

118TH CONGRESS
1ST SESSION

S. 3123

To provide for the standardization, consolidation, and publication of data relating to public outdoor recreational use of Federal waterways among Federal land and water management agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2023

Mr. BARRASSO (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the standardization, consolidation, and publication of data relating to public outdoor recreational use of Federal waterways among Federal land and water management agencies, 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 “Modernizing Access
5 to Our Public Waters Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FEDERAL FISHING RESTRICTION.—The
2 term “Federal fishing restriction” means a defined
3 area in which all or certain fishing activities are
4 temporarily or permanently prohibited or restricted
5 by a Federal land or water management agency.

6 (2) FEDERAL LAND OR WATER MANAGEMENT
7 AGENCY.—The term “Federal land or water man-
8 agement agency” means—

9 (A) the Bureau of Reclamation;

10 (B) the National Park Service;

11 (C) the Bureau of Land Management;

12 (D) the United States Fish and Wildlife
13 Service; and

14 (E) the Forest Service.

15 (3) FEDERAL WATERWAY.—The term “Federal
16 waterway” means any portion of a body of water
17 managed partially or wholly by 1 or more of the rel-
18 evant Secretaries.

19 (4) FEDERAL WATERWAY RESTRICTION.—The
20 term “Federal waterway restriction” means a re-
21 striction on the access or use of a Federal waterway
22 applied under applicable law by 1 or more of the
23 Secretaries.

24 (5) SECRETARIES.—The term “Secretaries”
25 means—

1 (A) the Secretary of Agriculture, acting
2 through the Chief of the Forest Service; and

3 (B) the Secretary of the Interior.

4 **SEC. 3. INTERAGENCY DATA STANDARDIZATION.**

5 Not later than 30 months after the date of enactment
6 of this Act, the Secretaries shall jointly develop and adopt
7 interagency standards to ensure compatibility and inter-
8 operability among applicable Federal databases with re-
9 spect to the collection and dissemination of geospatial data
10 relating to public outdoor recreational use of Federal wa-
11 terways and Federal fishing restrictions.

12 **SEC. 4. DATA CONSOLIDATION AND PUBLICATION.**

13 (a) FEDERAL WATERWAY RESTRICTIONS.—Not later
14 than 4 years after the date of enactment of this Act, each
15 of the Secretaries, to the maximum extent practicable,
16 shall digitize and make publicly available online, as appli-
17 cable, geographic information system data that includes,
18 with respect to Federal waterway restrictions—

19 (1) status information with respect to the con-
20 ditions under which Federal waterways are open or
21 closed to entry or watercraft, including watercraft
22 inspection or decontamination requirements;

23 (2) the dates on which Federal waterways are
24 seasonally closed to entry or watercraft;

1 (3) the areas of Federal waterways with restric-
2 tions on motorized propulsion, horsepower, or gaso-
3 line fuel;

4 (4) the areas of Federal waterways with an-
5 choring restrictions, no wake zones, or vessel speed
6 restrictions;

7 (5) Federal waterway restrictions on the direc-
8 tion of travel, including upstream or downstream
9 travel; and

10 (6) the types of watercraft that are restricted
11 on each area of a Federal waterway, including the
12 permissibility of—

13 (A) canoes;

14 (B) rafts and driftboats;

15 (C) motorboats;

16 (D) personal watercraft;

17 (E) airboats;

18 (F) amphibious aircraft;

19 (G) hovercraft; and

20 (H) oversnow vehicles and other motorized
21 vehicles on frozen bodies of water.

22 (b) FEDERAL WATERWAY ACCESS AND NAVIGATION
23 INFORMATION.—Not later than 4 years after the date of
24 enactment of this Act, each of the Secretaries, to the max-
25 imum extent practicable, shall digitize and make publicly

1 available online, as applicable, geographic information sys-
2 tem data that includes, with respect to Federal waterway
3 access and navigation information—

4 (1)(A) the location of boat ramps, portages, and
5 fishing access sites under the authority of the Fed-
6 eral land or water management agency; and

7 (B) the identification of the dates on which the
8 facilities and sites identified under subparagraph (A)
9 are open or closed, as applicable; and

10 (2) bathymetric information and depth charts.

