

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Recreation Program Management
<b>Purpose:</b>	To ensure effective management of public outdoor recreation on Bureau of Reclamation lands and waterbodies. This Directive and Standard (D&S) benefits Reclamation because it establishes the roles, responsibilities, and direction that provide consistency in planning, developing, and managing public outdoor recreation resources on Reclamation lands and waterbodies.
<b>Authority:</b>	Reclamation Act of 1902 (ch. 1093, 32 Stat. 388; 43 USC 391 et seq.), as amended and supplemented; Economy Act of 1932 (ch. 314, 31 USC 1535), as amended; Reclamation Project Act of 1939 (ch. 418, 53 Stat. 1187; 43 USC 485 et seq.); Federal Water Project Recreation Act of 1965 (Pub. L. 89-72; 79 Stat. 213, 214; 16 USC 460l et seq.), as amended; Architectural Barriers Act of 1968 (Pub. L. 90-480, 82 Stat. 718; 42 USC 4151 et seq.); Rehabilitation Act of 1973 (Pub. L. 93-112; 87 Stat. 355; 29 USC 701 et seq.), as amended; Reclamation Recreation Management Act of 1992 (Pub. L. 102-575, Title XXVIII; 106 Stat. 4690; 16 USC 460l-31-460l-34), as amended; Law Enforcement Authority at Bureau of Reclamation Facilities, 2001 (Pub. L. 107-69; 115 Stat. 593; 43 USC 373b); Federal Lands Recreation Enhancement Act of 2004 (Pub. L. 108-447, Div. J, Title VIII; 118 Stat. 3378; 16 USC 6801 et seq.); 43 Code of Federal Regulations (CFR) part 21, <i>Occupancy of Cabin Sites on Public Conservation and Recreation Areas</i> ; 43 CFR part 24, <i>Department of the Interior Fish and Wildlife Policy</i> ; 43 CFR part 420, <i>Off-Road Vehicles</i> ; 43 CFR part 423, <i>Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies</i> ; 43 CFR part 429, <i>Use of Bureau of Reclamation Land, Facilities, and Waterbodies</i> ; and Reclamation project specific authorities.
<b>Approving Official:</b>	Director, Policy and Administration (POLICY)
<b>Contact:</b>	Asset Management Division, 84-57000

1. **Introduction.** The Federal Water Project Recreation Act of 1965 (Pub. L. 89-72), as amended, states that “there is a Federal responsibility to provide opportunities for public recreation at Federal water projects.” In that Act, and other project authorizations, Congress created a variety of authorities for managing recreation at Federal water projects. As a steward of Federal lands and waterbodies for various water projects, Reclamation needs to ensure the appropriate use of those projects for recreation by planning, developing, and managing public recreation in accordance with its Reclamation Manual (RM) Policy, *Recreation Program Management*, LND P04, this D&S, applicable Federal laws, regulations, policies, Executive Orders (EO), and other D&Ss such as RM D&S, *Implementation of the Cost-Sharing Authorities for Recreation and Fish and Wildlife*

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*Enhancement*, LND 01-01. This D&S covers a wide variety of recreation programs and activities; therefore, an alphabetized index is attached as Appendix A to assist in identifying the pages where specific recreation program topic areas are located.

### 2. **Applicability.**

- A. This D&S applies to the recreation management of lands and waterbodies that remain under the jurisdiction of Reclamation, including lands and waterbodies managed by a partner (i.e., non-Federal or another Federal entity).
- B. This D&S will apply to all new recreation management agreements and existing agreements, provided Reclamation and the managing entity agree and amend the existing agreement.
- C. It is important to note that this D&S provides direction that is different from LND 01-01. LND 01-01 is based on Pub. L. 89-72, as amended, which was specifically enacted to help Reclamation utilize non-Federal public entities in managing Federal land; provide a means for cost-sharing assistance with non-Federal partners; and determine when it is important to obtain a Federal partner. This D&S does, however, reference Pub. L. 89-72, as amended, and LND 01-01 to provide clarity to certain paragraphs. This D&S does not replace or amend LND 01-01.

### 3. **Definitions.** See Appendix B.

### 4. **Responsibilities.** As stated in LND P04, all Reclamation offices will ensure that recreation-related activities do not conflict with the primary purpose(s) of the authorized Reclamation project. All Reclamation offices are responsible for ensuring that Reclamation personnel involved in recreation management have completed training commensurate with their recreation responsibilities. Responsibilities for proper administration of the recreation program will be shared by different levels of the organization as follows:

- A. **Policy and Administration.** POLICY is responsible for administering the recreation program; providing interagency and intra-agency coordination; establishing recreation Policy, D&S, and guidance; participating in reviews and evaluations, as requested; and coordinating and providing recreation training opportunities for Reclamation offices. POLICY will evaluate and approve or deny requests for deviation for this D&S that are submitted by Reclamation regional and area offices. See RM D&S, *Request for Deviation from a Reclamation Manual Requirement and Approval or Disapproval of the Request*, RCD 03-03.
- B. **Regional Directors.** Regional directors, or their delegate, are responsible for implementing this D&S, overseeing and coordinating the regional recreation program, and ensuring that area offices conduct appropriate reviews and evaluations of

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recreation sites under their jurisdiction. Regional directors, or their delegate, will review, approve, and sign or deny all management agreements with a Reclamation recreation partner.

