### 107TH CONGRESS 1ST SESSION H.R. 1013

To promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

#### March 14, 2001

Mr. DEAL of Georgia (for himself, Mr. UDALL of Colorado, Mr. TANCREDO, and Mr. PETERSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

- To promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,

#### **3** SECTION 1. SHORT TITLE.

4 This Act may be cited as the "National Recreation

5 Lakes Act of 2001".

	2
1	SEC. 2. FINDINGS AND PURPOSES.
2	(a) FINDINGS.—Congress finds that—
3	(1) recreation is an authorized purpose at al-
4	most all Federal lakes;
5	(2) lakes created by Federal dam projects have
6	become powerful magnets for diverse recreation ac-
7	tivities, drawing hundreds of millions of visits annu-
8	ally and generating tens of billions of dollars in eco-
9	nomic benefits;
10	(3) recreational opportunities are provided at
11	such lakes, on surrounding land, and on downstream
12	tailwaters by Federal agencies and through partner-
13	ships among Federal, State, and local government
14	agencies and private persons; and
15	(4) the quality of recreational opportunities at
16	and around Federal lakes depends on clean air and
17	water and attractive viewsheds.
18	(b) PURPOSES.—The purposes of this Act are—
19	(1) to require Federal agencies responsible for
20	management of lakes created by Federal dam
21	projects to pursue strategies for enhancing rec-
22	reational experiences at the lakes; and
23	(2) to direct Federal agencies to investigate the
24	possibilities for the use of, and to use, creative man-
25	agement of the project lakes that optimizes both rec-

1	reational opportunities and other purposes of the
2	project lakes, including—
3	(A) provision of agricultural and municipal
4	water supplies;
5	(B) provision of flood control and naviga-
6	tion benefits;
7	(C) production of hydroelectric power; and
8	(D) protection of water quality.
9	SEC. 3. DEFINITIONS.
10	In this Act:
11	(1) COUNCIL.—The term "Council" means the
12	Federal Lakes Recreation Leadership Council estab-
13	lished by section 5.
14	(2) NATIONAL RECREATION DEMONSTRATION
15	LAKE.—The term "national recreation demonstra-
16	tion lake" means a project lake that is designated as
17	a national recreation demonstration lake under sec-
18	tion 4.
19	(3) PARTICIPATING AGENCY.—The term "par-
20	ticipating agency' means—
21	(A) the Bureau of Indian Affairs;
22	(B) the Bureau of Land Management;
23	(C) the Bureau of Reclamation;
24	(D) the National Park Service;

1	(E) the United States Fish and Wildlife
2	Service;
3	(F) the Forest Service;
4	(G) the Army Corps of Engineers;
5	(H) the Tennessee Valley Authority; and
6	(I) any other project lake management
7	agency that participates in the Program at the
8	request of the Council.
9	(4) Program.—The term "Program" means
10	the national recreation lakes demonstration program
11	established by section 4.
12	(5) PROJECT LAKE.—The term "project lake"
13	means an impoundment of water that—
14	(A) is part of a water resources project op-
15	erated, maintained, or constructed by or with
16	the participation of any Federal agency;
17	(B) has a maximum storage capacity of
18	200 acre feet or more; and
19	(C) includes recreation as an authorized
20	purpose.
21	(6) PROJECT LAKE MANAGEMENT AGENCY.—
22	The term "project lake management agency" means
23	a Federal agency that manages a project lake.
24	(7) Recreation.—

1	(A) IN GENERAL.—The term "recreation"
2	means—
3	(i) a water-related recreational activ-
4	ity that takes place on, adjacent to, or in
5	a project lake or tailwater; and
6	(ii) a recreational activity or wildlife-
7	related activity that takes place on feder-
8	ally managed land in the vicinity of a
9	project lake that is permitted under a land
10	management plan in effect on the date of
11	enactment of this Act.
12	(B) INCLUSIONS.—The term "recreation"
13	includes—
14	(i) boating (including power boating,
15	sailing, rafting, kayaking, and canoeing),
16	diving, swimming, camping, trail-based ac-
17	tivities, and picnicking; and
18	(ii) fishing and other wildlife-related
19	activities.
20	SEC. 4. NATIONAL RECREATION LAKES DEMONSTRATION
21	PROGRAM.
22	(a) ESTABLISHMENT.—There is established the Na-
23	tional Recreation Lakes Demonstration Program con-
24	sisting of the 25 national recreation demonstration lakes
25	to be established under this Act.

