 8.3-mile segment from Texas Bar Creek to its confluence with Camas Creek as a recreational river; to be administered by the Secretary of Agriculture.

THE WILMINGTON, OREGON.—The 25.5-mile segment from its headwaters to the Malheur National Forest boundary as a scenic river; to be administered by the Secretary of Agriculture.

NORTH FORK OF THE MIDDLE FORK OF THE WILMETTE, OREGON.—The 42.3-mile segment from Waldo Lake to the Willamette National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

(A) the 8.6-mile segment from Waldo Lake to the north section line of section 36, township 19 south, range 5% east as a wild river;

(B) the 8.6-mile segment from the south section line of section 36, township 19 south, range 5% east to Fisher Creek as a scenic river; and

(C) the 27-mile segment from Fisher Creek to the Willamette National Forest boundary as a recreational river.

NORTH FORK OYHE, OREGON.—The 8.6-mile segment from the South Fork Owyhee to its confluence with the Owyhee River as a wild river; to be administered by the Secretary of Agriculture.

PACIFIC, OREGON.—The 13-mile segment from its headwaters to the Oregon-California State line; to be administered by the Secretary of Agriculture in the following classes:

(A) the 8.5-mile segment from its headwaters to Horse Creek as a wild river;

(B) the 3.5-mile segment from Horse Creek to Baldface Creek as a scenic river; and

(C) the 2-mile segment from Baldface Creek to the Oregon-California State line as a wild river.

NORTH POWDER, OREGON.—The 8.6-mile segment from its headwaters to the Wallowa-Whitman National Forest boundary at River Mile 20 as a scenic river; to be administered by the Secretary of Agriculture.

NORTH UMPQUA, OREGON.—The 33.8-mile segment from the Soda Springs Powerhouse to Rock Creek in the following classes:

(A) the 25.4-mile segment from the Soda Springs Powerhouse to the Umpqua National Forest boundary as a recreational river; to be administered by the Secretary of Agriculture; and

(B) the 8.4-mile segment from the Umpqua National Forest boundary to its confluence with Rock Creek as a recreational river; to be administered by the Secretary of the Interior.

POWDER, OREGON.—The 11.7-mile segment from Chief Valley Dam to the Highway 203 bridge as a scenic river; to be administered by the Secretary of the Interior.

QUARTZVILLE CREEK, OREGON.—The 12-mile segment from the Willamette National Forest boundary to slack water in Green Peter Reservoir as a recreational river; to be administered by the Secretary of the Interior.

ROGUE, OREGON.—The 13.7-mile segment from its headwaters to its confluence with the Clackamas River; to be administered by the Secretary of Agriculture in the following classes:

(A) the 13.5-mile segment from its headwaters to one-quarter mile upstream of the mouth as a wild river; and

(B) the 1.7-mile segment from one-quarter mile upstream of the mouth to its confluence with the Clackamas River as a recreational river.

SALMON, OREGON.—The 33.5-mile segment from its headwaters to its confluence with the Sandy River in the following classes:

(A) the 7-mile segment from its headwaters to the south boundary line of section 6, township 4 south, range 9 east as a recreational river; to be administered by the Secretary of Agriculture:

(B) the 3.2-mile segment from the west section line of section 10, township 33 south, range 13 east as a recreational river.

SANDY, OREGON.—Those portions as follows:

(A) The 4.5-mile segment from its headwaters to the section line between sections 15 and 22, township 1 south, range 8 east as a wild river; to be administered by the Secretary of Agriculture;

(B) the 7.9-mile segment from the section line between sections 15 and 22, township 2 south, range 8 east to the Mt. Hood National Forest boundary at Lymp Creek as a recreational river; to be administered by the Secretary of Agriculture;

(C) the 3.5-mile segment from the junction with the south fork of the Salmon River to the national forest boundary as a recreational river; to be administered by the Secretary of Agriculture;

(D) the 3.2-mile segment from the Mt. Hood National Forest boundary to Lymp Creek as a recreational river; to be administered by the Secretary of the Interior; and

(E) the 4.8-mile segment from the section line between sections 10 and 19, township 33 south, range 13 east as a recreational river.

UPPER ROUTE, OREGON.—The 40.3-mile segment from the Crater Lake National Park boundary to the Rogue River National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

(A) the 7.5-mile segment from the Crater Lake National Park boundary to approximately 0.1 mile downstream from the forest road 6530700 (West Lake Road) crossing as a scenic river;

(B) the 6.1-mile segment from approximately 0.1 mile downstream from the Forest road 6530700 (West Lake Road) crossing as a scenic river; and

(C) the 33.7-mile segment from Minehaha Creek to the Rogue River National Forest boundary as a scenic river.