- C. **Area Managers.** Area managers, or their delegate, are responsible for the day-to-day management activities associated with administering the recreation program. Area managers, or their delegate, will negotiate and prepare recreation management agreements with potential partners and submit such agreements to the regional director for review and signature if signatory authority has not been delegated to the area manager. If Reclamation has a managing partner, area managers will provide an appropriate level of oversight in accordance with RM requirements to ensure that a managing partner is in full compliance with the terms and conditions of the management agreement. Area managers will be responsible for conducting internal reviews and evaluations and participating in external reviews and evaluations for those recreation areas where they have oversight responsibility.
5. **Transfers.** Transfer of Reclamation lands and facilities for recreation purposes under Pub. L 89-72 or appropriate project-specific authority will be accomplished by using one of the following two methods:
- A. **Management Transfer.** A transfer whereby Reclamation's operation and management responsibilities for a recreation area are transferred to a qualified government entity. For example, a local or state entity, Indian tribe, or another Federal agency can operate and maintain a designated recreation area on Reclamation's behalf through a legal, binding, written agreement. Reclamation retains jurisdiction of all lands and land resources.
- B. **Jurisdictional Transfer.** A jurisdictional transfer is a transfer where Reclamation lands and appurtenant infrastructure are transferred to another Federal entity by appropriate transfer documents and appropriate legislation.
- (1) Jurisdictional transfer of Reclamation lands to another Federal entity will be in accordance with Federal laws, policies, and regulations. Transfer of jurisdiction may include Reclamation acquired lands and/or withdrawn lands.
  - (2) Notification of a jurisdictional transfer to another Federal agency will be published in the *Federal Register*. A public notice will be used to transfer jurisdiction over acquired lands. A public land order will be used to transfer withdrawn public lands.<sup>1</sup> To ensure Reclamation's authorized project purposes are protected, the *Federal Register* notice will describe, in detail, Reclamation's reserved rights and privileges in using the transferred lands and appurtenant structures for Reclamation project purposes.

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<sup>1</sup>Contact your local recreation or land management office or POLICY's Asset Management Division, 84-57000 for guidance.

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- (3) To assist Reclamation in maintaining concise and accurate records, appropriate financial and property records will be transferred to the receiving Federal entity.<sup>2</sup>
  - (4) Jurisdictional transfers to a Federal agency may be accompanied by an agreement (e.g., a Supplemental Agreement to the National Memorandum of Understanding with the U.S. Forest Service will be prepared for a jurisdictional transfer to the U.S. Forest Service). These types of agreements are typically permanent in nature and have no expiration date.
6. **Acquisitions.** If there is a public demand for outdoor recreation opportunities that have been identified through an appropriate recreation planning process and the opportunities are compatible with project purposes, the responsible Reclamation manager will ensure that sufficient land and land rights are acquired to meet present and future demand. The acquisition of land for recreation purposes will occur during the development of a new water project or when an existing project feature is modified. Refer to RM D&S, *Land Acquisition*, LND 06-01, for detailed direction on acquiring land for project and program purposes. Reclamation will follow an established acquisition planning process that is commensurate with proposed development and the amount of land being acquired.
- A. **New Project Development.** If a new project is being planned, the acquisition of lands and land rights for recreation purposes will be part of the overall process of project planning and evaluation. The costs of such lands and land rights that serve recreation may be single purpose or joint recreation costs of a project and are subject to allocation for that purpose. Refer to RM Policy, *Allocation of Operation and Maintenance and Replacement Costs*, PEC P07 for further direction on how separable recreation costs will be allocated. Reclamation managers will work with their respective realty officers and recreation coordinators during the acquisition planning process to ensure:
    - (1) sufficient land and appropriate land rights above the high water line are acquired for anticipated public use and enjoyment of project lands,
    - (2) future recreation facility development, and
    - (3) public access around and to the entire project area, if practical.
  - B. **Modification to Existing Reclamation Features.** If existing project features are being modified, Reclamation managers will work with their respective realty officers and recreation coordinators to ensure that sufficient lands and land rights are available for relocating, protecting, or modifying existing recreation facilities for the same public recreation purposes as specified in Paragraph 6.A.
  - C. **Acquisition of Lands for Recreation Purposes by Non-Federal Partners.** If Reclamation has a non-Federal recreation managing partner, the partner may acquire lands or interests in lands as part of a repayment or cost-share in kind credit pursuant to Pub. L. 89-72, as amended or other appropriate authorizing legislation; provided that

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<sup>2</sup>Contact your local property management office or Property Management Branch, Denver, 84-27840 for guidance.

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such land and land rights are conveyed to the United States. Reclamation will review and approve all land acquisitions that its non-Federal partners may wish to use for any repayment obligations or in kind credits.

7. **Partner Managed Recreation Areas.** As stated in LND P04, Reclamation will continue to seek both qualified non-Federal and Federal agencies to manage facilities, lands, and waterbodies at Reclamation projects for recreation and recreation-related fish and wildlife purposes. Fish and wildlife facilities that serve primarily recreation purposes will be considered recreation facilities for the purposes of facility planning, constructing, and managing under this D&S. If there is more than one potential managing partner, Reclamation will solicit proposals from prospective partners and select the partner with the best proposal. In the absence of project-specific recreation authority, Reclamation may provide cost sharing with a non-Federal partner pursuant to Pub. L. 89-72, as amended and LND 01-01. If Reclamation has project-specific recreation authority and has secured a non-Federal or another Federal partner to manage recreation, it may cost share for the planning, construction, and replacement of capital improvements, and operation and maintenance (O&M) of recreation facilities as provided in that authority.
  - A. **Non-Federal Partner.** Reclamation will continue to seek non-Federal partners to manage recreation on its lands. The proposed management agreement may or may not be a Pub. L. 89-72 agreement and may or may not involve cost sharing for planning, constructing, and managing recreation facilities, opportunities, and programs. If the Reclamation project has specific recreation authority, the level of cost-share funding, if any, will be negotiated and documented in a management agreement. Potential partners will be required to submit detailed information regarding their ability to manage and provide long-term funding for O&M activities for the recreation area prior to Reclamation agreeing to a partnership. Refer to LND 01-01 for a list of minimum prerequisite requirements that will be followed. If a potential partner does not provide sufficient evidence of its ability to manage an area, Reclamation will not enter into a management agreement with that entity.
  - B. **Federal Partner.** Reclamation may transfer recreation and other land management activities to a qualified Federal agency that is willing to accept management responsibility. **Note:** This is not a jurisdictional transfer as detailed in Paragraph 5.B.; it is only a transfer of the management responsibility to another Federal agency. In the absence of project-specific recreation authority, Reclamation is not authorized to provide funding to the Federal partner for recreation-related activities. If the Reclamation project has specific recreation authority, the level of cost-share funding with a Federal partner for planning, developing, and managing recreation will be negotiated and documented in a management agreement within the limits provided by that authority.
  - C. **Negotiation.** When negotiating with a potential non-Federal and Federal partner and once a partner is selected, Reclamation will, as appropriate, apply the pertinent

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principles contained in Pub. L. 89-72 and this D&S no matter what authority is used to enter into a partnership agreement (i.e., Pub. L. 89-72 or project-specific recreation authority). Again, refer to LND 01-01 for standard requirements.