1 (b) CRITERIA.—

2	(1) IN GENERAL.—The Council shall develop
3	and establish criteria for use in selecting project
4	lakes managed by participating agencies for designa-
5	tion as national recreation demonstration lakes.
6	(2) REQUIREMENTS.—The criteria shall—
7	(A) include lake size, diversity of current
8	and potential recreational uses, opportunities
9	for partnerships with private and public enti-
10	ties, and present and projected regional recre-
11	ation demand; and
12	(B) require a strong showing of local sup-
13	port from the area of the lake, including sup-
14	port from State and local governments, private
15	citizens, and businesses.
16	(3) CONSULTATION.—In developing the criteria,
17	the Council shall consult with participating agencies
18	to encourage the nomination of project lakes for the
19	Program so as to include project lakes in all regions
19 20	Program so as to include project lakes in all regions of the country and project lakes that will provide a
20	of the country and project lakes that will provide a
20 21	of the country and project lakes that will provide a variety of recreational experiences.
20 21 22	of the country and project lakes that will provide a variety of recreational experiences. (c) NOMINATION OF NATIONAL RECREATION DEM-

recreation demonstration lake by submitting to the Coun cil a nomination in accordance with such procedures as
 the Council may establish.

4 (d) DESIGNATION OF NATIONAL RECREATION DEM-5 ONSTRATION LAKES.—

6 (1) IN GENERAL.—On receiving the nomina7 tions from participating agencies and local interest
8 groups, the Council shall designate 25 project lakes
9 to be national recreation demonstration lakes.

10 (2) SELECTION CRITERIA.—In selecting project 11 lakes for designation as national recreation dem-12 onstration lakes, the Council shall endeavor to in-13 clude project lakes in all regions of the country and 14 project lakes that will provide a variety of rec-15 reational experiences.

16 (3) EFFECTIVE PERIOD.—A designation of a
17 project lake as a national recreation demonstration
18 lake shall be effective for a period not to exceed 10
19 years.

20 (e) AUTHORIZED ACTIVITIES AT NATIONAL RECRE21 ATION DEMONSTRATION LAKES.—

(1) ENHANCEMENT OF RECREATION ACTIVITIES.—Each participating agency shall use authorities under this Act to enhance opportunities for

recreation activities on, in, and in the vicinity of na-2 tional recreation demonstration lakes.

(2) NEW AUTHORITIES.—In accordance with 3 4 the Act of October 22, 1986 (16 U.S.C. 497b) and the Act of November 13, 1998 (16 U.S.C. 5951 et 5 6 seq.), the head of any participating agency except 7 the National Park Service may conduct any activity 8 to experiment with permits, fees, concession agree-9 ments, and innovative management structures at a 10 national recreation demonstration lake under the ju-11 risdiction of the participating agency.

12 (3) Assistance to units of local govern-13 MENT IN THE VICINITY OF A NATIONAL RECREATION 14 DEMONSTRATION LAKE.—The head of any partici-15 pating agency that manages a national recreation 16 demonstration lake may carry out activities (includ-17 ing planning and marketing activities, the establish-18 ment of advisory boards, and other activities) to im-19 prove communications and cooperation between the 20 agency and local community interests in the vicinity 21 of the lake with respect to management of the na-22 tional recreation demonstration lake.

