

111TH CONGRESS
1ST SESSION

H. R. 3046

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2009

Mr. REHBERG introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

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 Congress finds that—

8 (1) hunting is an important and traditional rec-
9 reational activity in which 13,000,000 people in the
10 United States 16 years of age and older participate;

1 (2) hunters have been and continue to be
2 among the foremost supporters of sound wildlife
3 management and conservation practices in the
4 United States;

5 (3) persons who hunt and organizations relating
6 to hunting provide direct assistance to wildlife man-
7 agers and enforcement officers of the Federal Gov-
8 ernment and State and local governments;

9 (4) purchases of hunting licenses, permits, and
10 stamps and excise taxes on goods used by hunters
11 have generated billions of dollars for wildlife con-
12 servation, research, and management;

13 (5) hunting is an essential component of effec-
14 tive wildlife management by—

15 (A) reducing conflicts between people and
16 wildlife;

17 (B) balancing wildlife populations with the
18 natural carrying capacity of the land; and

19 (C) providing incentives for the conserva-
20 tion of—

21 (i) wildlife; and

22 (ii) habitats and ecosystems on which
23 wildlife depend;

24 (6) each State has established at least 1 agency
25 staffed by professionally trained wildlife manage-

1 ment personnel that has legal authority to manage
2 the wildlife in the State; and

3 (7) hunting is an environmentally beneficial ac-
4 tivity that occurs, and can be provided for, on Fed-
5 eral public land without adverse effects on other
6 uses of the land.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) AGENCY HEAD.—The term “agency head”
10 means the head of any Federal agency that has au-
11 thority to manage a natural resource or Federal
12 public land.

13 (2) FEDERAL PUBLIC LAND.—

14 (A) IN GENERAL.—The term “Federal
15 public land” means any land or water that is—

16 (i) publicly accessible;

17 (ii) owned by the United States; and

18 (iii) managed by an executive agency

19 for purposes that include the conservation
20 of natural resources.

21 (B) EXCLUSION.—The term “Federal pub-
22 lic land” does not include any land held in trust
23 for the benefit of an Indian tribe or member of
24 an Indian tribe.

1 (3) HUNTING.—The term “hunting” means the
2 lawful pursuit, trapping, shooting, capture, collec-
3 tion, or killing of wildlife.

4 **SEC. 4. HUNTING.**

5 (a) IN GENERAL.—Subject to existing rights, Federal
6 public land shall be open to access and use for hunting
7 except as limited by—

8 (1) the agency head with jurisdiction over the
9 Federal public land—

10 (A) for reasons of national security;

11 (B) for reasons of public safety; or

12 (C) for any other reasons for limiting ac-
13 cess authorized by applicable Federal law; and

14 (2) any law of the State in which the Federal
15 public land is located that is applicable to hunting.

16 (b) MANAGEMENT.—Consistent with subsection (a),
17 to the extent authorized under State law, and in accord-
18 ance with applicable Federal law, each agency head shall
19 manage Federal public land under the jurisdiction of the
20 agency head in a manner that supports, promotes, and
21 enhances access for hunting.

22 (c) NO NET LOSS.—

23 (1) IN GENERAL.—Each agency head shall, to
24 the maximum extent practicable, ensure that Fed-
25 eral public land management decisions and actions

1 result in no net loss of land area accessible for hunt-
2 ing on Federal public land.

3 (2) ANNUAL REPORT.—Not later than October
4 1 of each year, each agency head with authority to
5 manage Federal public land on which hunting occurs
6 shall submit to the Committee on Agriculture, Nutri-
7 tion, and Forestry and the Committee on Energy
8 and Natural Resources of the Senate and the Com-
9 mittee on Agriculture and the Committee on Natural
10 Resources of the House of Representatives a report
11 that describes—

12 (A)(i) any Federal public land adminis-
13 tered by the agency head in which access for
14 hunting was limited at any time during the year
15 as compared to access available during the pre-
16 vious year; and

17 (ii) the reason for the limitation; and

18 (B) areas administered by the agency head
19 that were opened to hunting to compensate for
20 the limitations of the areas described in sub-
21 paragraph (A)(i).

22 (3) CLOSURES OF 5,000 OR MORE ACRES.—The
23 withdrawal, change of classification, or change of
24 management status that effectively closes or limits
25 access to 5,000 or more acres of Federal public land

1 for hunting shall take effect only if, before the date
2 of withdrawal or change, the agency head that has
3 jurisdiction over the Federal public land submits to
4 the Committee on Agriculture, Nutrition, and For-
5 estry and the Committee on Energy and Natural Re-
6 sources of the Senate and the Committee on Agri-
7 culture and the Committee on Natural Resources of
8 the House of Representatives written notice of the
9 withdrawal or change.

10 (d) AREAS NOT AFFECTED.—Nothing in this Act
11 compels the opening to hunting of national parks or na-
12 tional monuments under the jurisdiction of the Secretary
13 of the Interior.

14 (e) NO PRIORITY.—Nothing in this Act requires a
15 Federal agency to give preference to hunting over other
16 uses of Federal public land or over land or water manage-
17 ment priorities established by Federal law.

18 (f) AUTHORITY OF THE STATES.—

19 (1) SAVINGS.—Nothing in this Act affects the
20 authority, jurisdiction, or responsibility of a State to
21 manage, control, or regulate fish and wildlife under
22 State law on land or water in the State, including
23 Federal public land.

24 (2) FEDERAL LICENSES.—Nothing in this Act
25 authorizes an agency head to require a license or

1 permit to hunt, fish, or trap on land or water in a
2 State, including on Federal public land in the State.

3 (3) STATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—Any State aggrieved by
5 the failure of an agency head or employee to
6 comply with this Act may bring a civil action in
7 the United States District Court for the district
8 in which the failure occurs for a permanent in-
9 junction.

10 (B) PRELIMINARY INJUNCTION.—If the
11 district court determines, based on the facts,
12 that a preliminary injunction is appropriate, the
13 district court may grant a preliminary injunc-
14 tion.

15 (C) COURT COSTS.—If the district court
16 issues an injunction under this paragraph or
17 otherwise finds in favor of the State, the dis-
18 trict court shall award to the State any reason-
19 able costs of bringing the civil action (including
20 an attorney's fee).

○