### 8. **Reclamation Managed Recreation Areas.**

- A. **Project-Specific Authority.** When Reclamation is the sole manager of a recreation area and has project-specific recreation authority, it will plan, develop, modify, expand, operate, and maintain recreation facilities, opportunities, and programs within the limits provided by that authority.
- B. **Minimum Basic Facilities.** In the absence of project-specific recreation authority, Reclamation will be limited to providing only minimum basic facilities, except as provided for in Paragraph 12.B. In addition to the exception in Paragraph 12.B. and pursuant to the Federal Lands Recreation Enhancement Act of 2004 (REA), REA revenues collected by Reclamation shall remain available, without further appropriation, until expended. Therefore, pursuant to Paragraph 7.G.(6) of RM D&S, *Federal Lands Recreation Enhancement Act (REA) Program Management*, LND 01-02, and the limitations provided by project-specific authority and Pub. L. 89-72, the regions and POLICY, as appropriate, will make REA revenues available at recreation areas managed by Reclamation until such revenues are expended.

### 9. **Recreation Planning.** No matter who manages an existing recreation area or who will manage an area in the future, a recreation planning process will be used to document and identify proposed recreation facilities, opportunities, and programs and to assist in balancing existing and long-term recreation needs with other land and water resource needs and project purposes.

- A. When a recreation planning process is initiated, Reclamation offices will ensure, among other things, that the health and safety of visitors, accessibility standards, potential impacts to natural and cultural resources, future O&M expenses, staffing, and project purposes are taken into consideration.
- B. A commensurate level of recreation planning will be required prior to development of any facilities and will occur subsequent to a request or project proposal from an existing or potential managing partner.
- C. In planning new water resource projects, Reclamation offices will give full consideration to the inclusion of outdoor recreation opportunities commensurate with public needs and Reclamation responsibilities and objectives. During such planning for new projects, Reclamation will ensure that specialists in the planning and management of recreation resources participate in the planning process to ensure the operational success of the proposed recreation component of any planning effort.

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- D. Reclamation offices will conduct an appropriate level of public involvement and outreach during the recreation planning process to ensure that the public has sufficient opportunity to be involved in decisionmaking. Refer to Paragraph 39 for further details on public outreach and involvement.
- E. As part of a recreation planning process or any comprehensive planning study conducted by Reclamation, managers will ensure that appropriate actions are taken, where appropriate, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat pursuant to EO 13443, dated August 16, 2007. However, Reclamation area managers have the flexibility, pursuant to 43 CFR part 423, *Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies*, to close an area in its entirety or limit hunting activities by designating an area as a special use area with restrictions. Refer to Paragraph 20 for additional information concerning designation of special use areas; Paragraph 21 for closure of Reclamation lands; and Paragraph 23 for hunting, fishing, and trapping on Reclamation lands and waterbodies.
10. **Development, Capital Improvement, and Expansion.** No matter who manages a recreation area, and subsequent to the recreation planning process described in Paragraph 9, each Reclamation office will establish a logical and systematic process that will be used for prioritizing any development, capital improvement, or expansion of recreation facilities on project lands.
11. **Operation, Maintenance, and Replacement.** No matter who manages the recreation area, existing recreation-related Federal laws, regulations, and policies; management and cost sharing agreements; and pertinent planning documents will be used to guide the level of management required for a specific area.
12. **Termination or Expiration of a Management Agreement.**
- A. **Management Options.** In the event of a termination or expiration of a management agreement with a Federal or non-Federal entity for a public recreation area, Reclamation will exercise one of four options:
- (1) Automatically begin management of the recreation area.
  - (2) Manage until a new managing agreement is established with the previous partner or with a new partner.
  - (3) Fully or partially close the recreation area to public use and entry.
  - (4) Any combination of the above-mentioned three options.
- B. **Reclamation Management.** For areas that lack specific recreation authority and where recreation facilities have been planned, constructed, and managed by a partner

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but turned back to Reclamation for management, Reclamation will expend necessary funds to operate, maintain, and replace existing facilities to standards necessary to protect public health and safety and the developed capital investments. When project-specific recreation authority exists, Reclamation will operate, maintain, replace, and expand facilities within the limits of such authority.

- C. **Fixed Assets.** Title to fixed assets is vested in the United States, unless otherwise stated in a management agreement and the managing partner has fully funded the development of the fixed asset. If fixed assets are located on Reclamation lands and there has been a turn back, default, termination, or expiration of a management agreement, Reclamation will determine which fixed assets, if any, will remain and which, if any, have a compensable interest. If fixed assets are cost shared using Federal funds, title will be vested in the United States and no compensation is authorized. Refer to Paragraph 12.D. below.
- D. **Compensable Interest in Fixed Assets.** Compensation for any interest in fixed assets will be stated in the management agreement between Reclamation and the managing partner. If the title to fixed assets is vested with the United States and so stated in the management agreement, no compensation will be provided to the managing partner upon expiration or termination of the agreement. If title to fixed assets is not vested in the United States and so stated in the management agreement, Reclamation will compensate the managing partner for the value of the fixed assets that Reclamation determines to be useful to the successful management of the recreation area. Refer to Paragraph 12.E. below.
- E. **Value of Fixed Assets.** The value of fixed assets will be determined by Reclamation and will be based on the appraised fair market value. Reclamation's compensation payment to the managing partner for fixed assets that will become Federal property, will occur prior to the actual expiration or termination of the management agreement or at a time mutually agreed upon by both parties.
- F. **Removal of Non-Federal Property.** If official notice has been given to Reclamation by the partner to end a management agreement, then prior to the expiration or termination of the management agreement, all fixed assets for which the United States does not hold title or does not wish to keep as part of the recreation area, and all personal property will be removed by, and at the expense of, the partner.
- G. **Written Notice.** Reclamation will require each management agreement to state that the managing partner will provide Reclamation timely written notice of its intent to turn recreation management responsibility of an area, facility, or land/water area back to Reclamation. A minimum 180-day written notice to Reclamation is required.
- H. **Concessions Operated by Partners.** RM D&S, *Concessions Management by Non-Federal Partners*, LND 04-02, authorizes non-Federal partners to enter into concession contracts that have been approved by Reclamation with commercial businesses to



