

# RECLAMATION

*Managing Water in the West*

## Future Recreation Use and Operations of Lake Berryessa

Attachments 1 - 20  
Final Environmental Impact Statement  
Solano Project, Napa, California  
Mid-Pacific Region



U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
Sacramento, CA

October 2005

## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

# Attachment 1

HR-2925/P.L. 107-69  
Law Enforcement Authority  
at the  
Bureau of Reclamation

Public Law 107-69  
107th Congress

An Act

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

Nov. 12, 2001  
[H. R. 2925]

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

**SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.** 43 USC 379b

(a) **PUBLIC SAFETY REGULATIONS.**—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) **VIOLATIONS; CRIMINAL PENALTIES.**—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) **AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.**—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) 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;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) **POWERS OF LAW ENFORCEMENT OFFICERS.**—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) **LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.**—

(1) **STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.**—

Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) **APPLICATION OF FEDERAL TORT CLAIMS ACT.**—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

Applicability.

(3) **AVAILABILITY OF WORKERS COMPENSATION.**—For purposes of subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions

of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) **CONCURRENT JURISDICTION.**—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) **REGULATIONS.**—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

#### SEC. 2. DEFINITIONS.

43 USC 373c.

In this Act:

(1) **LAW ENFORCEMENT PERSONNEL.**—The term "law enforcement personnel" means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) **RECLAMATION PROJECT; RECLAMATION LANDS.**—The terms "Reclamation project" and "Reclamation lands" have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601-32).

Approved November 12, 2001.

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#### LEGISLATIVE HISTORY—P.L. 107-69

CONGRESSIONAL RECORD, Vol. 147 (2001):

Oct. 23, considered and passed House.

Oct. 30, considered and passed Senate.

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**PART 422—LAW ENFORCEMENT  
AUTHORITY AT BUREAU OF REC-  
LAMATION PROJECTS**

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**AUTHORITY:** 16 U.S.C. 462 (i), (j); 17 U.S.C. 133b-37k.

**SOURCE:** 67 FR 38473, June 4, 2002, unless otherwise noted.

**§ 422.1 Purpose of this part.**

(a) This part implements Public Law No. 107-69, 115 Stat. 593 (November 12, 2001), an Act to Amend the Reclamation Recreation Management Act of 1992, by

(1) Establishing eligibility criteria, such as fitness and training requirements, for Federal, State, local and tribal law enforcement personnel to protect Bureau of Reclamation (Reclamation) facilities and lands; and

(2) Ensuring that Federal, State, local and tribal law enforcement programs comply with applicable laws and regulations when they discharge the Secretary of the Interior's authority.

(b) This part does not apply to, or limit or restrict in any way, the investigative jurisdiction or exercise of law enforcement authority of any Federal law enforcement agency under Federal law, within a Reclamation project or on Reclamation lands. The provisions

of this part apply to non-Department of the Interior Federal law enforcement agents only where Reclamation has entered into a cooperative agreement or contract with a Federal law enforcement agency, pursuant to Public Law 107-69, for the services of specified individual Federal law enforcement agents.

(c) Nothing in this part shall be construed or applied to affect any existing right of a State or local government, or an Indian tribe, or their law enforcement officers, to exercise concurrent civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

**§ 422.2 Definitions.**

(a) *Department* means the United States Department of the Interior.

(b) *Reclamation* means the Bureau of Reclamation of the United States Department of the Interior.

(c) *Law Enforcement Program* means Reclamation's program to provide law enforcement and protective services at Reclamation project facilities and on Federal project lands. The activity is directed toward the preservation of public order, safety, and protection of resources and facilities, and their occupants.

(d) *Law Enforcement Administrator (LEA)* means the person designated by the Commissioner of Reclamation to

(1) Direct the law enforcement program and units;

(2) Develop the policy, procedures, and standards for the law enforcement program within Reclamation; and

(3) Provide for inspection and oversight to control enforcement activity.

(e) *Chief Law Enforcement Officer (CLEO)* means the highest level duty authorized law enforcement officer for a non-Department law enforcement agency.

(f) *Law Enforcement Officer* means:

(1) A duty authorized Federal law enforcement officer, as that term is defined in Public Law 107-69, from any non-Department Federal agency who is authorized to act as a law enforcement officer on Reclamation projects and lands; or

(2) Law enforcement personnel of any State, local government, or tribal law enforcement agency.

### § 422.3

#### 422.3 Reclamation law enforcement policy.

The law enforcement policy of Reclamation is:

(a) To maintain an accountable, professional law enforcement program on Reclamation project facilities, and to protect Federal project lands and their occupants. Reclamation will meet its law enforcement responsibilities by establishing and promoting a law enforcement program which maintains law and order, and protects persons and property within Reclamation property and on Reclamation lands.

(b) To entrust law enforcement authority only to persons deemed to be qualified, competent law enforcement professionals:

(c) To maintain a continuing review and evaluation of Reclamation's law enforcement programs and operations to ensure compliance with applicable Federal laws, regulations, and policies of the Department.

(d) To ensure that approved standards are attained and maintained by each law enforcement unit undertaking a contract or cooperative agreement.

(e) To increase the effectiveness of law enforcement through the efficient handling and exchange of criminal and intelligence information with other Federal, State, local, and tribal agencies, as appropriate.

