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2/24/05

NATIONAL OUTDOOR RECREATION POLICY ACT

To establish a policy recognizing the critical role of lands and waters administered by Federal agencies in providing diverse outdoor recreation opportunities for all Americans and further recognizing the important beneficial role recreation plays in meeting national goals for health, education, deterrence of crime, economic development and family and community stability.

Be it enacted by the House of Representatives and Senate of the United States of America in Congress assembled,

Section 1. Short Title

This Act may be cited as the “National Outdoor Recreation Policy Act of 2005.”

Section 2. Purpose

To declare a national policy regarding the management of, use of, and investment in lands and waters administered by Federal agencies to provide the American public with abundant, high-quality and diverse outdoor recreational opportunities to enhance (1) public health and welfare, (2) appreciation of natural resources and the environment, and (3) economic benefits associated with outdoor recreation to gateway, rural and other communities.

Section 3. Findings

Congress hereby finds –

(a) lands and waters administered by Federal agencies are a magnet for outdoor recreation, and appropriately so, since these lands and waters are a shared legacy and a powerful uniting force in our nation;

(b) that these same lands and waters are critically necessary to provide adequate outdoor recreation opportunities to an expanding and more mobile population and in response to growth in leisure time, especially among older Americans;

(c) a choice of quality outdoor recreation opportunities is needed to assure public health and welfare as well as provide important economic and social benefits nationally, regionally, and locally;

(d) outdoor recreation has become a leading benefit of Federally-managed lands and waters, in many instances providing more economic and other value to the nation than from other traditional and authorized uses of such lands and waters;

(e) growing outdoor recreation demand necessitates recognition of changed on-the-ground circumstances and may require changes in Federal management of land and water resources;

(f) there is a need for new Federal policies and strategies for meeting outdoor recreation demands including improved inter-agency and public/private coordination, enhanced land stewardship and accountability and innovative management tools for enhancing and maintaining much needed recreation programs and facilities;

(g) outdoor recreation on federal lands is a critical element in the development of healthy lifestyles for millions of Americans and is an important tool in the reduction of obesity in our nation; and

(h) federal lands and waters close to urban centers provide critical recreation opportunities for millions of Americans and efforts to increase and enhance these land and water resources should be encouraged.

Section 4. Declaration of Policy

Congress declares—

(a) that it is the policy of the Federal government to provide for and facilitate choices among quality outdoor recreation opportunities and activities on Federally-managed lands and waters. Management decisions regarding such lands and waters shall recognize that (1) provision of outdoor recreation is a primary management objective, (2) Federally-managed lands and waters afford critically needed opportunities for outdoor recreation, (3) diverse recreation opportunities on Federally-managed lands and waters are an important complement to recreation opportunities on state and adjacent lands (4) managed outdoor recreation can be consistent and compatible with conservation of natural resources including fish and wildlife and preservation of heritage resources, (5) the health and welfare of our citizenry is improved by facilitating high quality outdoor recreation opportunities, (6) providing an array of, and sufficient quantities of, outdoor recreation opportunities affords important economic benefits for gateway and rural communities, ~~(7) providing enhanced and expanded opportunities for outdoor recreation does not mandate new restrictions on other land uses or users including commodity related activities;~~ (8)

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clean air and clean water and other environmental objectives are vital components of quality outdoor recreation experiences; and (98) providing quality recreation opportunities on Federally-administered lands and waters requires cooperation among and sustainable partnerships involving Federal, State, local and private sector interests.

(b) ~~Federal land and water management policies and regulations that impact recreational activities shall consider and recognize relative public demand, and changes in relative public demand, for specific forms of recreation opportunities and activities, including new recreation activities. Federal agencies shall employ recreation management policies and regulations that promote sustainable management of tangible natural and cultural resources.~~ *Agencies shall seek to apportion available funding and manpower resources equitably geographically and among recreation activities to reflect visitation patterns on federal lands and waters.*

(c) This Act is intended to recognize the significance of recreation as a primary focus for Federal land management in concert with other resource considerations including other authorized uses of Federally-managed lands and waters or other land or water management priorities established in Federal law.