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provide goods and services to the public. When there is an existing concession operating in an area at the time of a termination or expiration of a recreation management agreement, Reclamation will not stand-in-stand as directed in LND 04-02, unless an existing concession contract stated otherwise. All new concession contracts entered into after the issuance of LND 04-02, dated April 29, 2004, will terminate concurrently with the termination of the recreation partner agreement and Reclamation will not stand-in-stand of the managing partner. The partner will ensure that the fixed assets and personal property of the concessionaire are removed prior to the date that the termination of the management agreement will be in effect. In the absence of a managing partner, Reclamation may at its discretion issue a new concession contract in compliance with RM D&S, *Concessions Management by Reclamation*, LND 04-01.

13. **Recreation Management Agreements.** Reclamation and its non-Federal or Federal partners are required to develop recreation management agreements for management of Reclamation lands. All new management agreements and modification or renewal of a management agreement between Reclamation and a partner will comply with LND P04 and this D&S. All new and renewed management agreements will not exceed 25 years, unless a waiver is submitted to and approved by POLICY. Refer to RCD 03-03 for information regarding waivers. If a partner is interested in continued management, a new agreement will be renegotiated beginning 2 years prior to the expiration date. Automatic renewals of existing agreements are not authorized.
  - A. **Review and Approval of Recreation Management Agreements.** To ensure compliance with LND P04 and this D&S, long-term recreation management agreements with Reclamation managing partners will be reviewed, approved, and signed by the regional director, or delegate.
  - B. **Compliance with Recreation Management Agreements.** Area managers are responsible for ensuring that partners are in compliance with the terms and conditions of the long-term management agreement. Refer to Paragraph 30, Review and Evaluation, for direction on how Reclamation will conduct certain compliance activities associated with management of a recreation area.
  - C. **Third-Party Agreements.** Third-party agreements issued by Reclamation's non-Federal partners will be signed by the area manager subsequent to the review and approval of the regional director, or delegate, to ensure compliance with LND 04-02, this D&S, and any applicable Federal laws, rules, and policies.
14. **Other Land Management Activities.** Reclamation has ultimate responsibility for land and resource management including the management of all natural and cultural resources and associated programs on lands and waterbodies under its jurisdiction. In addition to the transfer of the recreation resources to a recreation managing partner, as discussed in Paragraph 5, Reclamation may wish to transfer other land management responsibilities. Upon agreement of the recreation managing partner, Reclamation will assign certain responsibilities such as fire protection and suppression, fencing, trespass, soil conservation,

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search and rescue, cultural resource protection, garbage collection, integrated weed and pest management, or public safety needs identified by Reclamation, by clearly defining the partner's responsibilities in the recreation management agreement.

- A. **Additional Memorandums of Understanding, Memorandums of Agreement, Interagency Agreements, or Contracts.** If a recreation partner does not have the capability or does not agree to accept additional management responsibilities other than recreation, and when Reclamation wishes to divest itself of those responsibilities, Reclamation or its partner will enter into a memorandum of agreement (MOA), memorandum of understanding (MOU), or contract with qualified entities for needed land management assistance. These types of documents will typically be short term, not to exceed 5 years, and may require some type of financial commitment by Reclamation or its partner. **Note:** An MOU and MOA are not agreements that can obligate funds to a recreation partner; rather, procurement contracts will be used.
- B. **Activities Associated with Enforcing State and Local Law.** In most instances, responsibilities for enforcing state and local laws are the responsibility of the recreation managing partner and are addressed in the long-term management agreement. However, if Reclamation and its managing partner determine that additional resources are necessary to enforce state and local laws on Reclamation lands or waterbodies, Reclamation will request those services from state, county, or local law enforcement agencies. In both instances, Reclamation's Regional Special Agent will be involved in planning and implementation of any contracts or agreements. Any such contracts or agreements shall also be coordinated with the Regional Security Officer to ensure efficiency and consistency with contracts and agreements that have been made with the same entity for security of Reclamation facilities. These types of law enforcement contracts and agreements will be limited to not more than 5 years and may require some type of financial commitment by Reclamation or its partner. If additional law enforcement resources are necessary, Reclamation may assist in providing funding. Procurement contracts are the only instruments that can transfer funds to a state, county, or local law enforcement agency. These procurement contracts will be signed by Reclamation's Contracting Officer or Grants Officer after consultation and coordination with the Regional Security Officer and Regional Special Agent.
- C. **Activities Associated with Enforcing Federal Law.** Enforcement of Federal law on Reclamation lands and water bodies is governed by Pub. L. 107-69, *Law Enforcement Authority at Bureau of Reclamation Facilities* and 43 CFR part 422, *Law Enforcement Authority at Bureau of Reclamation Projects*. The Reclamation Law Enforcement Administrator and Regional Special Agent will be involved in determining when additional law enforcement resources are necessary to enforce Federal laws on lands or waterbodies under Reclamation jurisdiction. An interagency agreement between the bureaus in the Department of the Interior is in place to provide cross designation of Department enforcement officers to provide law enforcement and investigative support in areas under their responsibility or control. Reclamation may enter into additional

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agreements to more fully detail the scope, objectives, and the range of responsibilities. Reclamation's Regional Special Agent and Regional Security Officer will be involved in planning and implementation of contracts, interagency agreements, and cooperative agreements for law enforcement services. The Law Enforcement Administrator is the Reclamation official authorized to enter into agreements which authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any state or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands, with such enforcement powers as may be so assigned to them by the Secretary of the Interior. The length of term for these law enforcement agreements is limited to 3 years. Subsequent to approval of the Law Enforcement Administrator, Contracting Officers and Grants Officers are the only officials that have signatory authority to sign all procurement contracts and financial assistance instruments such as cooperative agreements.

