



October 16, 2007

Bureau of Reclamation
U.S. Department of Interior
Denver Federal Center
P.O. Box 25007
Denver, Colorado 80225-0007

Attention: Richard Rizzi
Mail Code: 84-53000

Via E-Mail [LandUseRuleComments@do.usbr.gov]

Re: Notice of Proposed Rulemaking on Use of Bureau of Reclamation Land, Facilities, and Waterbodies -- Docket Number 1006-AA51

Dear Mr. Rizzi:

The National Marine Manufacturers Association (NMMA) is writing to express our very strong concern with the Bureau of Reclamation proposed rulemaking on the “Use of Bureau of Reclamation Land, Facilities, and Waterbodies” published in the *Federal Register* on July 18, 2007. 72 Fed. Reg. 39,530 (July 18, 2007). NMMA opposes closing boating and fishing access on Bureau waterbodies as a solution to user conflict issues.

The NMMA is the nation’s largest recreational marine industry association, representing more than 1,800 boat builders, engine manufacturers, and marine accessory manufacturers, as well as more than 1,600 marina operators and owners through its affiliated Association of Marina Industries (AMI). NMMA members produce an estimated 80 percent of the marine products used annually by 73 million recreational boaters in the United States. The recreational boating industry is a substantial contributor to the nation’s economy with expenditures on recreational marine products and services of approximately \$39.5 billion in 2006 alone.

The proposed rule would prohibit new private exclusive recreation or residential use of Bureau waterbodies, including boat houses, docks, moorings and launch ramps, as well as floating structures such as moored vessels. In addition, under the proposed rule, when existing private use authorizations expire the Bureau will generally not renew them. In effect, this rule would prohibit all private access to Bureau waterbodies.

NMMA recognizes that the variety of activities on Bureau waterbodies has significantly increased since their initial development for water supply, flood control and hydropower generation and that as a result user conflict has become a challenge. However, preventing access to Bureau waterbodies is an unprecedented and unnecessary response. The U. S. Army Corps of Engineers, U.S. Forest Service, and

Executive Committee	Vice Chairman, NMMA	Treasurer, NMMA	BMD Representative	AMD Representative
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	Grady-White Boats	PERKO, Inc.	Mercury Marine	NMMA

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a variety of other federal agencies, as well as state governments and tribal councils, all face similar user conflict issues and all permit private docks on the waterbodies they manage.

In addition, the proposed rule will have a noticeably adverse effect on the recreational boating and fishing community as a whole, as well as the local economies of communities near Bureau waterbodies. Recreational boaters, marinas, boat retailers, and related service providers such as grocery stores, gas stations and restaurants will all suffer dramatically from this proposed measure. Preventing access in this manner will lower property values, reduce tax collections and eliminate revenue that the Bureau could use for infrastructure expansion or improvement that could ease the underlying user conflicts that are of concern.

Under this proposal, Reclamation states that it is its policy that all currently approved private recreational uses of Reclamation land, facilities and waterbodies will not be renewed when expired. In describing this rule to interested parties, the Reclamation staff has alluded to a waiver procedure that *may* allow for *some* existing uses to continue under certain *undefined* circumstances. In contrast, the language in the proposed 43 C.F.R. § 429.32(a) & (b) makes it clear that exceptions will be granted only under “rare exception” with the approval of the Commissioner’s Office. Reclamation needs to revisit this proposal and ensure that any waiver policy or procedure that must be followed is expressly and clearly described so that individual citizens, recreation organizations, or regional Reclamation offices will have the opportunity to understand and avail themselves of the option to obtain a waiver. In addition, the policy should be amended to favor strongly recreational uses that make it possible for Reclamation resources to be fully utilized and not to limit this use in only rare exceptions.

Americans are increasingly responding to national issues of fitness and obesity by looking for ways to spend their free time outdoors for recreation. Unfortunately, due to a host of development and economic factors, their access to water-based activities is being cut off. This proposed rule is another barrier to people trying to enjoy the great outdoors. NMMA urges the Bureau to reconsider this rulemaking and seek less onerous ways to address user conflict.

For additional information please contact NMMA’s Water Access Counsel, Dylan Jones, Esq. (202-737-9776; djones@nmma.org) or NMMA’s Regulatory Counsel, Cindy Squires, Esq. (202-737-9766; csquires@nmma.org).

Respectfully Submitted,



Scott B. Gudes
Vice President, Government Relations