

Calendar No. 192

104TH CONGRESS
1ST SESSION

S. J. RES. 20

JOINT RESOLUTION

Granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

SEPTEMBER 18 (legislative day, SEPTEMBER 5), 1995
Reported without amendment

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IN THE SENATE OF THE UNITED STATES

JANUARY 18 (legislative day, JANUARY 10), 1995

Mr. SARBANES (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Ms. MIKULSKI) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 18 (legislative day, SEPTEMBER 5), 1995

Reported by Mr. HATCH, without amendment

JOINT RESOLUTION

Granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. CONGRESSIONAL CONSENT.**

2 The Congress hereby consents to the Jennings Ran-
3 dolph Lake Project Compact entered into between the
4 States of West Virginia and Maryland which compact is
5 substantially as follows:

6 **“COMPACT**

“Whereas the State of Maryland and the State of West Vir-
ginia, with the concurrence of the United States Depart-
ment of the Army, Corps of Engineers, have approved
and desire to enter into a compact to provide for joint
natural resource management and enforcement of laws
and regulations pertaining to natural resources and boat-
ing at the Jennings Randolph Lake Project lying in Gar-
rett County, Maryland and Mineral County, West Vir-
ginia, for which they seek the approval of Congress, and
which compact is as follows:

“Whereas the signatory parties hereto desire to provide for
joint natural resource management and enforcement of
laws and regulations pertaining to natural resources and
boating at the Jennings Randolph Lake Project lying in
Garrett County, Maryland and Mineral County, West
Virginia, for which they have a joint responsibility; and
they declare as follows:

7 “1. The Congress, under Public Law 87–874,
8 authorized the development of the Jennings Ran-
9 dolph Lake Project for the North Branch of the Po-
10 tomac River substantially in accordance with House
11 Document Number 469, 87th Congress, 2nd Session

1 for flood control, water supply, water quality, and
2 recreation; and

3 “2. Section 4 of the Flood Control Act of 1944
4 (Ch 665, 58 Stat. 534) provides that the Chief of
5 Engineers, under the supervision of the Secretary of
6 War (now Secretary of the Army), is authorized to
7 construct, maintain and operate public park and rec-
8 reational facilities in reservoir areas under control of
9 such Secretary for the purpose of boating, swim-
10 ming, bathing, fishing, and other recreational pur-
11 poses, so long as the same is not inconsistent with
12 the laws for the protection of fish and wildlife of the
13 State(s) in which such area is situated; and

14 “3. Pursuant to the authorities cited above, the
15 U.S. Army Engineer District (Baltimore), herein-
16 after ‘District’, did construct and now maintains and
17 operates the Jennings Randolph Lake Project; and

18 “4. The National Environmental Policy Act of
19 1969 (P.L. 91–190) encourages productive and en-
20 joyable harmony between man and his environment,
21 promotes efforts which will stimulate the health and
22 welfare of man, and encourages cooperation with
23 State and local governments to achieve these ends;
24 and

1 “5. The Fish and Wildlife Coordination Act (16
2 U.S.C. 661–666c) provides for the consideration and
3 coordination with other features of water-resource
4 development programs through the effectual and
5 harmonious planning, development, maintenance,
6 and coordination of wildlife conservation and reha-
7 bilitation; and

8 “6. The District has Fisheries and Wildlife
9 Plans as part of the District’s project Operational
10 Management Plan; and

11 “7. In the respective States, the Maryland De-
12 partment of Natural Resources (hereinafter referred
13 to as ‘Maryland DNR’) and the West Virginia Divi-
14 sion of Natural Resources (hereinafter referred to as
15 ‘West Virginia DNR’) are responsible for providing
16 a system of control, propagation, management, pro-
17 tection, and regulation of natural resources and
18 boating in Maryland and West Virginia and the en-
19 forcement of laws and regulations pertaining to
20 those resources as provided in Annotated Code of
21 Maryland Natural Resources Article and West Vir-
22 ginia Chapter 20, respectively, and the successors
23 thereof; and