23 (f) LOCAL ADVISORY COMMITTEES.—

24 (1) ESTABLISHMENT.—Under guidelines devel-25 oped by the Council, the head of a participating

1	agency shall establish, for each national recreation
2	demonstration lake managed by the agency, a local
3	advisory committee comprised of State and local
4	government and private sector representatives.
5	(2) DUTIES.—The duties of a local advisory
6	committee shall be to recommend and coordinate
7	with project lake managers on projects proposed to
8	be completed by the participating agency under the
9	Program.
10	(3) Other authorities and require-
11	MENTS.—
12	(A) MEETINGS.—All meetings of a local
13	advisory committee shall be announced at least
14	1 week in advance in a local newspaper of
15	record and shall be open to the public.
16	(B) RECORDS.—A local advisory com-
17	mittee shall maintain records of the meetings of
18	the committee and make the records available
19	for public inspection.
20	(C) COMPENSATION.—Members of a local
21	advisory committee shall not receive any com-
22	pensation.
23	(D) FEDERAL ADVISORY COMMITTEE
24	ACT.—The Federal Advisory Committee Act (5

1	U.S.C. App.) shall not apply to a local advisory
2	committee established under paragraph (1).
3	SEC. 5. FEDERAL LAKES RECREATION LEADERSHIP COUN-
4	CIL.
5	(a) ESTABLISHMENT.—There is established a council
6	to be known as the "Federal Lakes Recreation Leadership
7	Council" as contemplated by the memorandum of agree-
8	ment among the Secretary of the Interior, Secretary of
9	Agriculture, Secretary of the Army, and Chairman of the
10	Tennessee Valley Authority dated October 27, 1999.
11	(b) Membership.—The Council shall be composed
12	of—
13	(1) the Secretary of the Interior (or designee),
14	who shall serve as the Chairperson of the Council;
15	(2) the Secretary of the Army (or designee);
16	(3) the Secretary of Agriculture (or designee);
17	(4) the Director of the Tennessee Valley Au-
18	thority (or designee);
19	(5) a representative of the recreation industry,
20	appointed by the President;
21	(6) a representative of the National Association
22	of State Park Directors, appointed by the President;
23	and
24	(7) a director of a State Fish and Wildlife
25	Agency, appointed by the President.

1	(c) TERMS; VACANCIES.—
2	(1) TERMS.—
3	(A) IN GENERAL.—Except as provided
4	under subparagraph (B), a member shall be ap-
5	pointed for the life of the Council.
6	(B) Presidential appointee.—A mem-
7	ber of the Council appointed under paragraph
8	(5), $(6)$ , or $(7)$ of subsection $(b)$ shall be ap-
9	pointed for a term of 5 years.
10	(2) VACANCIES.—A vacancy on the Council—
11	(A) shall not affect the powers of the
12	Council; and
13	(B) shall be filled in the same manner as
14	the original appointment was made.
15	(d) PURPOSE.—The purpose of the Council shall be
16	to—
17	(1) increase the awareness of the social and
18	economic values associated with project lake recre-
19	ation among project lake management agencies and
20	other stakeholders with an interest in recreation at
21	project lakes;
22	(2) develop policies that provide an environment
23	for success that emphasizes the role of recreation at
24	project lakes;

1	(3) protect and manage recreation and other re-
2	sources to optimize all resource benefits; and
3	(4) promote a process that will involve Federal,
4	State, tribal, and local units of government and field
5	managers in the planning, development, and man-
6	agement of recreation uses at project lakes.
7	(e) DUTIES.—The Council shall—
8	(1)(A) work to implement the goals and rec-
9	ommendations of the National Recreation Lakes
10	Study Commission as detailed in the Commission's
11	1999 report entitled "Reservoirs of Opportunity";
12	and
13	(B) use the report as a guide for all Council ac-
14	tions;
15	(2) solicit each project lake management agency
16	to become a participating agency;
17	(3) respond to requests for assistance from
18	Members of Congress in drafting legislation, includ-
19	ing new authorization and funding requirements, to
20	best achieve the purposes of this Act;
21	(4) promote collaboration among agencies to
22	provide training opportunities, interagency develop-
23	ment assignments, and regular lake manager meet-
24	ings;