15. **Service Contracts.** In areas managed directly by Reclamation, service contracts will be used to secure goods and services on Reclamation lands in the absence of a management agreement with a partner. Service contracts may also be used by managing partners to supplement their management of the recreation resources on Reclamation land and waterbodies.
16. **Concession Contracts.** Commercial operators provide recreation facilities, opportunities, goods, and services when Reclamation or a managing partner determines demand is sufficient. The issuance and management of concession contracts on Reclamation lands will follow RM Policy, *Concessions Management*, LND P02; LND 04-01; and LND 04-02.
17. **Cooperating Associations.** When appropriate, cooperating associations will be used to supplement and enhance recreation activities and programs on Reclamation lands.
18. **Private Exclusive Recreational or Residential Use.** New private recreation and residential exclusive use, as defined in 43 CFR 429.2, is prohibited on Reclamation lands. Existing private recreation and residential exclusive use will be administered as provided in 43 CFR part 21; 43 CFR part 429; LND P02; LND 04-01; LND 04-02; and RM D&S, *Land Use Authorizations*, LND 08-01.
19. **Camping Limitations.** Pursuant to 43 CFR 423.33, the unauthorized use or occupancy of recreation sites, such as campgrounds, picnic areas, or recreational vehicle/trailer spaces, in excess of 14 days during any 30-consecutive-day period is prohibited, except as allowed by a use authorization issued under 43 CFR part 429. The 14-day camping limitation will apply to a concession managed area unless the concession agreement states otherwise.
20. **Special Use Areas.** Designation of a Reclamation special use area (an area with rules differing from Subpart C of 43 CFR part 423) will be made in compliance with Subpart E of

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43 CFR part 423. Special use areas, such as wildlife, cultural, historic, recreation, or critical habitat areas, will be managed by Reclamation or its recreation partner for the purpose for which they were established and at a level that protects the facility, infrastructure, and resource. Special use areas that were in effect on April 17, 2006, remain in effect without the need for further action. To create new special use areas, Reclamation and/or managing partners must adhere to the procedures set forth in Subpart E of 43 CFR part 423 and any applicable Reclamation policies and delegations of authority. Within the parameters of 43 CFR part 423 and any other applicable laws and regulations and with Reclamation written approval, managing partners may establish their own limitations, allowances, or restrictions for the management and use of lands without the need to create special use areas.

21. **Closure of Reclamation Lands.** Reclamation offices will ensure that all Reclamation facilities, lands, and waterbodies are open to lawful public use unless they are closed to public use by an authorized Reclamation official. Lands and waterbodies managed by Reclamation can include permanent, periodic, or seasonal closures of certain areas as deemed necessary by Reclamation. Any type of closure or reopening of Reclamation lands will follow the requirements provided in Subpart B of 43 CFR part 423 and/or 43 CFR part 420, *Off-road Vehicle Use*. Consistent with, and to the extent allowed by, those regulations and any applicable Reclamation policies and delegations of authority, managing partners may open and close lands as deemed necessary and with Reclamation written approval.
22. **Off-Road Vehicle Use.** Reclamation lands will be closed to off-road vehicle (ORV) use unless, through an approved planning process, a Reclamation area is designated as limited or open to off-road vehicle ORV use and conditions of use are specifically described. The process of determining whether an area, road, or trail is designated as open to ORV use, open to limited use, closed to use, and the level of use allowed will include a combined public involvement process, National Environmental Policy Act (NEPA) process, and the development of planning documents. For more information concerning the rules, regulations, and procedures for use of ORVs on Reclamation lands, see 43 CFR part 420; EO 11644, dated February 8, 1972; and EO 11989, dated May 24, 1977.
23. **Hunting, Fishing, and Trapping.** Reclamation will provide for public use of lands in accordance with state and Federal laws and will allow public hunting, fishing, and trapping within statutory limitations pursuant to 43 CFR 423.32. Hunting, fishing, and trapping will be compatible with Reclamation project purposes and be conducted in a manner that protects the health and safety of the public and a managing entity's infrastructure and personnel. Reclamation lands are generally open to hunting, fishing, and trapping unless closed, as deemed necessary, or designated as special use areas with restrictions. Any such closures or special use area designations related to hunting, fishing, and trapping will be in consultation with appropriate state game and fish agencies and will include a public

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involvement and NEPA process. Refer to 43 CFR part 24, *Department of the Interior Fish and Wildlife Policy*, for further guidance on hunting, fishing, and trapping on Federal lands, 43 CFR part 423, and EO 13443.

24. **Wild and Scenic River Program.** In all planning efforts for the recreation use and development of water and related land resources and in cooperation with other Federal agencies, Reclamation will consider or evaluate potential wild, scenic, or recreation values for areas under its jurisdiction or as required by the Wild and Scenic Rivers Act of 1968, as amended. Administration of rivers in the national Wild and Scenic River Act system has been delegated to four Federal land management agencies: Bureau of Land Management, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service. Although Reclamation is not one of the four primary Federal agencies responsible for the management of the rivers that have been designated as wild and scenic, it will cooperate with administering agencies in studying rivers under its jurisdiction for inclusion into the system and in protecting authorized project purposes and operations and the values for which a river has been designated.
25. **National Scenic Byways Program.** If certain roads within Reclamation projects potentially have unique and outstanding archaeological, geological, cultural, historical, natural, recreational, or scenic characteristics, Reclamation will conduct an assessment of the roads to determine if they meet the criteria which is necessary to become a National Scenic Byway. This assessment will be accomplished through an appropriate planning process in cooperation with interested parties and the Federal Highway Administration who administers the Scenic Byways program.
26. **Minimum Wage Contract Clause.** All agreements and contracts issued, modified, or amended after January 1, 2015, must include the Minimum Wage Contract Clause specified in Appendix C of this D&S, pursuant to Executive Order 13658, *Establishing Minimum Wage for Contractors*.<sup>3</sup>
27. **Federal Lands Recreation Enhancement Act Pass Program.** REA established four types of interagency passes that provide access to visitors to recreation sites on Federal lands where REA fees are charged. The four types of passes (Annual, Senior, Access, and Volunteer) replace the Golden Eagle, Golden Age, and Golden Access Passports. (**Note:** The Volunteer Pass is free and will be awarded to agency volunteers that meet certain requirements.) At sites that have officially been designated as REA sites by the regional director, the implementation of REA, collection and distribution of REA fees, and the ordering, selling, and accounting of REA passes will adhere to LND 01-02.
28. **Collection and Distribution of Fees.** Appropriate and necessary user fees and entrance fees will be collected and distributed by Reclamation and its managing partners.

