

106TH CONGRESS
2D SESSION

S. 3179

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 SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 22), 2000

Mrs. LINCOLN (for herself and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) recreation is an authorized purpose at al-
2 most all Federal lakes;

3 (2) lakes created by Federal dam projects have
4 become powerful magnets for diverse recreation ac-
5 tivities, drawing hundreds of millions of visits annu-
6 ally and generating tens of billions of dollars in eco-
7 nomic benefits;

8 (3) recreational opportunities are provided at
9 such lakes, on surrounding land, and on downstream
10 tailwaters by Federal agencies and through partner-
11 ships among Federal, State, and local government
12 agencies and private persons; and

13 (4) the quality of recreational opportunities at
14 and around Federal lakes depends on clean air and
15 water and attractive viewsheds.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to require Federal agencies responsible for
18 management of lakes created by Federal dam
19 projects to pursue strategies for enhancing rec-
20 reational experiences at the lakes; and

21 (2) to direct Federal agencies to investigate the
22 possibilities for the use of, and to use, creative man-
23 agement of the project lakes that optimizes both rec-
24 reational opportunities and other purposes of the
25 project lakes, including—

- 1 (A) provision of agricultural and municipal
2 water supplies;
- 3 (B) provision of flood control and naviga-
4 tion benefits;
- 5 (C) production of hydroelectric power; and
- 6 (D) protection of water quality.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) COUNCIL.—The term “Council” means the
10 Federal Lakes Recreation Leadership Council estab-
11 lished by section 5.

12 (2) NATIONAL RECREATION DEMONSTRATION
13 LAKE.—The term “national recreation demonstra-
14 tion lake” means a project lake that is designated as
15 a national recreation demonstration lake under sec-
16 tion 4.

17 (3) PARTICIPATING AGENCY.—The term “par-
18 ticipating agency” means—

- 19 (A) the Bureau of Indian Affairs;
- 20 (B) the Bureau of Land Management;
- 21 (C) the Bureau of Reclamation;
- 22 (D) the National Park Service;
- 23 (E) the United States Fish and Wildlife
24 Service;
- 25 (F) the Forest Service;

1 (G) the Army Corps of Engineers;

2 (H) the Tennessee Valley Authority; and

3 (I) any other project lake management
4 agency that participates in the Program at the
5 request of the Council.

6 (4) PROGRAM.—The term “Program” means
7 the national recreation lakes demonstration program
8 established by section 4.

9 (5) PROJECT LAKE.—The term “project lake”
10 means an impoundment of water that—

11 (A) is part of a water resources project op-
12 erated, maintained, or constructed by or with
13 the participation of any Federal agency;

14 (B) has a maximum storage capacity of 50
15 acre feet or more; and

16 (C) includes recreation as an authorized
17 purpose.

18 (6) PROJECT LAKE MANAGEMENT AGENCY.—
19 The term “project lake management agency” means
20 a Federal agency that manages a project lake.

21 (7) RECREATION.—

22 (A) IN GENERAL.—The term “recreation”
23 means—

1 (i) a water-related recreational activ-
2 ity that takes place on, adjacent to, or in
3 a project lake or tailwater; and

4 (ii) a recreational activity or wildlife-
5 related activity that takes place on feder-
6 ally managed land in the vicinity of a
7 project lake that is permitted under a land
8 management plan in effect on the date of
9 enactment of this Act.

10 (B) INCLUSIONS.—The term “recreation”
11 includes—

12 (i) boating (including power boating,
13 sailing, rafting, kayaking, and canoeing),
14 diving, swimming, camping, and pic-
15 nicking; and

16 (ii) fishing and other wildlife-related
17 activity.

18 **SEC. 4. NATIONAL RECREATION LAKES DEMONSTRATION**
19 **PROGRAM.**

20 (a) ESTABLISHMENT.—There is established the Na-
21 tional Recreation Lakes Demonstration Program con-
22 sisting of the 20 national recreation demonstration lakes
23 to be established under this Act.

24 (b) CRITERIA.—

1 (1) IN GENERAL.—The Council shall develop
2 and establish criteria for use in selecting project
3 lakes managed by participating agencies for designa-
4 tion as national recreation demonstration lakes.

