

107TH CONGRESS
2^D SESSION

H. R. 5612

To recognize hunting heritage and provide opportunities for continued hunting
on Federal public lands.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2002

Mr. CHAMBLISS (for himself, Mr. NORWOOD, Mr. PICKERING, Mr. CUNNINGHAM, Mr. HAYES, Mr. BISHOP, and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Resources

A BILL

To recognize hunting heritage and provide opportunities for
continued hunting on Federal public lands.

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 “Hunting Heritage Pro-
5 tection Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Recreational hunting is an important and
2 traditional recreational activity in which 14,000,000
3 Americans 16 years of age and older participate.

4 (2) Hunters have been and continue to be
5 among the foremost supporters of sound wildlife
6 management and conservation practices in the
7 United States.

8 (3) Persons who hunt and organizations related
9 to hunting provide direct assistance to wildlife man-
10 agers and enforcement officers of Federal, State,
11 and local governments.

12 (4) Purchases of hunting licenses, permits, and
13 stamps and excise taxes on goods used by hunters
14 have generated billions of dollars for wildlife con-
15 servation, research, and management.

16 (5) Recreational hunting is an essential compo-
17 nent of effective wildlife management, in that it is
18 an important tool for reducing conflicts between peo-
19 ple and wildlife and provides incentives for the con-
20 servation of wildlife and habitats and ecosystems on
21 which wildlife depends.

22 (6) Each State has established at least one
23 agency staffed by professionally trained wildlife
24 management personnel, that has legal authority to
25 manage the wildlife in the State.

1 (7) Recreational hunting is an environmentally
2 acceptable activity that occurs and can be provided
3 for on Federal public lands without adverse effects
4 on other uses of that land and water.

5 **SEC. 3. RECREATIONAL HUNTING.**

6 (a) IN GENERAL.—Subject to valid existing rights,
7 Federal public lands shall be open to access and use for
8 recreational hunting except—

9 (1) as limited by the Federal agency with re-
10 sponsibility for the Federal public lands—

11 (A) for reasons of national security;

12 (B) for reasons of public safety; or

13 (C) for reasons authorized in applicable
14 Federal statutes as reasons for closure; and

15 (2) as recreational hunting is limited by any
16 law or regulation of the State in which the Federal
17 public lands are located.

18 (b) MANAGEMENT.—The head of each Federal agen-
19 cy with authority to manage a natural resource or Federal
20 public lands on which a natural resource depends shall ex-
21 ercise that authority, consistent with subsection (a), in a
22 manner so as to support, promote, and enhance rec-
23 reational hunting opportunities, to the extent authorized
24 under State law and regulation and in accordance with
25 applicable Federal law.

1 (c) NO NET LOSS.—

2 (1) IN GENERAL.—Federal public land manage-
3 ment decisions and actions should, to the greatest
4 extent practicable, result in no net loss of land area
5 available for hunting opportunities on Federal public
6 lands.

7 (2) ANNUAL REPORT.—Not later than October
8 1 of each year, the head of each Federal agency with
9 authority to manage Federal public lands on which
10 recreational hunting occurs shall submit to the Com-
11 mittee on Resources of the House of Representatives
12 and the Committee on Energy and Natural Re-
13 sources of the Senate a report describing—

14 (A) areas administered by the agency that
15 have been closed during the previous year to
16 recreational hunting and the reasons for such
17 closure; and

18 (B) areas administered by the agency that
19 were open to recreational hunting to com-
20 pensate for those areas described under sub-
21 paragraph (A).

22 (3) CLOSURES OF 5,000 OR MORE ACRES.—No
23 withdrawal, change of classification, or change of
24 management status, that effectively closes 5,000 or
25 more acres of Federal public land to access or use

1 for recreational hunting may take effect, unless the
2 head of the Federal agency with authority to man-
3 age the land has submitted written notice of the
4 withdrawal or change to both Houses of the Con-
5 gress.

6 (d) AREAS NOT AFFECTED.—Nothing in this Act
7 shall be construed to compel the opening to recreational
8 hunting of national parks or national monuments adminis-
9 tered by the National Park Service.

10 (e) NO PRIORITY.—This section does not require a
11 Federal agency to give preference to hunting over other
12 uses of Federal public lands, or over land or water man-
13 agement priorities established in Federal law.

14 (f) AUTHORITY OF THE STATES.—

15 (1) SAVINGS.—Nothing in this Act shall be con-
16 strued as affecting the authority, jurisdiction, or re-
17 sponsibility of the several States to manage, control,
18 or regulate fish and resident wildlife under State law
19 or regulations on land or water within a State, in-
20 cluding Federal public lands, nor as implicitly pre-
21 empting such State authority.

22 (2) FEDERAL LICENSES.—Nothing in this Act
23 shall be construed as authorizing the head of any
24 Federal agency, or any official of such an agency, to
25 require licenses or permits to hunt, fish, or trap on

1 lands or waters within a State, including on Federal
2 public lands.

3 (3) STATE RIGHT OF ACTION.—Any State ag-
4 grieved by the failure of the head of a Federal agen-
5 cy or an official thereof to comply with this sub-
6 section may file a civil action in the United States
7 District Court for the district in which the alleged
8 act in violation of this subsection occurred or is oc-
9 ccurring to enjoin permanently such act. The court
10 may grant preliminary injunctive relief in any such
11 action if the granting of such relief is appropriate
12 under the facts on which such action is based. A
13 State which is a prevailing party in an action pursu-
14 ant to this paragraph shall be awarded its costs and
15 attorneys' fees.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) FEDERAL PUBLIC LANDS.—The term “Fed-
19 eral public lands” means any land or water, exclud-
20 ing any land held in trust for the benefit of an In-
21 dian tribe or individual, that is—

22 (A) publicly accessible;

23 (B) owned by the United States; and

1 (C) managed by an executive agency for
2 purposes including conserving natural re-
3 sources.

4 (2) HUNTING.—The term “hunting” means the
5 lawful pursuit, trapping, shooting, capture, collec-
6 tion, or killing of wildlife or the attempt to pursue,
7 trap, shoot, capture, collect, or kill wildlife.

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