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<sup>3</sup>Contact POLICY's Asset Management Division, 84-57000, for guidance related to Executive Order 13658.

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- A. **Entrance Fees.** Reclamation is prohibited from charging an entrance fee; however, necessary and appropriate entrance fees may be charged by a partner pursuant to their laws, rules, and regulations.
- B. **Federal Lands Recreation Enhancement Act Fees.** Only Reclamation offices with recreation areas designated by the regional director as official REA sites are authorized to collect REA standard and expanded amenity fees and fees collected from special recreation permits issued at the REA site. Non-Federal partners are prohibited from charging REA fees. The collection, disposition, and retention of REA fees will be governed by LND 01-02.
- C. **Non-Federal Lands Recreation Enhancement Act Fees.** At non-REA areas managed directly by Reclamation, it will collect necessary and appropriate user fees in accordance with Title XXVIII of Pub. L. 102-575. Reclamation will establish recreation user fees, appropriate filing fees for applications and other documents concerning use of Reclamation lands and waterbodies, and collect charges or commissions for such use. Disposition of such revenues will be in accordance with applicable laws, regulations, and RM Policies, and D&Ss. For more information, see RM D&Ss, *Charges for Use of Federal Assets*, PEC 01-01; *Crediting of Incidental Revenues*, PEC 03-01; and *Use of the Collection Information Form for Incidental Revenues*, PEC 03-02.
- D. **Indian Ceremonial or Religious Use.** Fees will not be charged to Indian tribes, Indian practitioners, and individual Indians for the use of Reclamation withdrawn or acquired lands if such use has been determined by Reclamation or its partners to be for legitimate Indian ceremonial or religious purposes. For more information, see the American Indian Religious Freedom Act of 1978 and EO 13007, Indian Sacred Sites.<sup>4</sup>
- E. **Veterans Day Access.** Veterans and their immediate family will not be charged any standard amenity fees on Veterans Day at REA sites, or any use fees at non-REA recreation sites managed by Reclamation. This waiver of fees does not apply to expanded amenity fees at REA sites, or uses or activities that would normally be required to have a use authorization, such as group activities or recreation events. Waiver of fees for veterans does not apply to recreation sites managed by non-Federal partners. Documentation of veteran status is not required.
- F. **Public Lands Day Access.** The public will not be charged any standard amenity fees at REA sites, or any use fees at non-REA recreation sites on the nationally recognized Public Lands Day. This waiver of fees does not apply to expanded amenity fees at REA sites, or uses or activities that would normally be required to have a use authorization, such as group activities or recreation events. Waiver of fees does not apply to recreation sites managed by non-Federal partners.

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<sup>4</sup>Contact your local staff or Reclamation's Native American Affairs Group, Washington, DC, for guidance in implementing Indian Sacred Sites (EO 13007).

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29. **Incidental Recreation Right-of-Way Use.** Reclamation's use of rights-of-way is limited to those activities and facilities, if any, authorized in the original conveyance agreement between Reclamation and the fee landowner. If a reserved right-of-way provision does not provide adequate authority for incidental recreation use or recreation facility construction, the recreation use will not be authorized unless additional authority is obtained from the underlying fee title owner.
30. **Recreation Use Authorizations.** Recreation use authorizations for controlled use on lands and waterbodies will be issued in agreement with approved planning documents and the appropriate management agreement if there is a partner. Recreation use examples requiring a use authorization may include, but are not limited to, boat regattas and racing, fishing and water skiing tournaments, and commercial activities such as outfitting and guiding services.
- A. **Recreation Use Authorizations Issued by Reclamation.** The issuance of certain types of use authorizations are reserved by Reclamation and issued by Reclamation pursuant to 43 CFR part 429. A value for the use authorization and a revenue collection and disposition process will be determined before issuing a use authorization for recreation. Use authorizations for certain uses that would normally be prohibited, such as fireworks, can be obtained but will be issued pursuant to Subpart D of 43 CFR part 423. Reference will be made to both Subpart D and 43 CFR part 429 to ensure that the proper authorities are used when issuing recreation use authorizations for use of Reclamation lands and waters.
- B. **Recreation Use Authorizations Issued by Non-Federal Partners.** In compliance with 43 CFR 429.5, non-Federal recreation managing partners may issue limited recreation use authorizations that are not reserved by Reclamation and retain appropriate fees. Use authorizations that may be issued by a non-Federal managing partner will be outlined in the recreation management agreement. When use authorizations are issued by a non-Federal managing partner, their rules and regulations will be followed.
- C. **Recreation Use Authorizations Issued by Federal Partners.**
- (1) Federal recreation partners that have entered into a management agreement with Reclamation may issue recreation use authorizations that are not reserved by Reclamation and retain appropriate fees. Use authorizations that may be issued by a Federal managing partner will be outlined in the recreation management agreement. When authorized permits are issued by a Federal managing partner, their rules and regulations will be followed.
  - (2) Where Reclamation has transferred jurisdiction of lands to another Federal agency, that agency is responsible for issuing all land use authorizations and retaining appropriate fees pursuant to their rules and regulations.