1	(5) promote the development and consistency
2	of—
3	(A) data collection at project lakes,
4	including—
5	(i) making scientific assessments of
6	watershed and natural resource conditions;
7	and
8	(ii) making assessments of customer
9	facility and infrastructure needs; and
10	(B) required maintenance schedules;
11	(6) promote agency policies that encourage con-
12	struction, operation, and maintenance of high qual-
13	ity visitor and recreational services and facilities by
14	concessioners and permittees at project lakes, includ-
15	ing adequate opportunities for profitability and re-
16	covery of capital investments;
17	(7) develop consistent guidance to encourage
18	construction, operation, and maintenance of com-
19	mercial recreation facilities and other visitor amen-
20	ities at project lakes;
21	(8) recognize and reward innovation and col-
22	laboration at project lakes;
23	(9) develop public information materials to
24	identify the type and location of recreation facilities
25	and programs at project lakes;

1	(10) promote cooperation and share new ap-
2	proaches from Federal and State managing agen-
3	cies, Indian tribes, and the private sector to embrace
4	a culture of innovation and entrepreneurship;
5	(11) develop training courses on business skills
6	to close the recreation needs gap;
7	(12) support annual regional workshops with
8	State, tribal, local, and private sector participants to
9	seek feedback and assistance in achieving the goals
10	of the Program;
11	(13) develop and establish an application and
12	selection process to implement the Program;
13	(14) develop guidelines for the formation of
14	local advisory committees to be established by
15	project lake management agencies managing na-
16	tional recreation demonstration lakes; and
17	(15) develop and administer a competitive grant
18	program for distributing available funds among na-
19	tional recreation demonstration lakes for purposes
20	described in this Act under which—
21	(A) the total number of lakes improved
22	under the program shall not exceed 25 lakes;
23	and

1	(B) grants are provided in a manner that,
2	to the maximum extent practicable, reflects the
3	geographical diversity of the United States.
4	(f) PRINCIPLES.—In all its actions and recommenda-
5	tions, the Council shall consider the following principles:
6	(1) WATERSHED HEALTH.—The health of the
7	watersheds associated with project lakes must be
8	protected.
9	(2) Neighboring communities.—Neighboring
10	communities should be encouraged to participate in
11	planning the recreation needs and other uses of
12	project lakes to help to diversify the economic base
13	of the community and promote sustainable practices
14	to protect resources.
15	(3) Federal responsibilities.—Federal re-
16	sponsibilities to enhance recreation at project lakes
17	while operating projects to optimize water use for all
18	beneficial purposes should be reaffirmed.
19	(4) MANAGEMENT FLEXIBILITY.—Management
20	flexibility should be increased and support for man-
21	agement innovation should be demonstrated.
22	(5) SUPPORT.—Public and private support
23	should be attracted to provide public outdoor recre-
24	ation activities at project lakes.

(g) TERMINATION.—The Council shall terminate 15
 years after the date that funds are first made available
 for this section.

4 (h) FACA.—The Council shall be subject to the Fed5 eral Advisory Committee Act (5 U.S.C. App.).

6 SEC. 6. PERIODIC REVIEW AND REVISION OF OPERATING
7 POLICIES FOR PROJECT LAKES.

8 (a) REPORTS.—

9 (1) PROJECT LAKE MANAGEMENT AGENCIES.— 10 Not later than 1 year after the date of enactment 11 of this Act, the head of each project lake manage-12 ment agency shall submit to the Committee on En-13 ergy and Natural Resources of the Senate, the Com-14 mittee on Resources of the House of Representa-15 tives, and the Council a report that describes—

16 (A) actions taken by the agency to commu17 nicate to personnel of the agency the require18 ments of this Act and other laws relating to
19 recreation use of project lakes; and

20 (B) actions to be taken by the agency to
21 expand recreation opportunities at project lakes,
22 including a schedule for taking the actions.