(f) To provide the public prompt access to information concerning its law enforcement program in accordance with the spirit and intent of the Freedom of Information Act, 5 U.S.C. 552; Department FOIA Regulations, 43 CFR 2; and 383 DM 15, Freedom of Information Act Handbook (see [www.doi.gov](http://www.doi.gov)).

(g) To ensure that the use of force by agency personnel under contracts or cooperative agreements with Reclamation complies with the Constitution and the law of the United States, and

(h) To negotiate contracts and cooperative agreements under this part to ensure that:

(1) Reclamation retains flexibility to meet its law enforcement needs, and

(2) Entities entering into contracts and cooperative agreements are appropriately reimbursed.

### 43 CFR, Subtitle B, Ch. I (10-1-04 Edition)

#### RESPONSIBILITIES

#### 422.4 Responsibilities of the Commissioner of Reclamation.

(a) The Secretary of the Interior has designated the Commissioner of Reclamation to implement law enforcement authority at Reclamation facilities. The Commissioner is responsible for:

(1) Implementing the provisions of Public Law 107-69.

(2) Ensuring consistency with applicable Departmental and Reclamation requirements for law enforcement officers.

(3) Carrying out the specific responsibilities listed in paragraphs (b) of this section, and

(4) Developing any additional policies necessary for the successful accomplishment of Reclamation's law enforcement responsibilities.

(b) The Commissioner's specific responsibilities include the following:

(1) Designating Reclamation's Law Enforcement Administrator (LEA), with authority to discharge the responsibilities assigned by these regulations.

(2) Overseeing the LEA's ability to ensure that all law enforcement officers under contract or cooperative agreement for law enforcement services to Reclamation are properly trained and receive necessary authorizations, and

(3) Overseeing the LEA's development of policy, procedures and standards for directing the law enforcement units, and the installation of management controls for proper implementation of the law enforcement program.

#### 422.5 Responsibilities of the Law Enforcement Administrator.

(a) The Law Enforcement Administrator (LEA):

(1) Reports directly to the Commissioner.

(2) Oversees the law enforcement program, and

(3) Is responsible for promulgating mission-oriented policy, procedures and standards to ensure the effective implementation of Reclamation's law enforcement authority.



(b) The chain of command for law enforcement will run from the Commissioner through the LEA to other positions designated as part of the Reclamation law enforcement managerial structure, which may include a Chief Law Enforcement Officer. The units will be staffed through cooperative agreements or contracts with law enforcement personnel from Department and non-Department Federal agencies or State, local, or tribal law enforcement organizations, with unit command being provided as part of the cooperative agreement or contract.

(c) Within the chain of command specified in paragraph (b) of this section, the LEA provides policy direction, inspection, and oversight for the law enforcement functions of Reclamation.

#### § 422.8 Responsibilities of the Chief Law Enforcement Officer.

The Chief Law Enforcement Officer's (CLEO) responsibilities are to ensure that:

(a) Law enforcement officers working at Reclamation facilities and on Federal project lands are duly authorized under § 422.7.

(b) Law enforcement officers authorized under a contract or cooperative agreement meet training and fitness requirements established in this part and abide by standards of conduct and performance established in this part and in the contract or cooperative agreement.

(c) Law enforcement officers are under the immediate supervision of a commanding officer who is part of each law enforcement unit for which Reclamation enters into a contract or cooperative agreement, and

(d) Required reports are made to the LEA, or to another person designated by Reclamation, for purposes of carrying out the law enforcement functions for which Reclamation has a contract or cooperative agreement.

#### PROGRAM REQUIREMENTS

#### § 422.7 Authorization to perform law enforcement duties.

(a) The CLEO must issue written authorization to each officer who is au-

thorized to perform Reclamation law enforcement duties.

(b) Before issuing an authorization under paragraph (a) of this section, the CLEO must ensure that the officer meets:

(1) All the requirements for officers authorized under the law enforcement contract or cooperative agreement with Reclamation; and

(2) All requirements in §§ 422.10, 422.11, and 422.12.

(c) The CLEO must terminate an officer's authorization under paragraph (a) of this section and must notify the issuing Reclamation official when the officer:

(1) Terminates employment as a full-time police officer for any reason;

(2) Is transferred to another area of jurisdiction, where the continued performance of Reclamation duties would be impractical;

(3) Is suspended for any offense that would impair his/her fitness to perform law enforcement duties; or

(4) Is under indictment or has been charged with a crime.

(d) The LEA can, upon showing just cause, revoke the authorization of an individual officer to perform law enforcement services under Reclamation's law enforcement authority after providing written notice to the CLEO.

#### § 422.8 Requirements for law enforcement functions and programs.

The requirements in this section apply to Reclamation and to each law enforcement unit exercising Reclamation's law enforcement authority:

(a) The law enforcement program must provide for correct accountability, coordination, and clear lines of authority and communication. This organizational structure must apply both within the law enforcement units, and between the law enforcement units and the LEA or other personnel designated as responsible under the law enforcement contract or cooperative agreement.

(b) Only duly authorized law enforcement officers may discharge law enforcement duties.

(c) Each law enforcement contract or cooperative agreement must specifically name those individuals within

the contracting agency who are authorized to exercise Reclamation law enforcement authority consistent with applicable laws, regulations, and the requirements of this part. A CLEO can authorize only duly authorized officers who meet the standards in § 422.7 to exercise law enforcement authority.

(d) Any uniform worn by law enforcement officers must display distinctive identification to ensure that the officer is

(1) Distinguishable from non-law enforcement personnel, and

(2) Easily recognized by the public as a law enforcement officer.