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31. **Review and Evaluation.** An appropriate number of reviews and evaluations will be conducted at all recreation areas located on lands remaining under the jurisdiction of Reclamation, regardless of who manages the area (i.e., Reclamation, Federal, or a non-Federal recreation managing partner). These reviews and evaluations do not apply to areas where jurisdiction of the land resources has been jurisdictionally transferred to another Federal agency. Reviews and evaluations of recreation areas will be comprised of local and/or external review teams comprised of technical specialists that are qualified to assess the conditions and issues associated with the recreation area, facilities, and programs. Technical specialists will include, among others, recreation planners, electrical and civil engineers, accessibility coordinators, water quality specialists, and health, safety, sanitation, and food service professionals, as well as specialists that have life safety codes credentials. The reviews and evaluations will be conducted on a 10-year cycle or at other times, as appropriate (e.g., a review and evaluation is required prior to the expiration or termination of a management agreement). Offices will make every effort to schedule the internal and external reviews and evaluations concurrently with other required reviews, whenever possible.
- A. **Ten-Year Cyclical Review and Evaluation.** During any established 10-year cycle, both a local and an external review and evaluation will be conducted no matter who manages the area. A review and evaluation is not applicable to areas where jurisdiction has been transferred to another Federal agency. During the 10-year cycle, the internal review and evaluation will occur first followed by an external review that is scheduled within a reasonable timeframe that allows for correction of identified deficiencies. These types of reviews and evaluations will include, among other things, a review of business practices, O&M activities, visitor services, approved planning documents, management agreements, security plans, law enforcement requirements, health and safety requirements to include life safety items, etc. Within 90 days of the review and evaluation, a final review and evaluation report will be prepared and sent to the regional office, POLICY, review participants, and managing partners, if applicable.
- (1) **Local Review and Evaluation.** During each 10-year cycle, a local review and evaluation will be scheduled and conducted by the Reclamation area office directly responsible for the administration and/or oversight of the recreation area. To accommodate participants' schedules, area offices will coordinate all reviews and evaluations with their regional office and others, as appropriate. A regional office representative will attend each local review and evaluation scheduled by an area office.
- (2) **External Review and Evaluation.** In addition to the local review and evaluation during each 10-year cycle, an external review and evaluation will be conducted for all recreation areas. The responsibility for the external review schedule and coordination will be the responsibility of the regional recreation coordinator in consultation with the area office staff to ensure a balanced workload over any 10-year period. Each respective regional recreation coordinator will ensure that



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the review and evaluation team lead is from outside the region where the review and evaluation is being conducted and that the review team includes appropriate specialists who are Reclamation employees or specialists from outside the agency (e.g., if a life safety code expert is needed and one is not available within Reclamation, the region will contract for those services).

- B. Corrective Actions.** All review and evaluation reports will include applicable recommendations and required corrective actions for deficiencies. If a field review identifies operational or administrative deficiencies, a timetable will be established to correct the deficiency. Area managers will act promptly within budgetary or other constraints to ensure that the necessary corrective measures are taken in a timely manner. To assist in prioritizing corrective actions and for budgeting purposes, review and evaluation teams will place recommendations into the following three priorities:
- (1) **Priority 1.** Recommendations involving matters of great importance that address remedial action(s) that will need to be taken in a prescribed period to ensure public health or safety and/or to prevent structural failure or resource loss.
  - (2) **Priority 2.** Recommendations covering a wide range of important matters where action is needed to prevent or reduce further damage to a facility or resource or where action is needed to increase effective management of the area.
  - (3) **Priority 3.** Recommendations covering matters of less importance but believed to be sound and beneficial to the operation of a facility or area.
- C. Exceptions to 10-Year Cyclical Review and Evaluation.** At times, exceptions to a scheduled local and external review and evaluation may be warranted as follows:
- (1) **Capability of the Managing Partner.** When a recreation partner manages an area, the capability and proven performance of the partner, the size and complexity of the area, and the issues will determine the level and actual frequency of a local and external review and evaluation (i.e., an area or regional office will schedule a review and evaluation as often as they determine to be necessary).
  - (2) **Non-Renewal of a Management Agreement.** When a management agreement is about to expire and there are no plans for renewal or a management agreement is about to be terminated, a close-out review and evaluation will be conducted within 12 months prior to the expiration or termination date and thereafter, as necessary. These types of reviews and evaluations will focus on, among other things, fixed assets owned by the partner or Reclamation, removal of fixed assets, fixed assets that will remain for the benefit of the recreating public, compensable fixed assets, restoration of disturbed lands, and agreement terms related to expiration or termination. Refer to Paragraph 12 for further details related to termination or expiration of a management agreement.

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- (3) **Renewal of a Management Agreement.** When a management agreement is about to expire and there are plans for renewal, a review and evaluation will be conducted 2 years prior to the expiration date. This review and evaluation will correspond to the requirement that negotiations for renewing a management agreement with a partner will begin 2 years prior to expiration. Refer to Paragraph 13 for further details. This type of review and evaluation will assist Reclamation in negotiating a new management agreement and identifying what agreement articles and stipulations may be added, deleted, or modified to match conditions in the field.
- D. **Authorized Existing Private Exclusive Recreational or Residential Use.** Pursuant to 43 CFR 429.32, Reclamation is required to review all recreational or residential private exclusive use on Reclamation lands at least every 5 years to ensure compliance with certain established criteria. In addition, reviews will be conducted at least 6 months prior to the expiration of a recreational or residential private exclusive use permit. Reclamation offices will follow the direction provided in 43 CFR 429.32 when conducting these types of reviews.
- E. **Coordinating Reviews and Evaluations.** Whenever possible and feasible, reviews and evaluations will be conducted concurrently with other reviews (e.g., recreation, concession, land management, accessibility, private exclusive recreational or residential use reviews, resource management plan monitoring, and Comprehensive Condition Assessment reviews, as well as environmental audits).
32. **Disputes.** Disputes between Reclamation and its managing partners will be resolved through informal negotiations and discussions. In the event that such disputes fail to reach resolution, either party may request a formal, nonbinding arbitration process. Each party will select one member for the arbitration panel and, together, these two members will select the third (neutral) panel member. The panel will treat each party equally and fairly. Recommendations must be made by a majority of the panel members. If either party disagrees with the arbiter's recommendation, he or she may file an appeal with the Secretary of the Interior under 43 CFR part 4, Subpart G. The Secretary's determination will be final and binding.
33. **Routine Site Visits.** During routine site visits to recreation areas, Reclamation employees will document and report to the proper Reclamation authority any observed health and safety violations or problems, unlawful activities or suspicious behavior, existing or potential resource or facility damage, and any other observed problems within the recreation area. Depending on the severity of the problem identified, corrective or abatement actions will be implemented as soon as possible. Refer to Paragraph 33.G. for additional information on reporting incidents and suspicious activities.

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### 34. Reporting Requirements.