(2) COUNCIL.—Not later than 3 years after the
date of enactment of this Act, and every 2 years
thereafter, the Council shall submit to the Com-

- 2 ate, and the Committee on Resources of the House 3 of Representatives a report describing actions taken 4 by participating agencies to expand recreation opportunities at project lakes. 5 6 (3) PARTICIPATING AGENCIES.— 7 (A) PERIODIC REPORTS.—The head of each participating agency shall periodically re-8 9 port to the Council regarding activities of the 10 participating agency under this section. 11 (B) COMPREHENSIVE REVIEW.—Not later 12 than 5 years after the date of enactment of this 13 Act and at least once every 15 years thereafter, 14 the head of each participating agency shall con-15 duct a comprehensive review of operating poli-16 cies for project lakes managed by the agency 17 that describes— 18 (i) the actions taken by the agency to 19 communicate to personnel of the agency 20 the requirements of this Act and other 21 laws relating to recreation use of project
- 22 lakes; and
- 23 (ii) the actions to be taken by the 24 agency to expand recreation opportunities

1	at project lakes, including a schedule for
2	taking the actions.
3	(b) Policies.—
4	(1) IN GENERAL.—The head of each project
5	lake management agency shall—
6	(A) revise the policies of the agency as nec-
7	essary to incorporate new information and en-
8	sure coordinated management of project lakes
9	to produce high levels of benefits for recreation
10	and all authorized purposes and designated uses
11	of project lakes; and
12	(B) where recreation is consistent with the
13	project lake purposes and designated uses of
14	project lands and waters, give recreation appro-
15	priate attention in all agency decisions and poli-
16	cies relating to the project lake.
17	(2) TAILWATERS.—In conducting any activity
18	relating to the tailwater of a project lake, the head
19	of a project lake management agency shall—
20	(A) investigate ways to consider rec-
21	reational uses dependent on water release
22	schedules and release volumes;
23	(B) consider release schedules to enhance
24	such opportunities and uses of the tailwater;
25	and

1	(C) appropriately balance all of the pur-
2	poses of the project.
3	SEC. 7. RECREATION FEE DEMONSTRATION PROGRAM.
4	Section 315 of the Department of the Interior and
5	Related Agencies Appropriations Act, 1996 (16 U.S.C.
6	460 <i>l</i> –6a note; Public Law 104–134), is amended—
7	(1) in subsection (a)—
8	(A) by inserting ", the Bureau of Reclama-
9	tion," after "the National Park Service";
10	(B) by striking "Service) and" and insert-
11	ing "Service),"; and
12	(C) by inserting before "shall each" the
13	following: ", and the Secretary of the Army
14	(acting through the Corps of Engineers)";
15	(2) in subsection (b), by striking "four agen-
16	cies" and inserting "6 agencies"; and
17	(3) in subsection (e)—
18	(A) by striking "and" and inserting a
19	comma; and
20	(B) by inserting ", and the Secretary of
21	the Army" before "shall carry out".

1	SEC. 8. USE OF FEDERAL WATER PROJECT FUNDING FOR
2	MATCHING REQUIREMENTS FOR RECRE-
3	ATION PROJECTS AT NATIONAL RECREATION
4	DEMONSTRATION LAKES.
5	(a) Federal Water Project Recreation Act.—
6	The Federal Water Project Recreation Act is amended—
7	(1) in section 2 (16 U.S.C. 460 <i>l</i> -13)—
8	(A) in subsection (a), by striking "it and
9	to bear" and all that follows through "recre-
10	ation," and inserting "the project,"; and
11	(B) in subsection (b)—
12	(i) by striking "recreation and"; and
13	(ii) by striking "recreation or";
14	(2) in section 3 (16 U.S.C. 460 <i>l</i> -14)—
15	(A) in subsection $(b)(1)$ , by striking "it
16	and will bear" the first place it appears and all
17	that follows through "recreation," and inserting
18	"the project,"; and
19	(B) in subsection (c), by striking para-
20	graph $(2)$ ; and
21	(3) in section 4 (16 U.S.C. 460 <i>l</i> -15), by strik-
22	ing "recreation and" and all that follows through
23	"those purposes" and inserting "fish and wildlife
24	purposes".
25	(b) FEDERAL AID IN FISH RESTORATION ACT.—The
26	Act of August 9, 1950 (16 U.S.C. 777 et seq.) is amended
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by striking the first section 13 (relating to effective date)
 and the second section 13 (relating to State use of con tributions) and inserting the following:
 "SEC. 13. APPLICATION OF FEDERAL WATER PROJECT
 SPENDING TO NON-FEDERAL SHARE OF COV ERED RECREATION PROJECTS.