5 (2) REQUIREMENTS.—The criteria shall—

6 (A) include lake size, diversity of current
7 and potential recreational uses, opportunities
8 for partnerships with private and public enti-
9 ties, and present and projected regional recre-
10 ation demand; and

11 (B) require a strong showing of local sup-
12 port from the area of the lake, including sup-
13 port from State and local governments, private
14 citizens, and businesses.

15 (3) CONSULTATION.—In developing the criteria,
16 the Council shall consult with participating agencies
17 to encourage the nomination of project lakes for the
18 Program so as to include project lakes in all regions
19 of the country and project lakes that will provide a
20 variety of recreational experiences.

21 (c) NOMINATION OF NATIONAL RECREATION DEM-
22 ONSTRATION LAKES.—A participating agency or an inter-
23 est group located in the area of a project lake may nomi-
24 nate the project lake to become a national recreation dem-
25 onstration lake by submitting to the Council a nomination

1 in accordance with such procedures as the Council may
2 establish.

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

5 (1) IN GENERAL.—On receiving the nomina-
6 tions from participating agencies and local interest
7 groups, the Council shall designate 20 project lakes
8 to be national recreation demonstration lakes.

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

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

19 (e) AUTHORIZED ACTIVITIES AT NATIONAL RECRE-
20 ATION DEMONSTRATION LAKES.—

21 (1) ENHANCEMENT OF RECREATION ACTIVI-
22 TIES.—Each participating agency shall use authori-
23 ties under this Act to enhance opportunities for
24 recreation activities on, in, and in the vicinity of na-
25 tional recreation demonstration lakes.

1 (2) NEW AUTHORITIES.—Except for the Na-
2 tional Park Service, in accordance with all applicable
3 laws (including regulations) and agreements, the
4 head of any participating agency except the National
5 Park Service may investigate the possibilities for the
6 conduct of, and may conduct, any activity to experi-
7 ment with fees, concession agreements, and innova-
8 tive management structures at a national recreation
9 demonstration lake.

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

21 (f) LOCAL ADVISORY COMMITTEES.—

22 (1) ESTABLISHMENT AND PURPOSE.—Under
23 guidelines developed by the Council, the head of a
24 participating agency shall establish, for each na-
25 tional recreation demonstration lake managed by the

1 agency, a local advisory committee comprised of
2 State and local government and private sector rep-
3 resentatives.

4 (2) DUTIES.—The duties of a local advisory
5 committee shall be to recommend and coordinate
6 with project lake managers on projects proposed to
7 be completed by the participating agency under the
8 Program.

9 (3) OTHER AUTHORITIES AND REQUIRE-
10 MENTS.—

11 (A) MEETINGS.—All meetings of a local
12 advisory committee shall be announced at least
13 1 week in advance in a local newspaper of
14 record and shall be open to the public.

15 (B) RECORDS.—A local advisory com-
16 mittee shall maintain records of the meetings of
17 the committee and make the records available
18 for public inspection.

19 (C) COMPENSATION.—Members of a local
20 advisory committee shall not receive any com-
21 pensation.

22 (D) FEDERAL ADVISORY COMMITTEE
23 ACT.—The Federal Advisory Committee Act (5
24 U.S.C. App.) shall not apply to a local advisory
25 committee established under paragraph (1).

1 **SEC. 5. FEDERAL LAKES RECREATION LEADERSHIP COUN-**
2 **CIL.**

3 (a) ESTABLISHMENT.—There is established a council
4 to be known as the “Federal Lakes Recreation Leadership
5 Council” as contemplated by the memorandum of agree-
6 ment among the Secretary of the Interior, Secretary of
7 Agriculture, Secretary of the Army, and Chairman of the
8 Tennessee Valley Authority dated October 27, 1999.

9 (b) MEMBERSHIP.—The Council shall be composed
10 of—

11 (1) the Secretary of the Interior (or designee),
12 who shall serve as the Chairperson of the Council;

13 (2) the Secretary of the Army (or designee);

14 (3) the Secretary of Agriculture (or designee);

15 (4) the Director of the Tennessee Valley Au-
16 thority (or designee);

17 (5) a representative of the recreation industry,
18 appointed by the President;

19 (6) a representative of the National Association
20 of State Park Directors, appointed by the President;
21 and

22 (7) a director of a State Fish and Wildlife
23 Agency, appointed by the President.