Section 5. - National Recreation Strategy

(a) Within 12 months of enactment, the Secretary of the Interior, in consultation with and aided by the Secretary of Agriculture, the Assistant Secretary of the Army for Civil Works, the Secretary of Commerce, the Executive Director of the President's Council on Physical Fitness and Sports, the Director of the Centers for Disease Control and Prevention and other

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appropriate Federal officials, shall provide to the Committee on Resources, U.S. House of Representatives and the Committee on Energy and Natural Resources, the U.S. Senate a national recreation strategy that will that increase the quantity and quality of recreation opportunities available to Americans and identifies barriers to achieving this goal on ~~statutory and regulatory impediments to providing and facilitating a diversity of recreational opportunities on Federally-managed lands and waters. The Secretary may present recommendations to eliminate, reduce or modify such impediments and recommendations for alternatives to the use of public funds to build, maintain and operate appropriate recreation facilities and services on Federally managed lands and waters.~~

(b) Inter-Agency Coordination – The strategy shall also address means and methods of improving coordination among Federal agencies regarding the provision and facilitation of a diverse array of outdoor recreation opportunities. There shall be established within the Executive Branch a Recreation Inter-Agency Coordinating Council chaired by the Secretary of the Interior. Agencies or bureaus represented on this Council shall include, but are not limited to, the U.S. Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, National Park Service, U.S. Fish and Wildlife Service, the Forest Service, the National Marine Fisheries Service and the Federal Highway Administration.

(c) Public Advisors – The Recreation Inter-Agency Coordinating Council may appoint state and local government officials and other knowledgeable members of the public as advisors to the strategy development process who can assist in reviewing Federal laws, regulations, and policies that impact recreation opportunities and providing recommendations regarding the same. These advisors shall not constitute an advisory committee as defined by the

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Federal Advisory Committee Act. The Council shall seek diversity in interests and expertise in its appointments, including proponents of the full range of outdoor recreation activities.

(d) In developing the National Recreation Strategy, the Secretary shall consider the following issues and incorporate appropriate recommendations, although the Secretary's review is not limited to issues on this list:

1) the roles of State, local, and private lands in meeting the nation's outdoor recreation needs and opportunities to better coordinate recreation programs on Federal, state, local and private lands;

2) Application of new technologies to enhance visitor experiences and improve recreation program management;

3) Strategies to adequately fund ~~overcome the need for major periodic campaigns to address chronic underfunding of~~ maintenance and operations, ~~including use of "sinking funds," maintenance set-asides in construction budgets, and~~ and opportunities associated with multi-year budgeting;

4) Action on recommendations of the National Recreation Lakes Study Commission;

5) ~~Opportunities to substitute private capital for appropriated funds at campgrounds, marinas and other recreation facilities at Federally-managed recreation sites~~ the *Applicability of permittee funding of needed infrastructure at campgrounds, marinas and other developed recreation sites, based upon the model of ski areas;*

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- 6) Means to enhance access to and protect Federally-managed lands and waters;
- 7) Expansion of authorities under the Southern Nevada Public Lands Management Act to other states and regions;
- 8) Support for local non-profit service organizations aiding Federally-managed lands and waters through the National Park Foundation, the National Forest Foundation, the National Fish and Wildlife Foundation and other mechanisms;
- 9) Additional frontcountry trails and other facilities which assist in fulfilling the directives of EO 13266 to enhance overall physical activity by the public;
- 10) Increased volunteerism on Federal lands;
- 11) Means to improve access to Federally-managed lands and waters from urban population centers, especially to improve the benefits derived from Federally-managed lands and waters by urban, poor and ethnic Americans;
- 12) Innovative partnerships involving Federal agencies managing public lands and waters and other entities including state and local governments and non-profit organizations ~~and corporations~~ that may include day-to-day operation of areas and facilities as well as communications and marketing efforts;
- 13) Additional ~~Alternative~~ funding mechanisms for recreation programs and facilities at Federally-managed sites; and
- 14) High quality visitor experiences achieved through the combined efforts of public agencies and the private sector. To achieve this goal, federal agencies must identify and avoid actions which inappropriately or unfairly compete with the private sector, including

concessioners and outfitters operating on Federally-managed lands and waters, and actions which restrict the potential for reasonable profit by private entities providing appropriate support to visitors.

Section 6. Definitions

In this Act:

RECREATION. - The term “recreation” means leisure outdoor uses and activities including but not limited to angling, backpacking, biking, birding, boating, camping, canoeing, hiking, horseback riding, hunting, kayaking, mountain biking, mountain climbing, off highway vehicle use, photography, picnicking, rafting, rock climbing, running, sailing, scuba diving/snorkeling, shooting, sightseeing, skating, snow sliding (cross country and downhill skiing and snowboarding), snowmobiling, sport aviation, swimming, technology-aided activities including digiscoping and geocaching, walking, wildlife viewing and windsurfing.

FEDERALLY-MANAGED LANDS AND WATERS – The term Federally-managed lands and waters includes those lands administered by the Departments of the Interior, Agriculture, Defense, Commerce and others where recreation is a purpose authorized by law or regulation. Generally, lands administered by or under the jurisdiction of the Bureau of Indian Affairs shall not be included.

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