24 “8. The District, the Maryland DNR, and the
25 West Virginia DNR are desirous of conserving, per-

1 petuating and improving fish and wildlife resources
2 and recreational benefits of the Jennings Randolph
3 Lake Project; and

4 “9. The District and the States of Maryland
5 and West Virginia wish to implement the aforesaid
6 acts and responsibilities through this Compact and
7 they each recognize that consistent enforcement of
8 the natural resources and boating laws and regula-
9 tions can best be achieved by entering this Compact:

10 “Now, therefore, be it *Resolved*, That the States of
11 Maryland and West Virginia, with the concurrence of the
12 United States Department of the Army, Corps of Engi-
13 neers, hereby solemnly covenant and agree with each
14 other, upon enactment of concurrent legislation by The
15 Congress of the United States and by the respective state
16 legislatures, to the Jennings Randolph Lake Project Com-
17 pact, which consists of this preamble and the articles that
18 follow:

19 **“Article I—Name, Findings, and Purpose**

20 “1.1 This compact shall be known and may be cited
21 as the Jennings Randolph Lake Project Compact.

22 “1.2 The legislative bodies of the respective signatory
23 parties, with the concurrence of the U.S. Army Corps of
24 Engineers, hereby find and declare:

1 “1. The water resources and project lands of the Jen-
2 nings Randolph Lake Project are affected with local,
3 state, regional, and national interest, and the planning,
4 conservation, utilization, protection and management of
5 these resources, under appropriate arrangements for inter-
6 governmental cooperation, are public purposes of the re-
7 spective signatory parties.

8 “2. The lands and waters of the Jennings Randolph
9 Lake Project are subject to the sovereign rights and re-
10 sponsibilities of the signatory parties, and it is the purpose
11 of this compact that, notwithstanding any boundary be-
12 tween Maryland and West Virginia that preexisted the cre-
13 ation of Jennings Randolph Lake, the parties will have
14 and exercise concurrent jurisdiction over any lands and
15 waters of the Jennings Randolph Lake Project concerning
16 natural resources and boating laws and regulations in the
17 common interest of the people of the region.

18 **“Article II—District Responsibilities**

19 “The District, within the Jennings Randolph Lake
20 Project,

21 “2.1 Acknowledges that the Maryland DNR and
22 West Virginia DNR have authorities and responsibilities
23 in the establishment, administration and enforcement of
24 the natural resources and boating laws and regulations ap-
25 plicable to this project, provided that the laws and regula-

1 tions promulgated by the States support and implement,
2 where applicable, the intent of the Rules and Regulations
3 Governing Public Use of Water Resources Development
4 Projects administered by the Chief of Engineers in Title
5 36, Chapter RI, Part 327, Code of Federal Regulations,

6 “2.2 Agrees to practice those forms of resource man-
7 agement as determined jointly by the District, Maryland
8 DNR and West Virginia DNR to be beneficial to natural
9 resources and which will enhance public recreational op-
10 portunities compatible with other authorized purposes of
11 the project,

12 “2.3 Agrees to consult with the Maryland DNR and
13 West Virginia DNR prior to the issuance of any permits
14 for activities or special events which would include, but
15 not necessarily be limited to: fishing tournaments, training
16 exercises, regattas, marine parades, placement of ski
17 ramps, slalom water ski courses and the establishment of
18 private markers and/or lighting. All such permits issued
19 by the District will require the permittee to comply with
20 all State laws and regulations,

21 “2.4 Agrees to consult with the Maryland DNR and
22 West Virginia DNR regarding any recommendations for
23 regulations affecting natural resources, including, but not
24 limited to, hunting, trapping, fishing or boating at the
25 Jennings Randolph Lake Project which the District be-

1 lieves might be desirable for reasons of public safety, ad-
2 ministration of public use and enjoyment,

