

109TH CONGRESS
2^D SESSION

S. 4002

To establish the Canyon Ferry National Recreation Area in the State of Montana, to establish the Canyon Ferry Recreation Management Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Canyon Ferry National Recreation Area in the State of Montana, to establish the Canyon Ferry Recreation Management Fund, 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 “Canyon Ferry National
5 Recreation Area Act”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Canyon Ferry Unit Dam—

1 (A) was authorized by the Flood Control
2 Act of 1944 (58 Stat. 891, chapter 665); and

3 (B) is operated by the Bureau of Reclama-
4 tion;

5 (2) the Canyon Ferry Reservoir—

6 (A) covers approximately 33,500 acres;

7 (B) has 96 miles of shoreline;

8 (C) encompasses 9,360 acres of developed
9 and undeveloped recreation land;

10 (D) is located approximately 17 miles east
11 of Helena, Montana; and

12 (E) has become an important regional
13 recreation destination;

14 (3) the growing recreational use at the Canyon
15 Ferry Reservoir generates revenue that is important
16 to local economies; and

17 (4) multiple jurisdictions currently manage that
18 important public land.

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

20 (1) to provide high quality recreational facilities
21 and services on the land surrounding the Canyon
22 Ferry Reservoir;

23 (2) to conserve the scenic, scientific, historic,
24 and other resource values contributing to the public
25 use and enjoyment of that land and water;

1 (3) to promote cooperation between the Federal
2 Government and private entities to manage that ex-
3 ceptional resource;

4 (4) to authorize the Secretary to manage cer-
5 tain resources; and

6 (5) to transfer to the Secretary, without consid-
7 eration, administrative jurisdiction over certain Fed-
8 eral land for management as a unit of the National
9 Forest System.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) COOPERATOR.—The term “cooperator”
13 means any—

14 (A) Federal agency;

15 (B) State, local, or tribal government;

16 (C) public or private agency;

17 (D) nonprofit organization;

18 (E) institution (including any educational
19 institution);

20 (F) small or local business;

21 (G) corporation;

22 (H) individual; and

23 (I) other legal entity located within the
24 United States.

25 (2) DAM.—The term “Dam” means—

1 (A) the Canyon Ferry Unit Dam; and

2 (B) any facility relating to the Canyon
3 Ferry Unit Dam.

4 (3) FUND.—The term “Fund” means the Can-
5 yon Ferry Management Fund established by section
6 9(a).

7 (4) NATIONAL FOREST SYSTEM LAND.—The
8 term “National Forest System land” means land in-
9 cluded in the National Forest System (as defined in
10 section 11(a) of the Forest and Rangeland Renew-
11 able Resources Planning Act of 1974 (16 U.S.C.
12 1609(a))).

13 (5) RECREATION AREA.—The term “Recreation
14 Area” means the Canyon Ferry National Rec-
15 reational Area designated by section 4(a).

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (7) STATE.—The term “State” means the State
19 of Montana.

20 **SEC. 4. ESTABLISHMENT.**

21 (a) IN GENERAL.—Certain Federal land managed by
22 the Forest Service, as generally depicted on the map enti-
23 tled “Canyon Ferry National Recreation Area”, dated
24 June 2006, is designated as the “Canyon Ferry National
25 Recreation Area”.

1 (b) PUBLIC AVAILABILITY.—The map described in
2 subsection (a) shall be filed and made available for public
3 inspection—

4 (1) in the Office of the Forest Supervisor of the
5 Helena National Forest; and

6 (2) on the Internet.

7 **SEC. 5. MANAGEMENT.**

8 (a) IN GENERAL.—Subject to the authority of the
9 Secretary of the Interior under section 6, the Secretary
10 shall manage the Recreation Area to establish and provide
11 for—

12 (1) public recreational opportunities in the
13 Recreation Area (including hunting and fishing);

14 (2) scenic, scientific, historic, and other re-
15 source values contributing to the public use and en-
16 joyment of the Recreation Area; and

17 (3) other uses in the Recreation Area.

18 (b) APPLICABLE LAW.—Subject to valid existing
19 rights, the Secretary shall administer the Recreation Area
20 in accordance with laws (including regulations) applicable
21 to units of the National Forest System.

22 (c) WATERS.—

23 (1) EFFECT.—Nothing in this Act affects the
24 jurisdiction of the Commissioner of Reclamation to
25 manage and regulate water levels that are—

1 (A) located on the Missouri River; and

2 (B) subject to flowage easements.

3 (2) LIMITATION OF MANAGEMENT AUTHOR-
4 ITY.—The Secretary shall manage all Forest System
5 land in the Recreation Area, as depicted on the map
6 described in section 4(a).

