

104TH CONGRESS
1ST SESSION

S. J. RES. 20

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1995

Referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL CONSENT.**

4 The Congress hereby consents to the Jennings Ran-

5 dolph Lake Project Compact entered into between the

6 States of West Virginia and Maryland which compact is

7 substantially as follows:

1

“COMPACT

“Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

“Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

2 “1. The Congress, under Public Law 87-874,
3 authorized the development of the Jennings Ran-
4 dolph Lake Project for the North Branch of the Po-
5 tomac River substantially in accordance with House
6 Document Number 469, 87th Congress, 2nd Session
7 for flood control, water supply, water quality, and
8 recreation; and

9 “2. Section 4 of the Flood Control Act of 1944
10 (Ch 665, 58 Stat. 534) provides that the Chief of
11 Engineers, under the supervision of the Secretary of
12 War (now Secretary of the Army), is authorized to

1 construct, maintain and operate public park and rec-
2 reational facilities in reservoir areas under control of
3 such Secretary for the purpose of boating, swim-
4 ming, bathing, fishing, and other recreational pur-
5 poses, so long as the same is not inconsistent with
6 the laws for the protection of fish and wildlife of the
7 State(s) in which such area is situated; and

8 “3. Pursuant to the authorities cited above, the
9 U.S. Army Engineer District (Baltimore), hereinafter
10 ‘District’, did construct and now maintains and
11 operates the Jennings Randolph Lake Project; and

12 “4. The National Environmental Policy Act of
13 1969 (P.L. 91-190) encourages productive and en-
14 joyable harmony between man and his environment,
15 promotes efforts which will stimulate the health and
16 welfare of man, and encourages cooperation with
17 State and local governments to achieve these ends;
18 and

19 “5. The Fish and Wildlife Coordination Act (16
20 U.S.C. 661-666c) provides for the consideration and
21 coordination with other features of water-resource
22 development programs through the effectual and
23 harmonious planning, development, maintenance,
24 and coordination of wildlife conservation and reha-
25 bilitation; and

1 “6. The District has Fisheries and Wildlife
2 Plans as part of the District’s project Operational
3 Management Plan; and

4 “7. In the respective States, the Maryland De-
5 partment of Natural Resources (hereinafter referred
6 to as ‘Maryland DNR’) and the West Virginia Divi-
7 sion of Natural Resources (hereinafter referred to as
8 ‘West Virginia DNR’) are responsible for providing
9 a system of control, propagation, management, pro-
10 tection, and regulation of natural resources and
11 boating in Maryland and West Virginia and the en-
12 forcement of laws and regulations pertaining to
13 those resources as provided in Annotated Code of
14 Maryland Natural Resources Article and West Vir-
15 ginia Chapter 20, respectively, and the successors
16 thereof; and

17 “8. The District, the Maryland DNR, and the
18 West Virginia DNR are desirous of conserving, per-
19 petuating and improving fish and wildlife resources
20 and recreational benefits of the Jennings Randolph
21 Lake Project; and

22 “9. The District and the States of Maryland
23 and West Virginia wish to implement the aforesaid
24 acts and responsibilities through this Compact and
25 they each recognize that consistent enforcement of

1 the natural resources and boating laws and regula-
2 tions can best be achieved by entering this Compact:

3 “Now, therefore, be it *Resolved*, That the States of
4 Maryland and West Virginia, with the concurrence of the
5 United States Department of the Army, Corps of Engi-
6 neers, hereby solemnly covenant and agree with each
7 other, upon enactment of concurrent legislation by The
8 Congress of the United States and by the respective state
9 legislatures, to the Jennings Randolph Lake Project Com-
10 pact, which consists of this preamble and the articles that
11 follow:

12 **“Article I—Name, Findings, and Purpose**

13 “1.1 This compact shall be known and may be cited
14 as the Jennings Randolph Lake Project Compact.

15 “1.2 The legislative bodies of the respective signatory
16 parties, with the concurrence of the U.S. Army Corps of
17 Engineers, hereby find and declare:

18 “1. The water resources and project lands of the Jen-
19 nings Randolph Lake Project are affected with local,
20 state, regional, and national interest, and the planning,
21 conservation, utilization, protection and management of
22 these resources, under appropriate arrangements for inter-
23 governmental cooperation, are public purposes of the re-
24 spective signatory parties.

1 “2. The lands and waters of the Jennings Randolph
2 Lake Project are subject to the sovereign rights and re-
3 sponsibilities of the signatory parties, and it is the purpose
4 of this compact that, notwithstanding any boundary be-
5 tween Maryland and West Virginia that preexisted the cre-
6 ation of Jennings Randolph Lake, the parties will have
7 and exercise concurrent jurisdiction over any lands and
8 waters of the Jennings Randolph Lake Project concerning
9 natural resources and boating laws and regulations in the
10 common interest of the people of the region.