(e) Officers investigating a violation of Federal law under a law enforcement contract or cooperative agreement with Reclamation will notify applicable Federal law enforcement authorities, as appropriate, pursuant to 43 U.S.C. 373b(d)(4).

(f) The LEA must

(1) Establish an incident reporting system for incidents that occur on Reclamation lands; and

(2) Include the reporting requirements for incidents as an element of each contract or cooperative agreement.

**§ 422.9 Reclamation law enforcement contracts and cooperative agreements.**

(a) The LEA, or a person that the LEA designates, may enter into contracts or cooperative agreements with Federal, State, local, or tribal law enforcement agencies to aid in enforcing or carrying out Federal laws and regulations on Reclamation facilities or Reclamation-managed property. Reclamation will rescind the contract or cooperative agreement if an elected governing body with jurisdiction over the local law enforcement agency adopts a resolution objecting to the use of that agency's personnel to enforce Federal laws.

(b) Each contract and cooperative agreement authorizing the exercise of Reclamation law enforcement authority

(1) Must expire no later than 3 years from its effective date.

(2) May be revoked earlier by either party with written notice.

(3) May be revised or amended with the written consent of both parties.

(4) Must expressly include the requirements for exercise of Reclamation law enforcement authority listed in § 422.10.

(5) Must expressly state that the officer has completed the Federal Bureau of Investigation criminal history review as required by § 422.11, and

(6) Must expressly include the standards of conduct listed in section 422.12.

**§ 422.10 Requirements for authorizing officers to exercise Reclamation law enforcement authority.**

(a) The CLEO must ensure that each officer receiving an authorization under § 422.7(a)

(1) Is at least 21 years old;

(2) Is certified as a bona fide full-time peace officer under State Peace Officer Standards and Training (POST) requirements or its functional equivalent or is certified as a Federal law enforcement officer;

(3) Has passed his/her agency's firearms qualifications (which must be consistent with Federal policy) within the 6-month period immediately preceding the granting of the authority;

(4) Re-qualifies to use firearms with all issued service weapons at least semi-annually;

(5) Has neither been convicted of a felony offense, nor convicted of a misdemeanor offense for domestic violence, preventing him/her from possessing a firearm in compliance with section 658 of Public Law 104-208 (the 1996 Amendment of the Gun Control Act of 1968);

(6) Is not the subject of a court order preventing him/her from possessing a firearm;

(7) Has no physical impairments that will hinder performance as an active duty law enforcement officer; and

(8) Attends and successfully completes a mandatory orientation session developed by Reclamation to become familiar with Federal laws and procedures and with all pertinent provisions of statutes, ordinances, regulations, and Departmental and Reclamation rules and policies.

(b) Qualification standards for guards as provided in the Departmental Manual or other Department of Reclamation guidance may only be used for those persons hired exclusively to perform guard duties.

**§ 422.11 Position sensitivity and investigations.**

Each law enforcement contract or cooperative agreement must include a provision requiring the CLEO to certify that each officer who exercises authority under the Act has completed an FBI criminal history check and is satisfactorily cleared.

**§ 422.12 Required standards of conduct.**

All law enforcement officers authorized to exercise Reclamation authority must adhere to the following standards of conduct:

(a) Be punctual in reporting for duty at the time and place designated by superior officers.

(b) Be mindful at all times and under all circumstances of their responsibility to be courteous, considerate, patient and not use harsh, violent, profane, or insolent language.

(c) Make required reports of appropriate incidents coming to their attention.

(d) When in uniform and requested to do so, provide their name and identification/badge number orally or in writing.

(e) Immediately report any personal injury or any loss, damage, or theft of Federal government property as required by § 422.13.

(f) Not be found guilty in any court of competent jurisdiction of an offense that has a tendency to bring discredit upon the Department of Reclamation.

(g) Not engage in any conduct that is prejudicial to the reputation and good order of the Department of Reclamation; and

(h) Obey all regulations or orders relating to the performance of the unit's duties under the Reclamation contract or cooperative agreement.

**§ 422.13 Reporting an injury or property damage or loss.**

(a) An officer must immediately report orally and in writing to his/her supervisor any

(1) Injury suffered while on duty; and  
(2) Any loss, damage, or theft of government property.

(b) The written report must be in detail and must include names and addresses of all witnesses.

(c) When an officer's injuries prevent him/her from preparing a report at the time of injury, the officer's immediate supervisor must prepare the report.

(d) The supervisor must submit all reports made under this section to the Reclamation official designated to receive them, as soon as possible after the incident occurs.

**PART 423—PUBLIC CONDUCT ON RECLAMATION LANDS AND PROJECTS**

Sec.

423.1 Purpose and applicability of this part.

423.2 Definitions of terms used in this part.

423.3 Prohibition of trespassing, tampering, and vandalism.

423.4 Restrictions on water vessel operation.

423.5 Applicability of State law to vehicle operation.

423.6 Restrictions on weapons.

423.7 Prohibition of disorderly conduct.

423.8 Prohibition on interfering with agency functions.

423.9 Prohibition of explosives.

423.10 Criminal penalty for violations of this part.

AUTHORITY: 41 U.S.C. 3756; 16 U.S.C. 450; 31

501.01; 67 FR 19093, Apr. 17, 2002, unless otherwise noted.

EFFECTIVE DATE NOTE: At 67 FR 19093, Apr. 17, 2002, part 423 was added, effective Apr. 17, 2002, through Apr. 17, 2003. At 68 FR 16214, Apr. 1, 2003, the expiration date was extended from Apr. 17, 2003, to Apr. 17, 2006.