24 (c) PURPOSE.—The purpose of the Council shall be
25 to—

1 (1) increase the awareness of the social and
2 economic values associated with project lake recre-
3 ation among project lake management agencies and
4 other stakeholders with an interest in recreation at
5 project lakes;

6 (2) develop policies that provide an environment
7 for success that emphasizes the role of recreation at
8 project lakes;

9 (3) protect and manage recreation and other re-
10 sources to optimize all resource benefits; and

11 (4) promote a process that will involve Federal,
12 State, tribal, and local units of government and field
13 managers in the planning, development, and man-
14 agement of recreation uses at project lakes.

15 (d) DUTIES.—The Council shall—

16 (1)(A) work to implement the goals and rec-
17 ommendations of the National Recreation Lakes
18 Study Commission as detailed in the Commission’s
19 1999 report entitled “Reservoirs of Opportunity”;
20 and

21 (B) use the report as a guide for all Council ac-
22 tions;

23 (2) solicit each project lake management agency
24 to become a participating agency;

1 (3) respond to requests for assistance from
2 Members of Congress in drafting legislation, includ-
3 ing new authorization and funding requirements, to
4 best achieve the purposes of this Act;

5 (4) promote collaboration among agencies to
6 provide training opportunities, interagency develop-
7 ment assignments, and regular lake manager meet-
8 ings;

9 (5) promote the development and consistency
10 of—

11 (A) data collection at project lakes,
12 including—

13 (i) making scientific assessments of
14 watershed and natural resource conditions;
15 and

16 (ii) making assessments of customer
17 facility and infrastructure needs; and

18 (B) required maintenance schedules;

19 (6) promote agency policies that encourage con-
20 struction, operation, and maintenance of high qual-
21 ity visitor and recreational services and facilities by
22 concessioners and permittees at project lakes, includ-
23 ing adequate opportunities for profitability and re-
24 covery of capital investments;

1 (7) develop consistent guidance to encourage
2 construction, operation, and maintenance of com-
3 mercial recreation facilities and other visitor amen-
4 ities at project lakes;

5 (8) recognize and reward innovation and col-
6 laboration at project lakes;

7 (9) develop public information materials to
8 identify the type and location of recreation facilities
9 and programs at project lakes;

10 (10) promote cooperation and share new ap-
11 proaches from Federal and State managing agen-
12 cies, Indian tribes, and the private sector to embrace
13 a culture of innovation and entrepreneurship;

14 (11) develop training courses on business skills
15 to close the recreation needs gap;

16 (12) support annual regional workshops with
17 State, tribal, local, and private sector participants to
18 seek feedback and assistance in achieving the goals
19 of the Program;

20 (13) develop and establish an application and
21 selection process to implement the Program; and

22 (14) develop guidelines for the formation of
23 local advisory committees to be established by
24 project lake management agencies managing na-
25 tional recreation demonstration lakes.

1 (e) PRINCIPLES.—In all its actions and recommenda-
2 tions, the Council shall consider the following principles:

3 (1) WATERSHED HEALTH.—The health of the
4 watersheds associated with project lakes must be
5 protected.

6 (2) NEIGHBORING COMMUNITIES.—Neighboring
7 communities should be encouraged to participate in
8 planning the recreation needs and other uses of
9 project lakes to help to diversify the economic base
10 of the community and promote sustainable practices
11 to protect resources.

12 (3) FEDERAL RESPONSIBILITIES.—Federal re-
13 sponsibilities to enhance recreation at project lakes
14 while operating projects to optimize water use for all
15 beneficial purposes should be reaffirmed.

16 (4) MANAGEMENT FLEXIBILITY.—Management
17 flexibility should be increased and support for man-
18 agement innovation should be demonstrated.

19 (5) SUPPORT.—Public and private support
20 should be attracted to provide public outdoor recre-
21 ation activities at project lakes.