7 (d) CAMPGROUNDS AND AIRPORTS.—

8 (1) AUTHORITY OF SECRETARY.—In accordance
9 with section 1005 of the Omnibus Consolidated and
10 Emergency Supplemental Appropriations Act, 1999
11 (Public Law 105–277; 112 Stat. 2681–715), the
12 Secretary of the Interior shall manage—

13 (A) Indian Road Campground;

14 (B) Cottonwood Campground; and

15 (C) the Canyon Ferry Airport.

16 (2) EXISTING AGREEMENTS.—To benefit the
17 interests of the public, the Secretary shall act in ac-
18 cordance with any agreement in existence on the
19 date of enactment of this Act with any organization
20 for the management of—

21 (A) campgrounds located in the Recreation
22 Area; and

23 (B) marinas located in the Recreation
24 Area.

1 (e) LAND ACQUISITION.—The Secretary may acquire
2 land and interests in land by purchase, exchange, dona-
3 tion, or otherwise, with donated or appropriated funds.

4 (f) BOUNDARIES.—For purposes of section 7 of the
5 Land and Water Conservation Fund Act of 1965 (16
6 U.S.C. 460l–9), the boundary of the Recreation Area shall
7 be considered to be a National Forest boundary that ex-
8 isted as of January 1, 1965.

9 (g) COMPREHENSIVE MANAGEMENT PLAN.—

10 (1) APPLICABLE LAW.—The Secretary shall de-
11 velop a management plan for the Recreation Area
12 under paragraph (1) in accordance with the Forest
13 and Rangeland Renewable Resources Planning Act
14 of 1974 (16 U.S.C. 1600 et seq.).

15 (2) DEVELOPMENT OF PLAN.—The Secretary
16 may develop a management plan under paragraph
17 (1)—

18 (A) as a separate document; or

19 (B) in conjunction with the next regular
20 update of the management plan for the Helena
21 National Forest.

22 (3) APPLICABILITY.—Nothing in this Act re-
23 quires an immediate revision or amendment to any
24 plan for any unit of the National Forest System.

1 (4) USE OF PLANNING DOCUMENTS.—Until the
2 date on which the Secretary develops a management
3 plan under paragraph (1), the Secretary may use
4 planning documents prepared by the Department of
5 the Interior without further administrative action.

6 (h) WITHDRAWAL.—Subject to valid existing rights,
7 all Federal land located within the Recreation Area is
8 withdrawn from—

9 (1) all forms of entry, appropriation, or disposal
10 under the public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) disposition under all laws relating to min-
14 eral and geothermal leasing.

15 **SEC. 6. AUTHORITY OF SECRETARY OF THE INTERIOR.**

16 (a) HYDROPOWER FACILITIES.—The Commissioner
17 of Reclamation shall continue to administer and operate—

18 (1) the Dam;

19 (2) any power facility relating to the Dam; and

20 (3) any land or facility depicted on the map de-
21 scribed in section 4(a).

22 (b) RESIDENTIAL AREAS.—Nothing in this Act af-
23 fects the authority of the Secretary of Interior to carry
24 out title X of the Omnibus Consolidated and Emergency
25 Supplemental Appropriations Act, 1999 (Public Law 105–

1 277; 112 Stat. 2681–710) as depicted on the map de-
2 scribed in section 4(a).

3 **SEC. 7. EXISTING AUTHORIZATIONS.**

4 (a) IN GENERAL.—Except as provided in subsections
5 (b) and (c), nothing in this Act affects any authorization
6 in effect as of the date of enactment of this Act made
7 by any department or agency of the Federal Government
8 for the use of land or water located within the Recreation
9 Area (referred to in this section as an “existing authoriza-
10 tion”).

11 (b) ASSUMPTION OF EXISTING AUTHORIZATION.—
12 Not later than 1 year after the date of enactment of this
13 Act, the Secretary shall—

14 (1) assume the administration of any existing
15 authorization; and

16 (2) manage the existing authorization in ac-
17 cordance with the terms of that existing authoriza-
18 tion.

19 (c) RENEWAL OF EXISTING AUTHORIZATION.—The
20 renewal of any existing authorization shall be made in ac-
21 cordance with such terms and conditions as the Secretary
22 may prescribe.

23 **SEC. 8. COOPERATIVE AGREEMENTS.**

24 (a) IN GENERAL.—Notwithstanding chapter 63 of
25 title 31, United States Code, the Secretary may enter into

1 cooperative agreements (including agreements providing
2 for the sharing of costs of activities or services otherwise
3 authorized by law) with 1 or more cooperators for—

4 (1) the construction, maintenance, improve-
5 ment, or operation of any facility not under the ju-
6 risdiction of the Administrator of General Services
7 that is located on or in the vicinity of—

8 (A) land managed by the Forest Service;

9 (B) land administered by any other public
10 entity; or

11 (C) private land;

12 (2) the development, production, publishing,
13 distribution, or sale of educational and interpretive
14 materials and products;

15 (3) the sale, on or in the vicinity of land man-
16 aged by the Forest Service, of—

17 (A) health and safety convenience prod-
18 ucts;

19 (B) photography supplies; or

20 (C) other related items (as determined by
21 the Secretary);

22 (4) the collection, on behalf of the cooperators
23 that are parties to the cooperative agreement, of
24 funds from the sale of—

25 (A) materials;

1 (B) products; and

2 (C) services;

3 (5) the restoration and maintenance of the eco-
4 logical integrity of National Forest System land; and

5 (6) the operation and maintenance of any recre-
6 ation facility located on National Forest System
7 land.

