109TH CONGRESS 1ST SESSION

H. R. 586

To preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 2, 2005

Mr. Radanovich introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, 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,

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Right-to-Ride Live-
- 3 stock on Federal Lands Act of 2005".
- 4 SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS
- 5 ON PUBLIC LANDS.
- 6 (a) National Park System Lands.—Section 12 of
- 7 Public Law 91–383 (16 U.S.C. 1a–7) is amended by add-
- 8 ing at the end the following new subsection:
- 9 "(c) Use and Access of Pack and Saddle Ani-
- 10 Mals.—
- 11 "(1) GENERAL RULE.—The Secretary of the
- 12 Interior shall provide for the management of Na-
- tional Park System lands to preserve and facilitate
- the continued use and access of pack and saddle
- stock animals on such lands, including wilderness
- areas, national monuments, and other specifically
- designated areas, where there is a historical tradi-
- tion of such use. As a general rule, all trails, routes,
- and areas used by pack and saddle stock shall re-
- 20 main open and accessible for such use. The Sec-
- 21 retary may implement a proposed reduction in the
- use and access of pack and saddle stock animals on
- such lands only after complying with the full review
- 24 process required under the National Environmental
- 25 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1	"(2) Rules of Construction.—Nothing in
2	paragraph (1) shall be construed—
3	"(A) to authorize the Secretary to refuse
4	to issue a permit for a new use of pack and
5	saddle stock animals, including use by a com-
6	mercial outfitter or guide, without complying
7	with applicable resource management plans and
8	planning processes required under this Act or
9	any other provision of law;
10	"(B) to limit the authority of the Secretary
11	to impose a temporary emergency closure of a
12	trail, route, or area to pack and saddle stock
13	animals or issue special permits; or
14	"(C) to create a preference for one rec-
15	reational use for any unit of the National Park
16	System, without consideration of the stated
17	purpose of the unit.".
18	(b) Bureau of Land Management Lands.—Sec-
19	tion 302 of the Federal Land Policy and Management Act
20	of 1976 (43 U.S.C. 1732) is amended by adding at the
21	end the following new subsection:
22	"(e) Use and Access of Pack and Saddle Ani-
23	MALS.—
24	"(1) GENERAL RULE.—The Secretary shall pro-
25	vide for the management of public lands to preserve

and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) Rules of construction.—Nothing in paragraph (1) shall be construed—

"(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

"(B) to limit the authority of the Secretary to impose a temporary emergency closure of a

- trail, route, or area to pack and saddle stock
 animals or issue special permits; or
- 3 "(C) to create a preference for one rec-
- 4 reational use for any area of the public lands,
- 5 without consideration of the stated purpose of
- 6 the area.".
- 7 (c) National Wildlife Refuge System Lands.—
- 8 Section 4(d) of the National Wildlife Refuge System Ad-
- 9 ministration Act of 1966 (16 U.S.C. 668dd(d)) is amend-
- 10 ed by adding at the end the following new paragraph:
- 11 "(5)(A) The Secretary shall provide for the manage-
- 12 ment of System lands to preserve and facilitate the contin-
- 13 ued use and access of pack and saddle stock animals on
- 14 such lands, including wilderness areas, national monu-
- 15 ments, and other specifically designated areas, where there
- 16 is a historical tradition of such use. As a general rule,
- 17 all trails, routes, and areas used by pack and saddle stock
- 18 shall remain open and accessible for such use. The Sec-
- 19 retary may implement a proposed reduction in the use and
- 20 access of pack and saddle stock animals on such lands only
- 21 after complying with the full review process required under
- 22 the National Environmental Policy Act of 1969 (42 U.S.C.
- 23 4321 et seq.).
- 24 "(B) Nothing in subparagraph (A) shall be con-
- 25 strued—

1	"(i) to authorize the Secretary to refuse to
2	issue a permit for a new use of pack and saddle
3	stock animals, including use by a commercial out-
4	fitter or guide, without complying with applicable re-
5	source management plans and planning processes re-
6	quired under this Act or any other provision of law;
7	"(ii) to limit the authority of the Secretary to
8	impose a temporary emergency closure of a trail,
9	route, or area to pack and saddle stock animals or
10	issue special permits; or
11	"(iii) to create a preference for one recreational
12	use for any unit of the System, without consider-
13	ation of the stated purpose of the unit.".
14	(d) National Forest System Lands.—Section 15
15	of the Forest and Rangeland Renewable Resources Plan-
16	ning Act of 1974 (16 U.S.C. 1613) is amended—
17	(1) by inserting "(a)" before "Regulations";
18	and
19	(2) by adding at the end the following new sub-
20	section:
21	"(b) USE AND ACCESS OF PACK AND SADDLE ANI-
22	MALS.—
23	"(1) GENERAL RULE.—The Secretary shall pro-
24	vide for the management of National Forest System
25	lands to preserve and facilitate the continued use

1 and access of pack and saddle stock animals on such 2 lands, including wilderness areas, national monu-3 ments, and other specifically designated areas, where there is a historical tradition of such use. As a gen-5 eral rule, all trails, routes, and areas used by pack 6 and saddle stock shall remain open and accessible 7 for such use. The Secretary may implement a pro-8 posed reduction in the use and access of pack and 9 saddle stock animals on such lands only after com-10 plying with the full review process required under the National Environmental Policy Act of 1969 (42) 12 U.S.C. 4321 et seq.).

- "(2) Rules of Construction.—Nothing in paragraph (1) shall be construed—
 - "(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;
 - "(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

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1	"(C) to create a preference for one rec-
2	reational use for any unit of the National For-
3	est System, without consideration of the stated
4	purpose of the unit.".
5	(e) Issuance of Rules.—Not later than 120 days
6	after the date of the enactment of this Act, the Secretary
7	of the Interior and the Secretary of Agriculture shall issue
8	final rules to define the meaning of a historical tradition
9	of use of pack and saddle stock animals on Federal lands
10	for purposes of the amendments made by this section.

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