11 **“Article II—District Responsibilities**

12 “The District, within the Jennings Randolph Lake
13 Project,

14 “2.1 Acknowledges that the Maryland DNR and
15 West Virginia DNR have authorities and responsibilities
16 in the establishment, administration and enforcement of
17 the natural resources and boating laws and regulations ap-
18 plicable to this project, provided that the laws and regula-
19 tions promulgated by the States support and implement,
20 where applicable, the intent of the Rules and Regulations
21 Governing Public Use of Water Resources Development
22 Projects administered by the Chief of Engineers in Title
23 36, Chapter RI, Part 327, Code of Federal Regulations,

24 “2.2 Agrees to practice those forms of resource man-
25 agement as determined jointly by the District, Maryland

1 DNR and West Virginia DNR to be beneficial to natural
2 resources and which will enhance public recreational op-
3 portunities compatible with other authorized purposes of
4 the project,

5 “2.3 Agrees to consult with the Maryland DNR and
6 West Virginia DNR prior to the issuance of any permits
7 for activities or special events which would include, but
8 not necessarily be limited to: fishing tournaments, training
9 exercises, regattas, marine parades, placement of ski
10 ramps, slalom water ski courses and the establishment of
11 private markers and/or lighting. All such permits issued
12 by the District will require the permittee to comply with
13 all State laws and regulations,

14 “2.4 Agrees to consult with the Maryland DNR and
15 West Virginia DNR regarding any recommendations for
16 regulations affecting natural resources, including, but not
17 limited to, hunting, trapping, fishing or boating at the
18 Jennings Randolph Lake Project which the District be-
19 lieves might be desirable for reasons of public safety, ad-
20 ministration of public use and enjoyment,

21 “2.5 Agrees to consult with the Maryland DNR and
22 West Virginia DNR relative to the marking of the lake
23 with buoys, aids to navigation, regulatory markers and es-
24 tablishing and posting of speed limits, no wake zones, re-
25 stricted or other control areas and to provide, install and

1 maintain such buoys, aids to navigation and regulatory
2 markers as are necessary for the implementation of the
3 District's Operational Management Plan. All buoys, aids
4 to navigation and regulatory markers to be used shall be
5 marked in conformance with the Uniform State Waterway
6 Marking System,

7 “2.6 Agrees to allow hunting, trapping, boating and
8 fishing by the public in accordance with the laws and regu-
9 lations relating to the Jennings Randolph Lake Project,

10 “2.7 Agrees to provide, install and maintain public
11 ramps, parking areas, courtesy docks, etc., as provided for
12 by the approved Corps of Engineers Master Plan, and

13 “2.8 Agrees to notify the Maryland DNR and the
14 West Virginia DNR of each reservoir drawdown prior
15 thereto excepting drawdown for the reestablishment of
16 normal lake levels following flood control operations and
17 drawdown resulting from routine water control manage-
18 ment operations described in the reservoir regulation man-
19 ual including releases requested by water supply owners
20 and normal water quality releases. In case of emergency
21 releases or emergency flow curtailments, telephone or oral
22 notification will be provided. The District reserves the
23 right, following issuance of the above notice, to make oper-
24 ational and other tests which may be necessary to insure
25 the safe and efficient operation of the dam, for inspection

1 and maintenance purposes, and for the gathering of water
2 quality data both within the impoundment and in the Po-
3 tomac River downstream from the dam.

4 **“Article III—State Responsibilities**

5 “The State of Maryland and the State of West Vir-
6 ginia agree:

7 “3.1 That each State will have and exercise concur-
8 rent jurisdiction with the District and the other State for
9 the purpose of enforcing the civil and criminal laws of the
10 respective States pertaining to natural resources and boat-
11 ing laws and regulations over any lands and waters of the
12 Jennings Randolph Lake Project;

13 “3.2 That existing natural resources and boating
14 laws and regulations already in effect in each State shall
15 remain in force on the Jennings Randolph Lake Project
16 until either State amends, modifies or rescinds its laws
17 and regulations;

18 “3.3 That the Agreement for Fishing Privileges dated
19 June 24, 1985 between the State of Maryland and the
20 State of West Virginia, as amended, remains in full force
21 and effect;

22 “3.4 To enforce the natural resources and boating
23 laws and regulations applicable to the Jennings Randolph
24 Lake Project;

1 “3.5 To supply the District with the name, address
2 and telephone number of the person(s) to be contacted
3 when any drawdown except those resulting from normal
4 regulation procedures occurs;

5 “3.6 To inform the Reservoir Manager of all emer-
6 gencies or unusual activities occurring on the Jennings
7 Randolph Lake Project;

8 “3.7 To provide training to District employees in
9 order to familiarize them with natural resources and boat-
10 ing laws and regulations as they apply to the Jennings
11 Randolph Lake Project; and

12 “3.8 To recognize that the District and other Federal
13 Agencies have the right and responsibility to enforce, with-
14 in the boundaries of the Jennings Randolph Lake Project,
15 all applicable Federal laws, rules and regulations so as to
16 provide the public with safe and healthful recreational op-
17 portunities and to provide protection to all federal prop-
18 erty within the project.