22 (f) FACA.—The Council shall be subject to the Fed-
23 eral Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 6. PERIODIC REVIEW AND REVISION OF OPERATING**
2 **POLICIES FOR PROJECT LAKES.**

3 (a) **REPORTS.—**

4 (1) **PROJECT LAKE MANAGEMENT AGENCIES.—**

5 Not later than 1 year after the date of enactment
6 of this Act, the head of each project lake manage-
7 ment agency shall submit to the Committee on En-
8 ergy and Natural Resources of the Senate, the Com-
9 mittee on Resources of the House of Representa-
10 tives, and the Council a report that describes—

11 (A) actions taken by the agency to commu-
12 nicate to personnel of the agency the require-
13 ments of this Act and other laws relating to
14 recreation use of project lakes; and

15 (B) actions to be taken by the agency to
16 expand recreation opportunities at project lakes,
17 including a schedule for taking the actions.

18 (2) **COUNCIL.—**Not later than 3 years after the
19 date of enactment of this Act, and every 2 years
20 thereafter, the Council shall submit to the Com-
21 mittee on Energy and Natural Resources of the Sen-
22 ate, and the Committee on Resources of the House
23 of Representatives a report describing actions taken
24 by participating agencies to expand recreation op-
25 portunities at project lakes.

26 (3) **PARTICIPATING AGENCIES.—**

1 (A) PERIODIC REPORTS.—The head of
2 each participating agency shall periodically re-
3 port to the Council regarding activities of the
4 participating agency under this section.

5 (B) COMPREHENSIVE REVIEW.—Not later
6 than 5 years after the date of enactment of this
7 Act and at least once every 15 years thereafter,
8 the head of each participating agency shall con-
9 duct a comprehensive review of operating poli-
10 cies for project lakes managed by the agency
11 that describes—

12 (i) the actions taken by the agency to
13 communicate to personnel of the agency
14 the requirements of this Act and other
15 laws relating to recreation use of project
16 lakes; and

17 (ii) the actions to be taken by the
18 agency to expand recreation opportunities
19 at project lakes, including a schedule for
20 taking the actions.

21 (b) POLICIES.—

22 (1) IN GENERAL.—The head of each project
23 lake management agency shall—

24 (A) revise the policies of the agency as nec-
25 essary to incorporate new information and en-

1 sure coordinated management of project lakes
2 to produce high levels of benefits for recreation
3 and all authorized purposes and designated uses
4 of project lakes; and

5 (B) where recreation is consistent with the
6 project lake purposes and designated uses of
7 project lands and waters, give recreation appro-
8 priate attention in all agency decisions and poli-
9 cies relating to the project lake.

10 (2) TAILWATERS.—In conducting any activity
11 relating to the tailwater of a project lake, the head
12 of a project lake management agency shall—

13 (A) investigate ways to consider rec-
14 reational uses dependent on water release
15 schedules and release volumes;

16 (B) consider release schedules to enhance
17 such opportunities and uses of the tailwater;
18 and

19 (C) appropriately balance all of the pur-
20 poses of the project.

21 **SEC. 7. RECREATION FEE DEMONSTRATION PROGRAM.**

22 Section 315 of the Department of the Interior and
23 Related Agencies Appropriations Act, 1996 (16 U.S.C.
24 4601–6a note; Public Law 104–134), is amended—

25 (1) in subsection (a)—

1 (A) by inserting “, the Bureau of Reclama-
2 tion,” after “the National Park Service”;

3 (B) by striking “Service) and” and insert-
4 ing “Service),”; and

5 (C) by inserting before “shall each” the
6 following: “, and the Secretary of the Army
7 (acting through the Corps of Engineers)”;

8 (2) in subsection (b), by striking “four agen-
9 cies” and inserting “6 agencies”; and

10 (3) in subsection (e)—

11 (A) by striking “and” and inserting a
12 comma; and

13 (B) by inserting “, and the Secretary of
14 the Army” before “shall carry out”.