8 (b) TERMS AND CONDITIONS.—

9 (1) IN GENERAL.—Subject to paragraph (2), a
10 cooperative agreement entered into under subsection

11 (a)—

12 (A) shall, at a minimum, require terms
13 and conditions that protect public investments,
14 including terms and conditions that—

15 (i) relate to the ownership and oper-
16 ation of any facility or improvement cov-
17 ered by the cooperative agreement; and

18 (ii) are mutually agreed to by the Sec-
19 retary and the cooperators that are parties
20 to the cooperative agreement; and

21 (B) may provide terms and conditions that
22 describe the manner by which costs shall be
23 shared between the Secretary and the coopera-
24 tors that are parties to the cooperative agree-
25 ment, including—

1 (i) the acceptance of any in-kind con-
2 tribution; and

3 (ii) the contribution of any volunteer
4 service.

5 (2) EXCEPTION.—The Secretary shall not enter
6 into a cooperative agreement under subsection (a) if
7 the purposes described in subsection (a) may be sat-
8 isfied by—

9 (A) entering into a procurement contract
10 or providing a grant under chapter 63 of title
11 31, United States Code; or

12 (B) providing a special use authorization.

13 (c) TREATMENT OF CONTRIBUTION OF VOLUN-
14 TEERS.—The value of services performed by persons who
15 volunteer services to the Forest Service and who are re-
16 cruited, trained, and supported by a cooperator that is a
17 party to a cooperative agreement under subsection (a) may
18 be considered to be an in-kind contribution of the coop-
19 erator for the purposes of cost sharing under subsection
20 (a).

21 (d) FUNDS COLLECTED BY COOPERATORS.—

22 (1) IN GENERAL.—Funds collected under an
23 agreement under subsection (a) from the sale of ma-
24 terials, products, or programs on behalf of a coop-

1 erator shall not be considered to be the property of
2 the United States.

3 (2) FORWARDING OF FUNDS.—The Secretary
4 shall forward to the appropriate cooperator any
5 funds described in paragraph (1).

6 (e) ADVANCEMENT OR REIMBURSEMENT OF
7 FUNDS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 and in accordance with a cooperative agreement en-
10 tered into under subsection (a), the Secretary may—

11 (A) advance or reimburse funds to an ap-
12 propriate cooperator from any appropriation of
13 the Forest Service that is available for similar
14 work; and

15 (B) furnish to the cooperator any supplies,
16 facilities, or equipment.

17 (2) CONDITIONS FOR ADVANCEMENT.—The
18 Secretary may advance funds to a cooperator under
19 paragraph (1)(A) if—

20 (A) the advancement represents the share
21 of the Secretary of any costs, activities, or serv-
22 ices under a cooperative agreement entered into
23 under subsection (a); and

1 (B) the cooperator is not obligated to reim-
2 burse the Secretary for those costs, activities,
3 or services.

4 **SEC. 9. MISCELLANEOUS PROVISIONS.**

5 (a) DONATIONS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary may accept donations
8 of funds, property, or services from any—

- 9 (A) individual;
10 (B) foundation;
11 (C) corporation; or
12 (D) public entity.

13 (2) AUTHORIZED USES.—The Secretary shall
14 use donations of funds, property, or services accept-
15 ed under paragraph (1) for—

- 16 (A) capital improvements in the Recreation
17 Area;
18 (B) facility enhancements and repair of the
19 Recreation Area;
20 (C) operation and maintenance of the
21 Recreation Area;
22 (D) the provision of—
23 (i) visitor access to the Recreation
24 Area;

1 (ii) visitor services and information re-
2 relating to the Recreation Area; and

3 (iii) interpretation of and education
4 relating to the Recreation Area;

5 (E) maintenance of trails in proximity to
6 the Recreation Area;

7 (F) ensuring the health and safety needs
8 of visitors of the Recreation Area;

9 (G) habitat restoration relating to wildlife-
10 dependent recreation, including—

11 (i) hunting;

12 (ii) fishing;

13 (iii) wildlife observation; and

14 (iv) photography; and

15 (H) law enforcement relating to public use
16 of the Recreation Area.

17 (b) COOPERATING ASSOCIATIONS.—To provide serv-
18 ices and facilities consistent with this Act, the Secretary
19 may enter into grants, contracts, and cooperative agree-
20 ments with—

21 (1) the Canyon Ferry Foundation;

22 (2) the Helena Forest Foundation; and

23 (3) any other organization.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

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