- A. With the Federal Government's ongoing emphasis on performance and budget integration to improve planning and performance, Reclamation is required to report specific information pertaining to its recreation goals, targets, and program results.
- (1) Assisting in improving upon existing recreation performance measures through the Performance Assessment Rating Tool (PART) review.
  - (2) Aligning budgets with the recreation program.
  - (3) Aligning recreation programs and performance measures with established Government Performance Results Act (GPRA) goals.
- B. **Government Performance Results Act.** Pursuant to GPRA and the Department's Strategic Plan, Reclamation field offices will collect required GPRA goal data and submit quarterly reports to the regional GPRA recreation coordinator, who will then submit them to the regional GPRA coordinator.
- C. **Performance Assessment Rating Tool.** PART is a systematic method of assessing the performance of program activities across the Federal Government. Field offices will provide necessary recreation and concession information to PART managers to further Reclamation's overall effort in assessing recreation and concession program performance. To maintain the quality of Reclamation's recreation program, field offices will integrate operational decisions with strategic and performance planning.
- D. **Activity-Based Costing Management.** To satisfy a commitment to the President's Management Agenda, Reclamation will link the full costs of resources to business processes and outputs through a methodology commonly referred to as Activity-Based Costing (ABC). Under ABC, Reclamation has one recreation end outcome goal which is to improve the quality and diversity of recreation experiences and visitor enjoyment on Department lands. The end outcome goal has a series of intermediate outcome strategies that will be implemented by Reclamation to achieve the end outcome goal.
- E. **Comprehensive Condition Assessment.** In accordance with applicable Department requirements and Real Property EO 13327, Reclamation will conduct Comprehensive Condition Assessments (CCAs) of all constructed assets that meet the \$50,000 threshold in current replacement value. For those recreation facilities identified in the initial 2004 inventory, Reclamation offices will ensure that existing and any new recreation facilities with a replacement value greater than \$50,000 be inventoried on a 5-year basis. In addition, each field office will conduct an annual condition assessment of recreation facilities that have a current replacement value greater than \$5,000. This brief and informal annual site review will be conducted to simply verify the continued existence of a facility and any changes in its maintenance condition. Refer to the

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guidelines developed by the POLICY's Asset Management Division, 84-57000, for further information on how the CCA inventories are applied to Reclamation's reserved and transferred works.

### F. Federal Real Property Profile.

- (1) In accordance with the President's Management Agenda for Real Property Assessment Management in the Federal Government, and as created by the Federal Real Property Council in response to EO 13327, Reclamation offices will submit appropriate recreation information to regional Federal Real Property Profile (FRPP) Coordinators and then to the Reclamation-wide FRPP Coordinator for entry into FRPP database. The FRPP is a Government-wide database of assets. Assets in the FRPP are all unique records that are assigned a real property unique identifier; therefore, Reclamation offices will annually report in perpetuity any assets with a real property unique identifier before the end of each calendar year. **Note:** The Office of Management and Budget is responsible for ensuring that all Federal agencies are in full compliance with the mandates and any established performance metrics that arise from these activities in the form of a real property asset management scorecard.
- (2) Reclamation offices will report only those recreation assets that Reclamation has title to and that are included in the FRPP at the major asset level. Assets at the major asset level shall be grouped (e.g., dam, reservoir, irrigation/drainage system, municipal and industrial system, recreation site, etc.) by feature or geographic location (site), where it is appropriate to do so. Reclamation offices shall report any assets at the component or subcomponent level to ensure appropriate monitoring and accountability.

G. **Incidents and Suspicious Activities.** All incidents, including those occurring on lands managed by a partner, must be reported through Reclamation's Emergency Notification System. Suspicious activities must be reported to the Regional Special Agent or the Law Enforcement Office at [intel@do.usbr.gov](mailto:intel@do.usbr.gov).

35. **Statistical Data.** Pertinent information on constructed recreation facilities on Reclamation lands and waterbodies will be entered into the official real property automated data system. At the end of each calendar year, Reclamation's Recreation Use Data Report (RUDR) will be updated by the area offices and entered into the RUDR automated data system. POLICY's Asset Management Division, 84-57000, is responsible for the development and maintenance of centralized and comprehensive land and recreation databases consistent with departmental needs.
36. **Signage.** Reclamation and its partners will ensure that appropriate signs and markers are located and maintained at each project to interpret, guide, inform, and protect the health and safety of visitors and employees. The nondiscretionary elements of Reclamation's Sign Guidelines (i.e., Federal Highway Administration standards, Reclamation Safety and Health

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Standards, U.S. Aids to Navigation System, and accessibility requirements) will be followed when planning, designing, fabricating, procuring, installing, and maintaining recreation-related signs. Signs will conform to the official common elements of Reclamation's Visual Identity Program and incorporate Reclamation's tagline, "*Managing Water in the West.*" Refer to RM D&S, *Incorporation of Visual Identity into Outdoor Public Use Area Signage*, ADM 05-03, for additional requirements for signage. The placement of signs on Reclamation lands and waterbodies is limited to those that support Reclamation and its managing partners programs and services; private parties are not allowed to display signs on Reclamation lands.

37. **Recreation Internet Website.** POLICY's Asset Management Division, 84-57000, will ensure that Reclamation's recreation internet homepage is updated as new information becomes available. By the end of each calendar year, regional offices will provide POLICY with updates, as appropriate.
38. **Public Safety.** Reclamation and its partners will do what is reasonably possible to protect the health and safety of visitors and staff and make every effort to identify and provide reasonable safeguards against known hazards.
39. **Accessibility.** Reclamation and its managing partners will provide appropriate program and facility access to the public including those individuals with mobility, hearing, visual, and cognitive or mental disabilities.
40. **Public Outreach and Involvement.** All Reclamation offices with recreation responsibility will seek input and involvement of all parties who are interested in the assessment of recreation resource needs and the development of recreation programs (i.e., Reclamation will provide meaningful opportunities for the public to provide input for Reclamation's consideration when making decisions). Reclamation offices will distribute factual and timely recreation information to the public. Public outreach programs will be used to enhance recreational opportunities through development of cooperative efforts in planning for needed services and facilities, production of informational materials, and/or co-sponsorship of conferences or special events.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_