**§ 423.1 Purpose and applicability of this part.**

The purpose of this part is to maintain law and order and protect persons and property on Reclamation lands, as defined in this part and at Reclamation projects as defined in this part. This part shall not apply where the Federal government has no ownership interest.

**§ 423.2 Definitions of terms used in this part.**

*Disorderly conduct* means committing any of the following acts with the intent to cause or create a risk of public alarm, nuisance, jeopardy or violence:

(1) Fighting or threatening, or violent behavior;

(2) Language, utterance, gesture or display or act that is obscene, physically threatening or menacing, or that is likely to inflict injury or incite an immediate breach of the peace;

(3) Unreasonable noise, considering the nature and purpose of the person's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances; or

(4) Creating or maintaining a hazardous or physically offensive condition.

*Reclamation* means the Bureau of Reclamation of the United States Department of the Interior.

*Reclamation lands* means all real property administered by the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under the jurisdiction of Reclamation.

*Reclamation projects* means any water supply projects or water delivery projects constructed or administered by Reclamation under the Federal reclamation laws, and Acts supplementary thereto and incidental thereto.

*Vehicle* means every device in, upon, or by which a person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks.

*Vessel* means every type or description of craft that is used or capable of being used as a means of transportation on water. Any buoyant device that permits or is capable of free flotation is a vessel. A seaplane is not a vessel.

*Weapon* means any of the following:

(1) A firearm which is a loaded or unloaded pistol, rifle, shotgun or other device which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

(2) A compressed gas or spring-powered pistol or rifle, irritant gas device, explosive device, or

(3) Any other implement designed to discharge missiles.

**§ 423.3 Prohibition of trespassing, tampering, and vandalism.**

(a) The following activities are prohibited:

(1) *Trespassing*, entering, or remaining in or upon property or real property not open to the public (closed area) except with the express invitation or consent of the person having lawful control of the property, real property, or water;

(2) *Tampering* or attempting to tamper with property or real property, or moving, manipulating, or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession; and

(3) *Vandalism* or destroying, injuring, defacing, or damaging property or real property that is not under one's lawful control or possession.

(b) Reclamation reserves the right to close and restrict public access to Reclamation lands and Reclamation projects subject to this part for security or public safety reasons. Each closure order or order restricting public access must:

(1) Identify the facilities, lands or waters that are closed or restricted as to public use;

(2) Specify the uses that are restricted;

(3) Specify the period of time during which the closure or restriction shall apply (including indefinite periods if necessary); and

(4) Be posted at places near or within the area to which the closure or restriction applies, in such manner and location as is reasonable to bring prohibitions to the attention of the public.

(c) Within 15 days of the beginning of the closure or restriction, Reclamation will publish the closure or restriction in the FEDERAL REGISTER unless the Commissioner determines that publication is contrary to national security or the public interest.

**§ 423.4 Restrictions on water vessel operation.**

The following are prohibited:

(a) Operating a vessel in a closed area.

(b) Failing to observe restrictions established by a regulatory marker (i.e., signs, buoys);

(c) Operating a vessel or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner that endangers or is likely to endanger a person or property; and

(d) Operating a vessel when under the influence of alcohol or legally-used controlled substance that may endanger life or property.

**§423.5 Applicability of State law to vehicle operation.**

Any person operating a vehicle within Reclamation lands or Reclamation projects is subject to State laws in effect at the time.

**§423.6 Restrictions on weapons.**

(a) Carrying or possessing a weapon in violation of applicable Federal or State law is prohibited.

(b) Discharge of a weapon, except where allowed by State law, is prohibited.

(c) Authorized Federal, State, local and tribal law enforcement officers may carry and use weapons in the performance of their official duties.

**§423.7 Prohibition of disorderly conduct.**

Disorderly conduct is prohibited.

**§423.8 Prohibition on interfering with agency functions.**

The following are prohibited:

(a) Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty, or on account of the performance of an official duty.

(b) Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during law enforcement actions, and emergency operations that involve a threat to public safety or Reclamation resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.

(c) Knowingly giving a false or fictitious report or other false information

to an authorized person investigating an accident or violation of law or regulation, and

(d) Knowingly giving a false report or false information for the purpose of misleading a government employee or agent in the conduct of official duties.

**§423.8 Prohibition of explosives.**

Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials is prohibited except as allowed by State and Federal law and as authorized by Reclamation.

**§423.10 Criminal penalty for violations of this part.**

In accordance with Section 116) of Public Law 107-69, anyone responsible for violation of the provisions of this part is subject to a fine under subchapter 337, subchapter C of title 18 United States Code, can be imprisoned for not more than 6 months, or both.

**PART 424—REGULATIONS PERTAINING TO STANDARDS FOR THE PREVENTION, CONTROL, AND ABATEMENT OF ENVIRONMENTAL POLLUTION OF CONCONULLY LAKE AND CONCONULLY RESERVOIR, OKANOGAN COUNTY, WASH.**

**§424.1 Regulations.**

Pursuant to the provisions of Article 24 and 25 of repayment contract No. 1334, dated September 20, 1948, between the United States and the Okanogan Irrigation District, it is ordered as follows:

The Okanogan Irrigation District shall require that all recipients of cabinite and recreation resort leases on Federal lands situated on Conconully Lake (formerly Salmon Lake) and Conconully Reservoir, Okanogan County, Wash., comply with applicable Federal, state and local laws, rules and regulations pertaining to water quality standards and effluent limitations for the discharge of pollutants into said reservoirs, including

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(b) Qualification standards for guards as provided in the Departmental Manual or other Department or Reclamation guidance may only be used for those persons hired exclusively to perform guard duties.