3 “2.5 Agrees to consult with the Maryland DNR and
4 West Virginia DNR relative to the marking of the lake
5 with buoys, aids to navigation, regulatory markers and es-
6 tablishing and posting of speed limits, no wake zones, re-
7 stricted or other control areas and to provide, install and
8 maintain such buoys, aids to navigation and regulatory
9 markers as are necessary for the implementation of the
10 District’s Operational Management Plan. All buoys, aids
11 to navigation and regulatory markers to be used shall be
12 marked in conformance with the Uniform State Waterway
13 Marking System,

14 “2.6 Agrees to allow hunting, trapping, boating and
15 fishing by the public in accordance with the laws and regu-
16 lations relating to the Jennings Randolph Lake Project,

17 “2.7 Agrees to provide, install and maintain public
18 ramps, parking areas, courtesy docks, etc., as provided for
19 by the approved Corps of Engineers Master Plan, and

20 “2.8 Agrees to notify the Maryland DNR and the
21 West Virginia DNR of each reservoir drawdown prior
22 thereto excepting drawdown for the reestablishment of
23 normal lake levels following flood control operations and
24 drawdown resulting from routine water control manage-
25 ment operations described in the reservoir regulation man-

1 ual including releases requested by water supply owners
2 and normal water quality releases. In case of emergency
3 releases or emergency flow curtailments, telephone or oral
4 notification will be provided. The District reserves the
5 right, following issuance of the above notice, to make oper-
6 ational and other tests which may be necessary to insure
7 the safe and efficient operation of the dam, for inspection
8 and maintenance purposes, and for the gathering of water
9 quality data both within the impoundment and in the Po-
10 tomac River downstream from the dam.

11 **“Article III—State Responsibilities**

12 “The State of Maryland and the State of West Vir-
13 ginia agree:

14 “3.1 That each State will have and exercise concur-
15 rent jurisdiction with the District and the other State for
16 the purpose of enforcing the civil and criminal laws of the
17 respective States pertaining to natural resources and boat-
18 ing laws and regulations over any lands and waters of the
19 Jennings Randolph Lake Project;

20 “3.2 That existing natural resources and boating
21 laws and regulations already in effect in each State shall
22 remain in force on the Jennings Randolph Lake Project
23 until either State amends, modifies or rescinds its laws
24 and regulations;

1 “3.3 That the Agreement for Fishing Privileges dated
2 June 24, 1985 between the State of Maryland and the
3 State of West Virginia, as amended, remains in full force
4 and effect;

5 “3.4 To enforce the natural resources and boating
6 laws and regulations applicable to the Jennings Randolph
7 Lake Project;

8 “3.5 To supply the District with the name, address
9 and telephone number of the person(s) to be contacted
10 when any drawdown except those resulting from normal
11 regulation procedures occurs;

12 “3.6 To inform the Reservoir Manager of all emer-
13 gencies or unusual activities occurring on the Jennings
14 Randolph Lake Project;

15 “3.7 To provide training to District employees in
16 order to familiarize them with natural resources and boat-
17 ing laws and regulations as they apply to the Jennings
18 Randolph Lake Project; and

19 “3.8 To recognize that the District and other Federal
20 Agencies have the right and responsibility to enforce, with-
21 in the boundaries of the Jennings Randolph Lake Project,
22 all applicable Federal laws, rules and regulations so as to
23 provide the public with safe and healthful recreational op-
24 portunities and to provide protection to all federal prop-
25 erty within the project.

