

110TH CONGRESS  
1ST SESSION

# S. 2283

To preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2007

Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

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 “Preserving our Equine  
5       Heritage on Public Land Act”.

1 **SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS**  
2 **ON PUBLIC LAND.**

3 (a) NATIONAL PARK SYSTEM LAND.—Section 12 of  
4 Public Law 91–383 (16 U.S.C. 1a–7) is amended by add-  
5 ing at the end the following:

6 “(c) USE AND ACCESS OF PACK AND SADDLE ANI-  
7 MALS.—

8 “(1) IN GENERAL.—The Secretary of the Inte-  
9 rior (referred to in this subsection as the ‘Sec-  
10 retary’) shall manage the National Park System in  
11 a manner that preserves and facilitates the contin-  
12 ued use and access of pack and saddle stock animals  
13 at units of the National Park System at which there  
14 is a historical tradition of the use of pack and saddle  
15 stock animals.

16 “(2) USE.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), National Park System land  
19 shall remain open and accessible to the use of  
20 pack and saddle stock animals.

21 “(B) LIMITATION.—

22 “(i) IN GENERAL.—The Secretary  
23 may implement a nonemergency reduction  
24 in the use and access of pack and saddle  
25 stock animals on National Park System  
26 land after complying with—

1                   “(I) the National Environmental  
2                   Policy Act of 1969 (42 U.S.C. 4321  
3                   et seq.); and

4                   “(II) clauses (ii) through (iv).

5                   “(ii) PUBLIC NOTICE AND COM-  
6                   MENT.—The Secretary shall provide to the  
7                   public advance notice of proposed reduc-  
8                   tions in the use and access of pack and  
9                   saddle stock animals on National Park  
10                  System land to allow for public comment  
11                  on the proposed reductions.

12                  “(iii) PUBLIC MEETING.—After pro-  
13                  viding advance notice of the location, date,  
14                  and time of the meeting, the Secretary  
15                  shall conduct a public meeting at an ap-  
16                  propriate location close to the unit of the  
17                  National Park System on which the reduc-  
18                  tion in pack and saddle stock access is pro-  
19                  posed.

20                  “(iv) PUBLIC COLLABORATION.—To  
21                  encourage meaningful public participation  
22                  with respect to reductions in the use and  
23                  access of pack and saddle stock animals on  
24                  National Park System land, the Secretary

1           shall facilitate collaboration among dif-  
2           ferent recreational users.

3           “(3) EFFECT.—Nothing in this subsection—

4           “(A) authorizes the Secretary to refuse to  
5           issue a permit for a new use of pack and saddle  
6           stock animals, including use by a commercial  
7           outfitter or guide, without complying with appli-  
8           cable resource management plans and planning  
9           processes required under this Act or any other  
10          Federal law;

11          “(B) alters or limits the authority of the  
12          Secretary to issue permits;

13          “(C) alters or limits the authority of the  
14          Secretary to implement a temporary emergency  
15          closure of a trail, route, or area to pack and  
16          saddle stock animals;

17          “(D) creates a preference for 1 rec-  
18          reational use of an area within the National  
19          Park System over other uses without consider-  
20          ation of the stated purpose of the area; or

21          “(E) supersedes any other authorizations  
22          and prohibitions in effect on the date of enact-  
23          ment of this subsection.”.

24          (b) BUREAU OF LAND MANAGEMENT LAND.—Sec-  
25          tion 302 of the Federal Land Policy and Management Act

1 of 1976 (43 U.S.C. 1732) is amended by adding at the  
2 end the following:

3 “(e) USE AND ACCESS OF PACK AND SADDLE ANI-  
4 MALS.—

5 “(1) IN GENERAL.—The Secretary shall man-  
6 age land administered by the Bureau of Land Man-  
7 agement in a manner that preserves and facilitates  
8 the continued use and access of pack and saddle  
9 stock animals on land on which there is a historical  
10 tradition of the use of pack and saddle stock ani-  
11 mals.

12 “(2) USE.—

13 “(A) IN GENERAL.—Except as provided in  
14 subparagraph (B), Bureau of Land Manage-  
15 ment land shall remain open and accessible to  
16 the use of pack and saddle stock animals.

17 “(B) LIMITATION.—

18 “(i) IN GENERAL.—The Secretary  
19 may implement a nonemergency reduction  
20 in the use and access of pack and saddle  
21 stock animals on Bureau of Land Manage-  
22 ment land after complying with—

23 “(I) the National Environmental  
24 Policy Act of 1969 (42 U.S.C. 4321  
25 et seq.); and

1 “(II) clauses (ii) through (iv).