### § 422.11 Position sensitivity and investigations.

Each law enforcement contract or cooperative agreement must include a provision requiring the CLEO to certify that each officer who exercises authority under the Act has completed an FBI criminal history check and is satisfactorily cleared.

### § 422.12 Required standards of conduct.

All law enforcement officers authorized to exercise Reclamation authority must adhere to the following standards of conduct:

(a) Be punctual in reporting for duty at the time and place designated by superior officers.

(b) Be mindful at all times and under all circumstances of their responsibility to be courteous, considerate, patient and not use harsh, violent, profane, or insolent language.

(c) Make required reports of appropriate incidents coming to their attention;

(d) When in uniform and requested to do so, provide their name and identification/badge number orally or in writing.

(e) Immediately report any personal injury or any loss, damage, or theft of Federal government property as required by § 422.13;

(f) Not be found guilty in any court of competent jurisdiction of an offense that has a tendency to bring discredit upon the Department or Reclamation;

(g) Not engage in any conduct that is prejudicial to the reputation and good order of the Department or Reclamation; and

(h) Obey all regulations or orders relating to the performance of the unit's duties under the Reclamation contract or cooperative agreement.

### § 422.13 Reporting an injury or property damage or loss.

(a) An officer must immediately report orally and in writing to his/her supervisor any:

(1) Injury suffered while on duty; and

(2) Any loss, damage or theft of government property.

(b) The written report must be in detail and must include names and addresses of all witnesses.

(c) When an officer's injuries prevent him/her from preparing a report at the time of injury, the officer's immediate supervisor must prepare the report.

(d) The supervisor must submit all reports made under this section to the Reclamation official designated to receive them, as soon as possible after the incident occurs.

## PART 423—PUBLIC CONDUCT ON RECLAMATION LANDS AND PROJECTS

See

423.1 Purpose and applicability of this part.

423.2 Definitions of terms used in this part.

423.3 Prohibition of trespassing, loitering and vandalism.

423.4 Restrictions on water vessel operation.

423.5 Applicability of State law to vehicle operation.

423.6 Restrictions on weapons.

423.7 Prohibition of disorderly conduct.

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423.10 Criminal penalty for violations of this part.

Authority: 43 U.S.C. 2726, 46 U.S.C. 4901-11.

Source: 67 FR 19083, Apr. 17, 2002, unless otherwise noted.

**EFFECTIVE DATE NOTE:** At 67 FR 19083, Apr. 17, 2002, part 423 was added effective Apr. 17, 2002 through Apr. 17, 2003. At 68 FR 16214, Apr. 7, 2003, the expiration date was extended from Apr. 17, 2003, to Apr. 17, 2005.

### § 423.1 Purpose and applicability of this part.

The purpose of this part is to maintain law and order and protect persons and property on Reclamation lands, as defined in this part and at Reclamation projects as defined in this part. This part shall not apply where the Federal government has no ownership interest.

# Attachment 2

Water Recreation Opportunity  
Spectrum  
(WROS)

# Water Recreation Opportunity Spectrum

## Users' Guidebook

*Allegheny River,  
Pennsylvania*



*Lake Sakakawea,  
North Dakota*



*Lake Shasta,  
California*



*Lake Chamberland,  
Kentucky*



*American River,  
California*



*Saguaro Lake,  
Arizona*



*Lake Austin,  
Texas*



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Bureau of Reclamation



A special note of thanks goes to all the staff and outdoor enthusiasts who spent time with the team testing and refining WROS at:

- Lake Cumberland, Kentucky
- Allegheny Reservoir, Pennsylvania
- Lake Rathbun, Iowa
- Lake Sakakawea, North Dakota
- Clark Canyon Reservoir, Montana
- Lake Amistad, Texas
- Salt River Project, Arizona
- Lake Havasu, Arizona/Nevada
- New Melones Reservoir, California
- Millerton Reservoir, California
- Lake Berryessa, California
- San Luis Reservoir, California
- Lake Texoma, Oklahoma/Texas



# Water Recreation Opportunity Spectrum (WROS) Users' Guidebook



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WROS is designed to be dynamic and adaptive. As WROS is applied by more people, agencies, and in different locations and circumstances, we will collectively learn from experience and be able to improve WROS. Your comments, questions, and suggestions are encouraged. The author's contact information is provided in Appendix B.

This guidebook is also intended to be dynamic, reflecting the input from professionals and stakeholders over time. The most recent version of this guidebook, including a listing of those sections where improvements have been made, will be maintained on Reclamation's website:

<http://www.usbr.gov>

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# What are You Thinking?