19 **“Article IV—Mutual Cooperation**

20 “4.1 Pursuant to the aims and purposes of this Com-
21 pact, the State of Maryland, the State of West Virginia
22 and the District mutually agree that representatives of
23 their natural resource management and enforcement agen-
24 cies will cooperate to further the purposes of this Com-

1 pact. This cooperation includes, but is not limited to, the
2 following:

3 “4.2 Meeting jointly at least once annually, and pro-
4 viding for other meetings as deemed necessary for discus-
5 sion of matters relating to the management of natural re-
6 sources and visitor use on lands and waters within the
7 Jennings Randolph Lake Project;

8 “4.3 Evaluating natural resources and boating, to de-
9 velop natural resources and boating management plans
10 and to initiate and carry out management programs;

11 “4.4 Encouraging the dissemination of joint publica-
12 tions, press releases or other public information and the
13 interchange between parties of all pertinent agency poli-
14 cies and objectives for the use and perpetuation of natural
15 resources of the Jennings Randolph Lake Project; and

16 “4.5 Entering into working arrangements as occasion
17 demands for the use of lands, waters, construction and
18 use of buildings and other facilities at the project.

19 **“Article V—General Provisions**

20 “5.1 Each and every provision of this Compact is sub-
21 ject to the laws of the States of Maryland and West Vir-
22 ginia and the laws of the United States, and the delegated
23 authority in each instance.

24 “5.2 The enforcement and applicability of natural re-
25 sources and boating laws and regulations referenced in

1 this Compact shall be limited to the lands and waters of
2 the Jennings Randolph Lake Project, including but not
3 limited to the prevailing reciprocal fishing laws and regu-
4 lations between the States of Maryland and West Virginia.

5 “5.3 Nothing in this Compact shall be construed as
6 obligating any party hereto to the expenditure of funds
7 or the future payment of money in excess of appropria-
8 tions authorized by law.

9 “5.4 The provisions of this Compact shall be sever-
10 able, and if any phrase, clause, sentence or provision of
11 the Jennings Randolph Lake Project Compact is declared
12 to be unconstitutional or inapplicable to any signatory
13 party or agency of any party, the constitutionality and ap-
14 plicability of the Compact shall not be otherwise affected
15 as to any provision, party, or agency. It is the legislative
16 intent that the provisions of the Compact be reasonably
17 and liberally construed to effectuate the stated purposes
18 of the Compact.

19 “5.5 No member of or delegate to Congress, or signa-
20 tory shall be admitted to any share or part of this Com-
21 pact, or to any benefit that may arise therefrom; but this
22 provision shall not be construed to extend to this agree-
23 ment if made with a corporation for its general benefit.

24 “5.6 When this Compact has been ratified by the leg-
25 islature of each respective State, when the Governor of

1 West Virginia and the Governor of Maryland have exe-
2 cuted this Compact on behalf of their respective States
3 and have caused a verified copy thereof to be filed with
4 the Secretary of State of each respective State, when the
5 Baltimore District of the U.S. Army Corps of Engineers
6 has executed its concurrence with this Compact, and when
7 this Compact has been consented to by the Congress of
8 the United States, then this Compact shall become opera-
9 tive and effective.

10 “5.7 Either State may, by legislative act, after one
11 year’s written notice to the other, withdraw from this
12 Compact. The U.S. Army Corps of Engineers may with-
13 draw its concurrence with this Compact upon one year’s
14 written notice from the Baltimore District Engineer to the
15 Governor of each State.

16 “5.8 This Compact may be amended from time to
17 time. Each proposed amendment shall be presented in res-
18 olution form to the Governor of each State and the Balti-
19 more District Engineer of the U.S. Army Corps of Engi-
20 neers. An amendment to this Compact shall become effec-
21 tive only after it has been ratified by the legislatures of
22 both signatory States and concurred in by the U.S. Army
23 Corps of Engineers, Baltimore District. Amendments shall
24 become effective thirty days after the date of the last con-
25 currence or ratification.”.