11 (c) FEDERAL FISHING RESTRICTIONS.—Not later
12 than 4 years after the date of enactment of this Act, each
13 of the Secretaries, to the maximum extent practicable,
14 shall digitize and make publicly available online geo-
15 graphic information system data that describes, with re-
16 spect to Federal fishing restrictions—

17 (1) the location and geographic boundaries of
18 Federal fishing restrictions on recreational and com-
19 mercial fishing, including—

20 (A) full or partial closures;

21 (B) no-take zones; and

22 (C) Federal fishing restrictions within or
23 surrounding marine protected areas;

1 (2) Federal fishing restrictions on the use of
2 specific types of equipment or bait, such as restric-
3 tions on the use of barbed hooks or live bait; and

4 (3) Federal requirements with respect to catch
5 and release.

6 (d) PUBLIC COMMENT.—The Secretaries shall de-
7 velop a process to allow members of the public to submit
8 questions or comments regarding the information de-
9 scribed in subsections (a) and (b).

10 (e) UPDATES.—The Secretaries, to the maximum ex-
11 tent practicable, shall update—

12 (1) the data described in subsections (a) and
13 (b) not less frequently than 2 times per year; and

14 (2) the data described in subsection (c) in real
15 time as changes go into effect.

16 (f) EXCLUSION.—This section shall not apply to irri-
17 gation canals and flowage easements.

18 (g) DISCLOSURE.—Any geographic information sys-
19 tem data made publicly available under this section shall
20 not disclose information regarding the nature, location,
21 character, or ownership of historic, paleontological, or ar-
22 chaeological resources, consistent with applicable law.

1 **SEC. 5. COOPERATION AND COORDINATION.**

2 (a) **COMMUNITY PARTNERS AND THIRD-PARTY PRO-**
3 **VIDERS.**—For purposes of carrying out this Act, the Sec-
4 retaries may—

5 (1) coordinate and partner with non-Federal
6 agencies and private sector and nonprofit partners,
7 including—

8 (A) State natural resource agencies;

9 (B) technology companies;

10 (C) geospatial data companies; and

11 (D) experts in data science, analytics, and
12 operations research; and

13 (2) enter into an agreement with a third party
14 to carry out any provision of this Act.

15 (b) **UNITED STATES GEOLOGICAL SURVEY.**—The
16 Secretaries may work with the Director of the United
17 States Geological Survey to collect, aggregate, digitize,
18 standardize, and publish data on behalf of the Secretaries
19 to meet the requirements of this Act.

20 (c) **REQUIREMENT.**—With respect to data developed
21 and distributed under this Act, the Secretaries shall in-
22 clude a notice that any geospatial data are subject to ap-
23 plicable Federal, State, and Tribal regulations.

24 **SEC. 6. REPORTS.**

25 Not later than 1 year after the date of enactment
26 of this Act and annually thereafter through March 30,

1 2033, the Secretaries shall submit a report that describes
2 the progress made by the Secretaries with respect to meet-
3 ing the requirements of this Act to—

4 (1) the Committee on Energy and Natural Re-
5 sources of the Senate;

6 (2) the Committee on Agriculture, Nutrition,
7 and Forestry of the Senate;

8 (3) the Committee on Natural Resources of the
9 House of Representatives;

10 (4) the Committee on Energy and Commerce of
11 the House of Representatives; and

12 (5) the Committee on Agriculture of the House
13 of Representatives.

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated—

16 (1) to the Secretary of the Interior to carry out
17 this Act—

18 (A) \$3,000,000 for fiscal year 2024; and

19 (B) \$6,000,000 for each of fiscal years
20 2025 through 2027; and

21 (2) to the Secretary of Agriculture to carry out
22 this Act—

23 (A) \$2,000,000 for fiscal year 2024; and

24 (B) \$4,000,000 for each of fiscal years
25 2025 through 2027.

1 **SEC. 8. EFFECT.**

2 Nothing in this Act—

3 (1) modifies or alters the definition of the term

4 “navigable waters” under Federal law;

5 (2) affects the jurisdiction or authority of State

6 or Federal agencies to regulate navigable waters; or

7 (3) modifies or alters the authority or jurisdic-

8 tion of Federal or State agencies to manage fish-

9 eries.

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