## Short Cuts to Use the WROS Users' Guidebook

"I don't want to read this whole thing, give me the short version"  
go to the **Executive Summary**

"I don't understand how this thing is organized"  
refer to the **Contents** page

"I am not familiar with WROS, but need to be"  
read **this Users' Guidebook**

"These terms are confusing to me"  
go to the **Glossary of Key Terms** in **Appendix A**

"I am familiar with WROS, but have lots of questions"  
go to the **Frequently Asked Questions (FAQs)**

"I need some examples of recreation opportunities"  
read **Chapter 1**

"I want to do a plan for my area, where do I start"  
go to **Chapters 2 and 3**

"I don't want to make a plan, but need advice on how to handle a management issue I have in a particular area"  
go to the **Management Guidelines** section in **Chapter 4**

"My big problem is the number of boats on my lake"  
go to the **Boating Capacity** section in **Chapter 4**

"There is a lot of good information here, where can I find more"  
go to the **list of information sources** in **Appendix B**

"Who can I talk to about this stuff"  
the **author's contact information** is in **Appendix B**

# Executive Summary



## Water Recreation Opportunity Spectrum (WROS)

Diversity is an asset in America. From our work forces and financial portfolios to our natural resources and recreation opportunities, there is strength in conserving diversity.

Half a century ago, when people said they were going camping, fishing, or boating, it was clear what they intended. Today, due to many factors such as new technology and equipment, more facilities, and diverse public tastes and preferences, there are many types of camping, fishing, and boating. The outdoor recreation industry and profession have become much more complex and sophisticated.

Research has shown that recreationists not only seek to participate in recreation *activities*, but also seek specific recreation *settings* in order to enjoy a special kind of recreation *experience* and subsequent *benefits*. These four components (i.e., activities, settings, experience, benefits) constitute a recreation opportunity; that is, *the opportunity for a person to participate in a particular recreation activity in a specific setting in order to enjoy a particular recreation experience and the benefits this affords*. For example, one family might desire camping in a modern, full service campground on a reservoir in order to spend quality time with the family, to rest and relax, and to see nature's beauty. Another family might desire camping in a rural location where they can test their fishing skills, enjoy solitude, and see nature's beauty. Both families want to go camping, but in very different settings leading to different kinds of experiences and benefits; that is, they are seeking different kinds of recreation opportunities.

### A Recreation Opportunity

<i>Recreation Activity</i>	+	<i>Setting</i>	=	<i>Experience</i>	>>>	<i>Benefits</i>
many activities		physical attributes managerial attributes social attributes		many dimensions multiple senses		individual community economic environmental
		<i>Managers Manage</i>		<i>Recreationists Consume</i>		<i>Society Gains</i>



The preceding insert depicts the linkage of the four components that define a recreation opportunity. It also conveys that a manager manages recreation activities and settings, while a recreationist consumes a recreation experience, and society benefits from an active outdoor public.



The Water Recreation Opportunity Spectrum (WROS) is a tool to understand the type and location of six types of water related recreation opportunities, otherwise known as WROS classes. The six WROS classes range across a spectrum of urban, suburban, rural developed, rural natural, semi primitive, and primitive classes. Each WROS class is defined by a particular "package" of activities, setting attributes, experiences, and benefits.

### The Water Recreation Opportunity Spectrum

Urban ♦ Suburban ♦ Rural Developed ♦ Rural Natural ♦ Semi Primitive ♦ Primitive

WROS enables the six recreation opportunity classes to be inventoried and mapped by using expert opinion and an inventory protocol to assess the physical, managerial, and social attributes of the setting. The attributes that differentiate the WROS classes include:

### The Water Recreation Opportunity Spectrum

Physical attributes	Managerial attributes	Social attributes
Degree of development	Degree of management presence	Degree of visitor presence
Sense of closeness to urban setting	Degree of public access facilities	Degree of non-recreational use
Degree of resource modification	Degree of developed recreation facilities	Degree of visitor concentration
Distance to development on or adjacent to a water resource	Degree of visitor services and conveniences	Degree of diverse recreation activities
Degree of natural ambiance		Degree of visitor comforts
		Degree of solitude/remoteness

WROS is also adaptive and flexible. For example, WROS allows for special local attributes to be considered in the inventory stage or for a manager to divide the WROS classes into subclasses or units.

The overarching goal of WROS is to provide planners and managers with a framework and procedure for making better decisions for conserving a spectrum of high quality and diverse water recreation opportunities. WROS improves our understanding of the complexity of outdoor recreation management, strengthens sound professional judgment, and enables a manager to make better and more defensible decisions.

WROS is an indispensable tool for inventorying, planning, and managing water resources where recreation is an important public use and benefits the local communities. More specifically, WROS is valuable for:

- Inventorying and mapping the current available recreation opportunities
- Helping tourists and recreationists choose where to recreate
- Assessing the effects of proposed land use and water management changes
- Improving public input and communication with stakeholders
- Improving management efficiency and effectiveness
- Improving regional interagency collaboration
- Improving the defensibility of management decisions

This Users' Guidebook provides the operational details for applying WROS. It is divided into four chapters. *Chapter 1: Introduction* provides a foundation and overview of WROS and discusses the important standards for WROS decision making. *Chapter 2: WROS Inventory* presents the steps and information needed to inventory a water resource and map the type and location of current WROS classes. *Chapter 3: WROS Planning* discusses how WROS integrates with and supplements the key steps of a public resource planning process. *Chapter 4: WROS Management* provides a set of guidelines for each of the six WROS classes across more than 115 setting attributes.