2 “(ii) PUBLIC NOTICE AND COM-  
3 MENT.—The Secretary shall provide to the  
4 public advance notice of proposed reduc-  
5 tions in the use and access of pack and  
6 saddle stock animals on Bureau of Land  
7 Management land to allow for public com-  
8 ment on the proposed reductions.

9 “(iii) PUBLIC MEETING.—After pro-  
10 viding advance notice of the location, date,  
11 and time of the meeting, the Secretary  
12 shall conduct a public meeting at an ap-  
13 propriate location close to the Bureau of  
14 Land Management land on which the re-  
15 duction in pack and saddle stock access is  
16 proposed.

17 “(iv) PUBLIC COLLABORATION.—To  
18 encourage meaningful public participation  
19 with respect to reductions in the use and  
20 access of pack and saddle stock animals on  
21 Bureau of Land Management land, the  
22 Secretary shall facilitate collaboration  
23 among different recreational users.

24 “(3) EFFECT.—Nothing in this subsection—

1           “(A) authorizes 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  
4 outfitter or guide, without complying with appli-  
5 cable resource management plans and planning  
6 processes required under this Act or any other  
7 Federal law;

8           “(B) alters or limits the authority of the  
9 Secretary to issue permits;

10           “(C) alters or limits the authority of the  
11 Secretary to implement a temporary, emergency  
12 closure of a trail, route, or area to pack and  
13 saddle stock animals;

14           “(D) creates a preference for 1 rec-  
15 reational use for any area under the jurisdiction  
16 of the Bureau of Land Management over other  
17 uses without consideration of the stated pur-  
18 pose of the area;

19           “(E) supersedes the multiple use authority  
20 or policy of an applicable agency; or

21           “(F) supersedes any other authorizations  
22 and prohibitions in effect on the date of enact-  
23 ment of this subsection.”.

24           (c) NATIONAL WILDLIFE REFUGE SYSTEM LAND.—  
25 Section 4(d) of the National Wildlife Refuge System Ad-

1   ministration Act of 1966 (16 U.S.C. 668dd(d)) is amend-  
2   ed by adding at the end the following:

3           “(5) USE AND ACCESS OF PACK AND SADDLE  
4   ANIMALS.—

5           “(A) IN GENERAL.—The Secretary shall  
6   manage the System in a manner that preserves  
7   and facilitates the continued use and access of  
8   pack and saddle stock animals on System land  
9   on which there is a historical tradition of the  
10  use of pack and saddle stock animals.

11          “(B) USE.—

12           “(i) IN GENERAL.—Except as pro-  
13   vided in clause (ii), System land shall re-  
14   main open and accessible to the use of  
15   pack and saddle stock animals.

16          “(ii) LIMITATION.—

17           “(I) IN GENERAL.—The Sec-  
18   retary may implement a non-  
19   emergency reduction in the use and  
20   access of pack and saddle stock ani-  
21   mals on System land after complying  
22   with—

23                   “(aa) the National Environ-  
24                   mental Policy Act of 1969 (42  
25                   U.S.C. 4321 et seq.); and

1                   “(bb)       subclauses       (II)  
2                   through (IV).

3                   “(II) PUBLIC NOTICE AND COM-  
4                   MENT.—The Secretary shall provide  
5                   to the public advance notice of pro-  
6                   posed reductions in the use and access  
7                   of pack and saddle stock animals on  
8                   System land to allow for public com-  
9                   ment on the proposed reductions.

10                  “(III) PUBLIC MEETING.—After  
11                  providing advance notice of the loca-  
12                  tion, date, and time of the meeting,  
13                  the Secretary shall conduct a public  
14                  meeting at an appropriate location  
15                  close to System land on which the re-  
16                  duction in pack and saddle stock ac-  
17                  cess is proposed.

18                  “(IV) PUBLIC COLLABORA-  
19                  TION.—To encourage meaningful pub-  
20                  lic participation with respect to reduc-  
21                  tions in the use and access of pack  
22                  and saddle stock animals on System  
23                  land, the Secretary shall facilitate col-  
24                  laboration among different rec-  
25                  reational users.