15 **SEC. 8. USE OF FEDERAL WATER PROJECT FUNDING FOR**
16 **MATCHING REQUIREMENTS FOR RECRE-**
17 **ATION PROJECTS AT NATIONAL RECREATION**
18 **DEMONSTRATION LAKES.**

19 (a) FEDERAL WATER PROJECT RECREATION ACT.—

20 The Federal Water Project Recreation Act is amended—

21 (1) in section 2 (16 U.S.C. 4601–13)—

22 (A) in subsection (a), by striking “it and
23 to bear” and all that follows through “recre-
24 ation,” and inserting “the project,”; and

25 (B) in subsection (b)—

1 (i) by striking “recreation and”; and

2 (ii) by striking “recreation or”;

3 (2) in section 3 (16 U.S.C. 4601–14)—

4 (A) in subsection (b)(1), by striking “it
5 and will bear” the first place it appears and all
6 that follows through “recreation,” and inserting
7 “the project,”; and

8 (B) in subsection (c), by striking para-
9 graph (2); and

10 (3) in section 4 (16 U.S.C. 4601–15), by strik-
11 ing “recreation and” and all that follows through
12 “those purposes” and inserting “fish and wildlife
13 purposes”.

14 (b) FEDERAL AID IN FISH RESTORATION ACT.—The
15 Act of August 9, 1950 (16 U.S.C. 777 et seq.) is amended
16 by striking the first section 13 (relating to effective date)
17 and the second section 13 (relating to State use of con-
18 tributions) and inserting the following:

19 **“SEC. 13. APPLICATION OF FEDERAL WATER PROJECT**
20 **SPENDING TO NON-FEDERAL SHARE OF COV-**
21 **ERED RECREATION PROJECTS.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) COVERED RECREATION PROJECT.—The
24 term ‘covered recreation project’ means construction
25 or reconstruction of a facility for recreation at a na-

1 tional recreation demonstration lake that is carried
2 out with assistance under this Act.

3 “(2) NATIONAL RECREATION DEMONSTRATION
4 LAKE.—The term ‘national recreation demonstration
5 lake’ has the meaning given the term in section 2 of
6 the National Recreation Lakes Act of 2000.

7 “(3) RECREATION.—The term ‘recreation’ has
8 the meaning given the term in section 2 of the Na-
9 tional Recreation Lakes Act of 2000.

10 “(b) TREATMENT OF USE OF AMOUNTS APPRO-
11 PRIATED FOR A FEDERAL WATER PROJECT.—The use for
12 any covered recreation project of amounts appropriated
13 for a Federal water project shall be treated as payment
14 of the non-Federal share of costs required under this
15 Act.”.

16 (c) FEDERAL AID IN WILDLIFE RESTORATION
17 ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et
18 seq.) is amended—

19 (1) by redesignating section 10 as section 11;

20 and

21 (2) by inserting after section 9 the following:

22 **“SEC. 10. APPLICATION OF FEDERAL WATER PROJECT**
23 **SPENDING TO NON-FEDERAL SHARE OF**
24 **RECREATION PROJECTS.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) COVERED RECREATION PROJECT.—The
2 term ‘covered recreation project’ means construction
3 or reconstruction of a facility for recreation at a na-
4 tional recreation demonstration lake that is carried
5 out with assistance under this Act.

6 “(2) NATIONAL RECREATION DEMONSTRATION
7 LAKE.—The term ‘national recreation demonstration
8 lake’ has the meaning given the term in section 2 of
9 the National Recreation Lakes Act of 2000.

10 “(3) RECREATION.—The term ‘recreation’ has
11 the meaning given the term in section 2 of the Na-
12 tional Recreation Lakes Act of 2000.

13 “(b) TREATMENT OF USE OF AMOUNTS APPRO-
14 PRIATED FOR A FEDERAL WATER PROJECT.—The use for
15 any covered recreation project of amounts appropriated
16 for a Federal water project shall be treated as payment
17 of the non-Federal share of costs required under this
18 Act.”.

19 **SEC. 9. RELATIONSHIP TO OTHER LAWS.**

20 This Act does not affect—

21 (1) the purposes of any project lake authorized
22 before the date of enactment of this Act;

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

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

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated, to remain
6 available until expended—

7 (1) to the head of each project lake manage-
8 ment agency that manages a national recreation
9 demonstration lake, \$1,000,000 for each such lake,
10 to be used only at that lake to carry out this Act;
11 and

12 (2) to the Secretary of the Interior, \$1,000,000
13 to coordinate activities of the Council and partici-
14 pating agencies under this Act.

○