# Frequently Asked Questions

1. Will WROS help managers and local government officials make better decisions? Yes, WROS is a framework and procedure to help make better decisions and it can be used by agency planners and managers, county planning commissions, city councils, and stakeholder groups. It is not intended to make decisions or to take the place of sound professional judgment. It is intended to help yield decisions that are principled, reasoned, systematic, deliberate, trackable, and legally defensible.
2. Does WROS give managers flexibility? WROS is flexible. WROS recognizes that there will be special circumstances and situations in which flexibility and adaptation is necessary. There may be instances where the mapping criteria or certain standards will not work. That is acceptable. On the other hand, maintaining the integrity of WROS as a professional tool is very important. Changes and adaptations to WROS should be made only with reasonable care and clear justification.
3. Will WROS constrain reservoir operations? WROS will not constrain any resource use, purpose, or public or private priorities of water resources, but rather, will help to optimize the net public benefits for reservoir operations. It is a tool that helps to integrate recreation considerations into complex water use allocation decisions and helps to recognize and assess the tradeoffs and consequences of proposed alternatives.
4. Will water drawdown or flows affect WROS? Water drawdown and flows can affect the type and amount of recreation opportunities on a water resource and the WROS classification. For example, the water surface area classified as "rural natural" in early spring (high water level) may change to "rural developed" in the late summer. For many reservoirs, it would be useful to have two or more WROS maps (e.g., early, middle, and late season) to help understand change in recreation opportunities. The reservoir drawdown effect on WROS should not be viewed as a constraint or limitation, but rather as one of many factors that contributes to the diversity of WROS.
5. Can WROS change by season? Yes, WROS can change by season. Features such as ice, snow, road closures, wildlife migration, and special activity seasons (e.g., waterfowl hunting) can affect WROS. For many water bodies, there is considerable change and difference from season to season or even within a season. Having a WROS map for each of the primary seasons of interest would help to understand the recreation situation.

6. How does WROS help protect important natural and cultural resources? Early in the mapping of the WROS classifications, areas of known or suspected important natural and cultural resources are identified. These areas are provided special deliberation in terms of the types and amounts, if any, of recreation opportunities that may be appropriate. Special management and mitigation measures, along with heightened monitoring, may be required. It is important to understand that the loss of an important natural or cultural resource is also, in effect, the loss of a recreation opportunity. It is the loss of an opportunity to experience and enjoy these very special or unique features.
7. Can the public understand WROS? The public can understand that there is a range or spectrum of recreation settings from urban cities to remote primitive settings. Most can also relate to participating in a favorite activity in a specific setting and being rewarded with a memorable experience. Perhaps most importantly, water resources can be mapped with the six WROS classifications, providing a very effective visual presentation for public review and discussion or a visitor information tool at a boat ramp. On the other hand, WROS is a tool for agency professionals, and there may be situations where the WROS class names (e.g., primitive) may not be understood by the general visiting public.
8. How does WROS relate to tourism? While academic distinctions label people fishing in streams next to their homes as recreationists and people who travel 50 miles or more as tourists, these distinctions serve little purpose in the WROS system. Tourists pursuing outdoor recreation opportunities are recreationists, and in this guidebook the words are used interchangeably. Thus, WROS is, in effect, a water-based tourism opportunity spectrum system.
9. Can recreationists and tourists use WROS? Yes, WROS can provide an informative map for the public, indicating the supply of available recreation opportunities in an area. A major problem in managing public lands and waters is that recreationists and tourists do not have adequate visitor information and are not aware of what recreation opportunities are available and where. While many maps show facilities and transportation, few convey the type of experience available or how the area is being managed. Often, a visitor capacity problem is really a visitor distribution problem caused by the visitor's lack of awareness of alternative locations and times to visit. WROS can help to show the diversity of water recreation opportunities for a single water resource, or better still, for a large region or watershed.

10. Can a WROS classification be subdivided into subclasses or zones? WROS reflects a national spectrum of opportunities from urban cities to remote primitive areas. Each of the six classifications can be viewed as a small spectrum within a larger national spectrum. There may be situations where it is advantageous to subdivide one of the WROS classifications to more effectively deal with a particular field situation. Division of a WROS class is acceptable as long as the new subclass or zone is compatible with the overall WROS.
11. How does WROS deal with exceptions or unique field situations? WROS recognizes that it is not practical or desirable for a national system to try to address every field situation. WROS is not intended to replace sound professional judgment and reasonable decisions. On the other hand, WROS provides a framework for analyzing special situations and for making good decisions. It would be advisable to document the circumstances and rationale used in the administrative record.
12. How does WROS interface with site-level planning? WROS is a landscape-level tool that applies to water resources. WROS provides guidance for the entire spectrum of opportunities in its management guidelines, yet recognizes that another planning level might be necessary to make site specific decisions about the type, location, design, or appropriateness of facilities or actions. Site design plans, interpretive plans, monitoring plans, and engineering and architectural plans can tier off WROS and provide the necessary detail.
13. How does WROS accommodate special areas or management units? WROS is a landscape-level tool that applies to large water resources, yet recognizes and accommodates special circumstances at the site level. There will be instances where areas within a WROS zone will need additional site-specific management direction to accommodate the special needs, circumstances, or opportunities associated with the area. WROS encourages managers to "tier down" and provide additional management direction. Examples of such special areas or management units include:
- Security areas
  - Wildlife protection areas
  - No-wake zones
  - Seasonal resource closures
  - No-motor zones
  - Special recreation use areas
  - Travel corridors
  - Conflict mitigation areas
  - Overnight areas
  - Administrative sites
  - Destination areas
  - Cultural resource areas
  - Hazard areas
  - Recreation day-use areas



Some recreation activities such as hunting are very seasonal.

