

Flood Control Act of 1968-(Recreational User Fees at Lakes and Reservoirs Administered by the Corps of Engineers)

[Public Law 90–483; Approved August 13, 1968]

[As Amended Through P.L. 118–272, Enacted January 4, 2025]

【Currency: This publication is a compilation of the text of section 210 of Public Law 90–483. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

SEC. 114. [33 U.S.C. 59h] SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE.—The following area is declared to be nonnavigable waters of the United States: All of that portion of the City and County of San Francisco, California, lying shoreward of a line beginning at the intersection of the southerly right of way line of Earl Street prolongation with the Pierhead United States Government Pierhead line, the Pierhead line as defined in the State of California Harbor and Navigation Code Section 1770, as amended in 1961; thence northerly along said Pierhead line to its intersection with a line parallel with and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with said Pierhead line; thence northerly along said Pierhead line, to the intersection of the easterly right of way line of Van Ness Avenue, formerly Marlette Street, prolongation to the Pierhead line.

(b) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (a) that are or will be bulkheaded, filled, or otherwise occupied or covered by permanent structures and does not affect the applicability of any Federal statute or regulation that relates to filling of navigable waters or to other regulated activities within the area described in subsection (a), including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) INCLUSION OF EMBARCADERO HISTORIC DISTRICT.—Congress finds and declares that the area described in subsection (a) con-

tains the seawall, piers, and wharves that comprise the Embarcadero Historic District listed on the National Register of Historic Places on May 12, 2006.

SEC. 210. [16 U.S.C. 460d-3] RECREATIONAL USER FEES.¹

(a) PROHIBITION ON ADMISSIONS FEES.—No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army.

(b) FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.—

(1) ESTABLISHMENT AND COLLECTION.—Subject to paragraphs (2) and (3), the Secretary of the Army may establish and collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

(2) EXEMPTION OF CERTAIN FACILITIES.—The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland, or general visitor information.

(3) PER VEHICLE LIMIT.—The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of the date of the enactment of this paragraph) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed \$3 per day per vehicle, which amount may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

¹Section 208 of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3680; 16 U.S.C. 460d-3 note) provides as follows:

SEC. 208. RECREATION POLICY AND USER FEES.

(a) Recreation Policy.—

(1) In general.—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) User Fees.—

(c) Alternative to Annual Passes.—

(1) In general.—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(2) Annual pass.—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs \$10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.

(3) Report.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

(4) Expiration of authority.—The authority to establish an annual pass under paragraph (2) shall expire on the December 31, 2003.

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(4) USE OF FUNDS.—The fees collected under this subsection shall be credited to the currently applicable appropriation, account, or fund of the Department of the Army as discretionary offsetting collections, and shall be available only to the extent provided in advance in appropriations Acts, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary, subject to the condition that not less than 80 percent of fees collected at recreation areas of a specific water resources development project shall be used at such project.