WENATA, OREGON.—The 21.5-mile segment from the confluence of the North Fork and the South Fork to its confluence with the Grande Ronde River; to be administered by the Secretary of Agriculture in the following classes:
“(A) The 18.7-mile segment from the confluence of the North Fork and South Fork to the Umatilla National Forest as a wild river;

(B) the 2.7-mile segment from the Umatilla National Forest boundary to the easternmost boundary of the Wenaha State Wildlife Area as a wild river; and

(C) the 0.15-mile segment from the easternmost boundary of the Wenaha State Wildlife Area to its confluence with the Grande Ronde River as a recreational river.

104. UPPER KLAMATH RIVER STUDY

Section 5(d) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 910) is amended by inserting "(11) after "(d)" by and by inserting the following new paragraph at the end thereof:

"(2) Congress finds that the Secretary of the Interior, in preparing the National Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Reclamation, is authorized under this subsection to complete a study of the eligibility and suitability of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Congress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of any other Federal agency with respect to activities or actions on this segment and its immediate environment, but nothing in this study shall affect the Federal fishery management plan for the river segment listed in section 104 of this title, not to exceed $200,000.

TITLE II—UMATILLA BASIN PROJECT, OREGON

101. SHORT TITLE

This title may be cited as the "Umatilla Basin Project Act".

102. AUTHORIZATION OF PROJECT

(a) For purposes of mitigating losses to anadromous fishery resources and continuing water service to the Hermiston, Westland, and Staniford Irrigation Districts, for the project water exchange, the Secretary, acting through the Bureau of Reclamation, is authorized to issue the project water exchange with water rights established pursuant to State law and the Contract Rights of Water Users. Prior to the initiation of project construction, the Secretary shall secure the necessary State and local permits and other necessary mitigation measures; and

(b) a program to monitor and regulate project operations; and

(c) a program to evaluate fishery resource mitigation measures.

103. INTEGRATION AND OPERATION OF PROJECT

Project facilities and features authorized by this title shall be integrated and coordinated from an operational standpoint with existing features of the Umatilla Project, and shall be operated in a manner consistent with Federal reclamation law; water rights established pursuant to State law including the contract rights of water users. Prior to the initiation of project construction, the Secretary shall secure the necessary State and local permits and other authorities for the operation of project facilities, and through the conclusion of appropriate agreements with the State of Oregon, the relevant irrigation districts, and the Confederated Tribes of the Umatilla Indian Reservation provided for the monitor and regulation of project related water supplies for the purposes herein identified.

104. POWER FOR PROJECT PUMPING

The Administrator of the Bonneville Power Administration, in consultation with the Columbia River Basin Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, 94 Stat. 297, shall provide for project power needed to effect the water exchange with irrigation districts for purposes of mitigating losses to anadromous fishery resources as well as for the studies for the rivers and river segments listed in section 107 of this title, not to exceed $5,000,000; and

(c) for the purpose of preparing the study of the river segment listed in section 104 of this title, not to exceed $200,000.

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CONGRESSIONAL RECORD — SENATE

October 7, 1988
SEC. 203. OPERATION AND MAINTENANCE COSTS.

Non-Federal interests shall be responsible for the cost of operating and maintaining the facilities, in accordance with the procedures established with implementation of section 204 of this title, and to fulfill the purpose of mitigating losses to anadromous fisheries resources.

SEC. 204. INTERIM FLOW AUGMENTATION.

Until the facilities authorized in this title are constructed and in operation, and as an interim measure to provide flow augmentation of the Umatilla River for anadromous fishery resources, funds are authorized to be appropriated to the Secretary, through the end of fiscal year 1998, to provide for interim operation and maintenance of existing pumps or other facilities for the purpose of providing flow augmentation for anadromous fish.

SEC. 205. NON-FEDERAL COSTS.

(a) CREDIT FOR NON-FEDERAL FISHERY RESOURCES IMPROVEMENTS.—The Umatilla Basin Project authorized by this title is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a Fish Passage Program to improve the Umatilla River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Northwest Electric Power Planning and Conservation Act of 1980 (94 Stat. 2697) and programs of the State of Oregon and other entities shall be consolidated with the project costs of the types involved therein as shown by applicable engineering cost indices and exclusive of facilities indicated in section 210(b) of this title: Provided, that such funds are authorized to be appropriated only through the tenth fiscal year after which construction funds are first made available and that all costs, including operation and maintenance costs, allocated to the mitigation of anadromous fish species and the study authorized by section 205 shall be nonreimbursable. There are also authorized to be appropriated such sums as may be required for the Federal share of operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.