14. Does WROS require a special planning process? WROS does not require a special planning process. By analogy, if the main stem of a tree is considered the agency planning process, WROS is part of the recreation branch that brings recreation information into the main stem. WROS is a tool that helps to integrate recreation considerations into a larger comprehensive planning effort where multiple uses and allocation decisions are necessary. Although the Bureau of Reclamation has taken the lead in developing WROS, the system has been designed to interface with any local, State, or Federal agency planning process.
15. Can WROS help make daily management decisions? Yes, WROS can help make daily management decisions. The WROS map representing the desired recreation opportunities or the preferred alternative can help regional managers of the appropriate activities, setting attributes, and experiences for each WROS zone. Invariably, there are requests and appeals for special exceptions that may not be appropriate for a specific time or location. An understanding of WROS can help managers make better decisions and can provide a logical and defensible explanation for the decision. Furthermore, the management guidelines are very useful for daily or annual operation and maintenance activities, budget planning and justification, assigning volunteer work crews, responding to media and local tourism boards, dealing with visitor capacity and conflict issues, and mitigating unforeseen impacts.
16. How does WROS help justify budgets and personnel? A key component of WROS is a set of management guidelines for many of the components requiring time or effort (e.g., budget and personnel). For example, the maintenance and patrol standards will differ between a semi-primitive and a rural developed WROS class. While many of the guidelines are of a qualitative nature, continuing research and professional experience with WROS will help in developing more quantitative standards that can be more easily expressed as cost items in a budget or personnel request.
17. What if current conditions are not consistent with the WROS guidelines? WROS helps to determine where inconsistencies might exist; that is, locations or situations where the current conditions are not consistent with the WROS management guidelines. Inconsistencies are often found in the initial application of WROS to an area, and over a number of years they would be expected to decline as management makes adjustments. Inconsistencies can be mapped and prioritized on a scale of

negligible, minor, moderate, or major consequence. WROS does not obligate and direct any action, but rather helps to identify the type and location of inconsistencies and helps to mitigate them over time.

18. What size river, stream, inlet, or other water resource is practical for WROS? WROS can be applied to any water resource, although its practicality on very small areas should be limited. Use of WROS would be justified when the planning area has water-related recreation use that is a value to the public. The water resources are a dominant natural resource feature, or water management is a significant public issue, management concern, or future opportunity. Sound professional judgment is the standard to make this decision.
19. Should WROS be used on streams and rivers above and below a lake or reservoir? Recreationists visit a geographic area called a "visitation range," analogous to an animal's home range or a river's watershed. From their overnight locations, visitors take short excursions to experience different locations throughout the visitation range. For example, a family might camp for several days at a full service State park campground on a large lake, but also spend one day fishing 10 miles downstream and another day hiking upstream into the headwaters to visit a popular vista. Thus, a recreation management decision in one location may affect the quality or nature of the recreation opportunity in another location within the visitation range.

The answer to this question is answered by another question: What is the visitation range for the most of the recreationists and tourists visiting the area? Of course, the final decision must also consider other factors such as the practicality of the size of the study area and the number of other agencies that would need to collaborate.

20. How does WROS blend with ROS? ROS (Recreation Opportunity Spectrum) was developed for land areas managed by the United States Forest Service and Bureau of Land Management. WROS builds upon ROS and provides more detailed guidance for water resources such as lakes, reservoirs, rivers, coastal zones, bays, estuaries, inlets, and marine protected areas. Both ROS and WROS use a similar type and number of classifications or zones, names, mapping criteria, descriptions of recreation experiences, and steps. In cases where large land areas (e.g., wilderness and national forest) are adjacent to the water resources under consideration, ROS can be used and blended with the WROS classes. In



Fishing is a recreational activity possible in virtually all areas.

cases where the planning area contains a relatively small terrestrial area and the primary visitation is water-based recreation, WROS can be used for the land and water resources.

21. How does WROS interface with ROS in dealing with streams, rivers, and wetlands? ROS was developed for large terrestrial landscapes and provides a small amount of management direction for some water resources (e.g., wild and scenic rivers). WROS is a logical extension of ROS and has greatly expanded the water recreation management guidelines. A reasonable rule of thumb is that if the stream, river, or other water resource is incidental to the primary recreation opportunities in the planning area, ROS may be the preferred tool. Conversely, WROS may be the preferred tool where the water-recreation opportunities are significant (not incidental), distinct from adjacent land-based recreation, and highly valued by the visitors and local communities.
22. Can WROS be applied to water resources in other countries and international protected areas? Yes. WROS is a tool with universal appeal. Its overarching goal is to provide planners and managers with a framework and procedure for making better decisions for conserving a spectrum of high quality and diverse water recreation opportunities. WROS improves our understanding of the complexity of outdoor recreation and tourism management, strengthens sound professional judgment, and enables a manager to make better and more defensible decisions.

For example, many international protected areas have significant marine, coastal zone, reef, lake, and river resources. These areas are very popular for tourists and adventure travelers and can be both a bane and blessing for a local community and a nation's welfare. The management challenges and opportunities associated with visitors to the world's protected areas, be they called recreationists or tourists, are basically the same.

The underlying foundation and strategy employed by WROS to conserve water resources and recreation opportunities have universal application. They also have the flexibility and adaptability for managers to tailor parts of WROS (e.g., some terms, pictures, descriptions, standards) to more closely reflect their local social, cultural, and environmental situation.



# Acknowledgements

WROS was developed by the hard work of many water recreation professionals and outdoor enthusiasts from across the United States. Some of these individuals and agencies are recognized below.

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