7 "(a) DEFINITIONS.—In this section:

8 "(1) COVERED RECREATION PROJECT.—The 9 term 'covered recreation project' means construction 10 or reconstruction of a facility for recreation at a na-11 tional recreation demonstration lake that is carried 12 out with assistance under this Act.

13 "(2) NATIONAL RECREATION DEMONSTRATION
14 LAKE.—The term 'national recreation demonstration
15 lake' has the meaning given the term in section 2 of
16 the National Recreation Lakes Act of 2001.

17 "(3) RECREATION.—The term 'recreation' has
18 the meaning given the term in section 2 of the Na19 tional Recreation Lakes Act of 2001.

"(b) TREATMENT OF USE OF AMOUNTS APPROPRIATED FOR A FEDERAL WATER PROJECT.—The use for
any covered recreation project of amounts appropriated
for a Federal water project shall be treated as payment
of the non-Federal share of costs required under this
Act.".

1	(c) Federal Aid in Wildlife Restoration
2	ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et
3	seq.) is amended—
4	(1) by redesignating section 10 as section 11;
5	and
6	(2) by inserting after section 9 the following:
7	"SEC. 10. APPLICATION OF FEDERAL WATER PROJECT
8	SPENDING TO NON-FEDERAL SHARE OF
9	<b>RECREATION PROJECTS.</b>
10	"(a) DEFINITIONS.—In this section:
11	"(1) COVERED RECREATION PROJECT.—The
12	term 'covered recreation project' means construction
13	or reconstruction of a facility for recreation at a na-
14	tional recreation demonstration lake that is carried
15	out with assistance under this Act.
16	"(2) NATIONAL RECREATION DEMONSTRATION
17	LAKE.—The term 'national recreation demonstration
18	lake' has the meaning given the term in section 2 of
19	the National Recreation Lakes Act of 2001.
20	"(3) Recreation.—The term 'recreation' has
21	the meaning given the term in section 2 of the Na-
22	tional Recreation Lakes Act of 2001.
23	"(b) TREATMENT OF USE OF AMOUNTS APPRO-
24	PRIATED FOR A FEDERAL WATER PROJECT.—The use for
25	any covered recreation project of amounts appropriated

for a Federal water project shall be treated as payment
 of the non-Federal share of costs required under this
 Act.".

# 4 SEC. 9. COST-SHARE ASSISTANCE FOR RECONSTRUCTION 5 OF RECREATION FACILITY.

6 (a) ASSISTANCE AUTHORIZED.—The head of each 7 project lake management agency may provide financial as-8 sistance to a State or local agency to cover a portion of 9 the total costs incurred for the reconstruction of a recre-10 ation facility operated under an agreement with the State 11 or local agency at a project lake.

(b) COSTS INCLUDED.—The total costs of reconstruction of a recreation facility at a national demonstration
lake include the costs associated with all components of
the reconstruction project, including—

- 16 (1) project administration;
- 17 (2) the provision of technical assistance; and
- 18 (3) contracting and construction costs.

(c) LIMITATION.—Assistance provided under subsection (a) shall not be used for costs incurred in maintaining or operating the recreation facility.

#### 22 SEC. 10. RELATIONSHIP TO OTHER LAWS.

- 23 This Act does not affect—
- 24 (1) the purposes of any project lake authorized25 before the date of enactment of this Act;

(2) the authority of any State to manage fish
 and wildlife; or

3 (3) the authority of any State or the Federal
4 Government to enter into any agreement relating to
5 a project lake.

#### 6 SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

7 (a) IN GENERAL.—There are authorized to be appro8 priated to carry out this Act \$10,000,000 for each of fiscal
9 years 2002 through 2006, to remain available until ex10 pended.

(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under subsection (a) may
be used to pay administrative costs incurred by the Secretary of the Interior in coordinating the activities of the
Council and participating agencies under this Act.