(b) RELATIONSHIP TO OTHER PROJECTS.—Related fish passage and protective facilities constructed or to be constructed by the Bonneville Power Administration that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: Provided, That the Secretary shall not request an appropriation of funds to construct any such facilities.

SEC. 206. LEASE AND PURCHASE OF WATER.

The Secretary is authorized to acquire from willing parties land, water rights, or interests therein for benefit of fishery resources consistent with the purpose of this title: Provided, That acquisition of water rights shall be in accordance with applicable State law. There is hereby authorized to be appropriated not more than $1,000,000 to accomplish the purposes of this section.

SEC. 207. INTERIM MEASURES.

(a) There is hereby authorized to be appropriated for construction of the Umatilla Basin Project and the study authorized by section 205 a sum of $42,400,000 (April 1987 prices), less any amounts previously appropriated for the project, plus or minus such amounts as may be required by reason of changes in the cost of construction work of the types involved therein as shown by applicable engineering cost indices and exclusive of facilities indicated in section 210(b) of this title: Provided, that such funds are authorized to be appropriated only through the tenth fiscal year after which construction funds are first made available and that all costs, including operation and maintenance costs, allocated to the mitigation of anadromous fish species and the study authorized by section 205 shall be nonreimbursable. There are also authorized to be appropriated such sums as may be required for the Federal share of operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.

(b) Related fish passage and protective facilities constructed or to be constructed by the Bonneville Power Administration that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: Provided, That the Secretary shall not request an appropriation of funds to construct any such facilities.

SEC. 208. CONSTRUCTIVE USE OF PUMPING FACILITIES.

When project pumping capacity is available in excess of that needed for fishery resource benefits as determined by the Secretary of the Interior, such project pumping capacity may be made available for use by Federal, State, and local water projects that participate in the project authorized in this title at a rate based on the operation and maintenance costs related to such conjunctive use and an appropriate share of capital costs for such use as specified by an agreement between the Secretary of the Interior and the irrigation districts: Provided, that boundaries of the irrigation districts may be modified, upon approval of the Secretary of the Interior, to include such lands that reconnected service to areas that participate in the project authorized in this title at a rate based on the operation and maintenance costs related to such conjunctive use and an appropriate share of capital costs for such use as specified by an agreement between the Secretary of the Interior and the irrigation districts prior to October 1, 1988; and that such use shall be considered as secondary to the purpose of providing water for fishery resource purposes. Pumping power for this purpose shall be provided to the Bureau of Reclamation by the Administrator of the Bonneville Power Administration. The Administrator’s rate for this service during the peak period shall be the forecasted average rate to be paid by public agencies for irrigation loads during peak periods. The rate during the off peak period shall be the rate paid by public agencies for irrigation loads during off peak periods. The cost of pumping, and the rate paid by public agencies for transmitting power from the Federal Columbia River Power System to the project pumping facilities shall be borne by irrigation districts receiving the benefit of such water.

SEC. 209. REVIEW OF UMATILLA PROJECT OPERATIONS.

Within one year from the date of enactment of this Title, the Secretary shall complete a review of current operations of the Umatilla Project, for the purpose of identifying measures that may require additional funding, to the Committee on the Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The review shall include, but not be limited to the following:

(a) contract negotiation and administration;

(b) water conservation plans and activities required by section 210 of the Reclamation Reform Act of 1982 (Public Law 97-293);

(c) allocation of reservoir storage space;

(d) water delivered outside the authorized service area; and

(e) water rights held by the United States.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed. Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I want to thank the majority leader and all others for helping get this bill passed.

Mr. BYRD. Mr. President, my friend is welcome.

RADON DETECTION

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 744.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved. That the bill from the Senate (S. 744) entitled "An Act to authorize the Environmental Protection Agency to assist States in development of radon programs, to conduct a study to determine the extent to which radon in the Nation's schools poses a threat to children and employees in such schools, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. INDOOR RADON ABATEMENT.

(a) AMENDMENT OF TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 and following) is amended by adding a new part following title I of the following new title:

"TITLE III—INDOOR RADON ABATEMENT"

SEC. 301. NATIONAL GOAL.

"The national long-term goal of the United States with respect to radon levels in buildings is that the air within buildings in the United States should be as free of radon as the ambient air outside of buildings."