1           “(C) EFFECT.—Nothing in this para-  
2 graph—

3           “(i) authorizes the Secretary to refuse  
4 to issue a permit for a new use of pack  
5 and saddle stock animals, including use by  
6 a commercial outfitter or guide, without  
7 complying with applicable management  
8 plans (including a comprehensive conserva-  
9 tion plan, comprehensive management  
10 plan, master plan, or step-down manage-  
11 ment plan) and planning processes re-  
12 quired under this Act or any other Federal  
13 law;

14           “(ii) alters or limits the authority of  
15 the Secretary to issue permits for a com-  
16 patible use that is not inconsistent with  
17 public safety;

18           “(iii) alters or limits the authority of  
19 the Secretary to implement a temporary,  
20 emergency closure of a trail, route, or area  
21 to pack and saddle stock animals;

22           “(iv) creates a preference for 1 rec-  
23 reational use within any refuge within the  
24 System without consideration of the mis-

1 sion of the System and the purposes for  
2 which the refuge was established;

3 “(v) supersedes the conservation au-  
4 thority or policy of any applicable agency;

5 “(vi) supersedes the priority of appli-  
6 cable agencies for compatible wildlife-de-  
7 pendent recreational uses; or

8 “(vii) supersedes any other authoriza-  
9 tions and prohibitions in effect on the date  
10 of enactment of this paragraph.”.

11 (d) NATIONAL FOREST SYSTEM LAND.—The Forest  
12 and Rangeland Renewable Resources Planning Act of  
13 1974 (16 U.S.C. 1600 et seq.) is amended—

14 (1) by redesignating section 16 as section 17;

15 and

16 (2) by inserting after section 15 the following:

17 **“SEC. 16. USE AND ACCESS OF PACK AND SADDLE ANIMALS.**

18 “(a) IN GENERAL.—The Secretary of Agriculture  
19 (referred to in this section as the ‘Secretary’) shall man-  
20 age National Forest System in a manner that preserves  
21 and facilitates the continued use and access of pack and  
22 saddle stock animals on National Forest System land on  
23 which there is a historical tradition of the use of pack and  
24 saddle stock animals.

25 “(b) USE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2 graph (2), National Forest System land shall remain  
3 open and accessible to the use of pack and saddle  
4 stock animals.

5           “(2) LIMITATION.—

6           “(A) IN GENERAL.—The Secretary may  
7 implement a nonemergency reduction in the use  
8 and access of pack and saddle stock animals on  
9 National Forest System land after complying  
10 with—

11                   “(i) the National Environmental Pol-  
12 icy Act of 1969 (42 U.S.C. 4321 et seq.);  
13 and

14                   “(ii) subparagraphs (B) through (D).

15           “(B) PUBLIC NOTICE AND COMMENT.—

16 The Secretary shall provide to the public ad-  
17 vance notice of proposed reductions in the use  
18 and access of pack and saddle stock animals on  
19 National Forest System land to allow for public  
20 comment on the proposed reductions.

21           “(C) PUBLIC MEETING.—After providing  
22 advance notice of the location, date, and time of  
23 the meeting, the Secretary shall conduct a pub-  
24 lic meeting at an appropriate location close to  
25 the unit of the National Forest System on

1           which the reduction in pack and saddle stock  
2           access is proposed.

3           “(D) PUBLIC COLLABORATION.—To en-  
4           courage meaningful public participation with re-  
5           spect to reductions in the use and access of  
6           pack and saddle stock animals on National For-  
7           est System land, the Secretary shall facilitate  
8           collaboration among different recreational  
9           users.

10          “(c) EFFECT.—Nothing in this section—

11           “(1) authorizes the Secretary to refuse to issue  
12           a special use authorization or wilderness permit for  
13           a new use of pack and saddle stock animals, includ-  
14           ing use by a commercial outfitter or guide, without  
15           complying with applicable land management plans  
16           and planning processes required under this Act or  
17           any other Federal law;

18           “(2) alters or limits the authority of the Sec-  
19           retary to issue special use authorizations or wilder-  
20           ness permits;

21           “(3) alters or limits the authority of the Sec-  
22           retary to implement a temporary, emergency closure  
23           of a trail, route, or area to pack and saddle stock  
24           animals;

1           “(4) creates a preference for 1 recreational use  
2 of an area within the National Forest System over  
3 other uses of the area;

4           “(5) supersedes the multiple use authority or  
5 policy of an applicable agency; or

6           “(6) supersedes any other authorizations and  
7 prohibitions in effect on the date of enactment of  
8 this section.”.

9       (e) ISSUANCE OF POLICY.—Not later than 180 days  
10 after the date of enactment of this Act, the Secretary of  
11 the Interior and the Secretary of Agriculture shall issue  
12 a policy for the Department of the Interior and the De-  
13 partment of Agriculture, respectively, that defines the  
14 term “historical tradition of the use of pack and saddle  
15 stock animals” for purposes of the amendments made by  
16 this section.

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