1 **“Article IV—Mutual Cooperation**

2 “4.1 Pursuant to the aims and purposes of this Com-
3 pact, the State of Maryland, the State of West Virginia
4 and the District mutually agree that representatives of
5 their natural resource management and enforcement agen-
6 cies will cooperate to further the purposes of this Com-
7 pact. This cooperation includes, but is not limited to, the
8 following:

9 “4.2 Meeting jointly at least once annually, and pro-
10 viding for other meetings as deemed necessary for discus-
11 sion of matters relating to the management of natural re-
12 sources and visitor use on lands and waters within the
13 Jennings Randolph Lake Project;

14 “4.3 Evaluating natural resources and boating, to de-
15 velop natural resources and boating management plans
16 and to initiate and carry out management programs;

17 “4.4 Encouraging the dissemination of joint publica-
18 tions, press releases or other public information and the
19 interchange between parties of all pertinent agency poli-
20 cies and objectives for the use and perpetuation of natural
21 resources of the Jennings Randolph Lake Project; and

22 “4.5 Entering into working arrangements as occasion
23 demands for the use of lands, waters, construction and
24 use of buildings and other facilities at the project.

1 **“Article V—General Provisions**

2 “5.1 Each and every provision of this Compact is sub-
3 ject to the laws of the States of Maryland and West Vir-
4 ginia and the laws of the United States, and the delegated
5 authority in each instance.

6 “5.2 The enforcement and applicability of natural re-
7 sources and boating laws and regulations referenced in
8 this Compact shall be limited to the lands and waters of
9 the Jennings Randolph Lake Project, including but not
10 limited to the prevailing reciprocal fishing laws and regu-
11 lations between the States of Maryland and West Virginia.

12 “5.3 Nothing in this Compact shall be construed as
13 obligating any party hereto to the expenditure of funds
14 or the future payment of money in excess of appropria-
15 tions authorized by law.

16 “5.4 The provisions of this Compact shall be sever-
17 able, and if any phrase, clause, sentence or provision of
18 the Jennings Randolph Lake Project Compact is declared
19 to be unconstitutional or inapplicable to any signatory
20 party or agency of any party, the constitutionality and ap-
21 plicability of the Compact shall not be otherwise affected
22 as to any provision, party, or agency. It is the legislative
23 intent that the provisions of the Compact be reasonably
24 and liberally construed to effectuate the stated purposes
25 of the Compact.

1 “5.5 No member of or delegate to Congress, or signa-
2 tory shall be admitted to any share or part of this Com-
3 pact, or to any benefit that may arise therefrom; but this
4 provision shall not be construed to extend to this agree-
5 ment if made with a corporation for its general benefit.

6 “5.6 When this Compact has been ratified by the leg-
7 islature of each respective State, when the Governor of
8 West Virginia and the Governor of Maryland have exe-
9 cuted this Compact on behalf of their respective States
10 and have caused a verified copy thereof to be filed with
11 the Secretary of State of each respective State, when the
12 Baltimore District of the U.S. Army Corps of Engineers
13 has executed its concurrence with this Compact, and when
14 this Compact has been consented to by the Congress of
15 the United States, then this Compact shall become opera-
16 tive and effective.

17 “5.7 Either State may, by legislative act, after one
18 year’s written notice to the other, withdraw from this
19 Compact. The U.S. Army Corps of Engineers may with-
20 draw its concurrence with this Compact upon one year’s
21 written notice from the Baltimore District Engineer to the
22 Governor of each State.

23 “5.8 This Compact may be amended from time to
24 time. Each proposed amendment shall be presented in res-
25 olution form to the Governor of each State and the Balti-

1 more District Engineer of the U.S. Army Corps of Engi-
2 neers. An amendment to this Compact shall become effec-
3 tive only after it has been ratified by the legislatures of
4 both signatory States and concurred in by the U.S. Army
5 Corps of Engineers, Baltimore District. Amendments shall
6 become effective thirty days after the date of the last con-
7 currence or ratification.”.

8 SEC. 2. The right to alter, amend or repeal this joint
9 resolution is hereby expressly reserved. The consent grant-
10 ed by this joint resolution shall not be construed as im-
11 pairing or in any manner affecting any right or jurisdic-
12 tion of the United States in and over the region which
13 forms the subject of the compact.