

112TH CONGRESS
1ST SESSION

H. R. 2834

To recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2011

Mr. BENISHEK (for himself, Mr. BOREN, Mr. YOUNG of Alaska, and Mr. KELLY) introduced the following bill

SEPTEMBER 6, 2011

Referred to the Committee on Natural 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 recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

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 “Recreational Fishing
5 and Hunting Heritage and Opportunities Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) recreational fishing and hunting are impor-
2 tant and traditional activities in which millions of
3 Americans participate;

4 (2) recreational anglers and hunters have been
5 and continue to be among the foremost supporters
6 of sound fish and wildlife management and conserva-
7 tion in the United States;

8 (3) recreational fishing and hunting are envi-
9 ronmentally acceptable and beneficial activities that
10 occur and can be provided on Federal public lands
11 and waters without adverse effects on other uses or
12 users;

13 (4) recreational anglers, hunters, and sporting
14 organizations provide direct assistance to fish and
15 wildlife managers and enforcement officers of the
16 Federal Government as well as State and local gov-
17 ernments by investing volunteer time and effort to
18 fish and wildlife conservation;

19 (5) recreational anglers, hunters, and the asso-
20 ciated industries have generated billions of dollars of
21 critical funding for fish and wildlife conservation, re-
22 search, and management by providing revenues from
23 purchases of fishing and hunting licenses, permits,
24 and stamps, as well as excise taxes on fishing, hunt-
25 ing, and shooting equipment that have generated bil-

1 lions of dollars of critical funding for fish and wild-
2 life conservation, research, and management;

3 (6) recreational shooting is also an important
4 and traditional activity in which millions of Ameri-
5 cans participate, safe recreational shooting is a valid
6 use of Federal public lands, and participation in rec-
7 reational shooting helps recruit and retain hunters
8 and contributes to wildlife conservation;

9 (7) opportunities to recreationally fish, hunt,
10 and shoot are declining, which depresses participa-
11 tion in these traditional activities, and depressed
12 participation adversely impacts fish and wildlife con-
13 servation and funding for important conservation ef-
14 forts; and

15 (8) the public interest would be served, and our
16 citizens' fish and wildlife resources benefitted, by ac-
17 tion to ensure that opportunities are facilitated to
18 engage in fishing and hunting on Federal public
19 land as recognized by Executive Order 12962, relat-
20 ing to recreational fisheries, and Executive Order
21 13443, relating to facilitation of hunting heritage
22 and wildlife conservation.

23 **SEC. 3. DEFINITION.**

24 In this Act:

25 (1) FEDERAL PUBLIC LAND.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “Federal public
3 land” means any land or water that is—

4 (i) owned by the United States; and

5 (ii) managed by a Federal agency (in-
6 cluding the Department of the Interior and
7 the Forest Service) for purposes that in-
8 clude the conservation of natural resources.

9 (B) EXCLUSION.—The term “Federal pub-
10 lic land” does not include any land or water
11 held in trust for the benefit of Indians or other
12 Native Americans.

13 (2) HUNTING.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the term “hunting” means
16 use of a firearm, bow, or other authorized
17 means in the lawful—

18 (i) pursuit, shooting, capture, collec-
19 tion, trapping, or killing of wildlife; or

20 (ii) attempt to pursue, shoot, capture,
21 collect, trap, or kill wildlife.

22 (B) EXCLUSION.—The term “hunting”
23 does not include the use of skilled volunteers to
24 cull excess animals (as defined by other Federal

1 law, including laws applicable to the National
2 Park System).

3 (3) RECREATIONAL FISHING.—The term “rec-
4 reational fishing” means the lawful—

5 (A) pursuit, capture, collection, or killing
6 of fish; or

7 (B) attempt to capture, collect, or kill fish.

8 (4) RECREATIONAL SHOOTING.—The term
9 “recreational shooting” means any form of sport,
10 training, competition, or pastime, whether formal or
11 informal, that involves the discharge of a rifle, hand-
12 gun, or shotgun, or the use of a bow and arrow.

13 **SEC. 4. RECREATIONAL FISHING, HUNTING, AND SHOOT-**
14 **ING.**

15 (a) IN GENERAL.—Subject to valid existing rights
16 and subsection (g), and cooperation with the respective
17 State and fish and wildlife agency, Federal public land
18 management officials shall exercise their authority under
19 existing law, including provisions regarding land use plan-
20 ning, to facilitate use of and access to Federal public lands
21 and waters for fishing, sport hunting, and recreational
22 shooting except as limited by—

23 (1) statutory authority that authorizes action or
24 withholding action for reasons of national security,
25 public safety, or resource conservation;

1 (2) any other Federal statute that specifically
2 precludes recreational fishing, hunting, or shooting
3 on specific Federal public lands, waters, or units
4 thereof; and

5 (3) discretionary limitations on recreational
6 fishing, hunting, and shooting determined to be nec-
7 essary and reasonable as supported by the best sci-
8 entific evidence and advanced through a transparent
9 public process.

10 (b) MANAGEMENT.—Consistent with subsection (a),
11 the head of each Federal public land management agency
12 shall exercise its land management discretion—

13 (1) in a manner that supports and facilitates
14 recreational fishing, hunting, and shooting opportu-
15 nities;

16 (2) to the extent authorized under applicable
17 State law; and

18 (3) in accordance with applicable Federal law.

19 (c) PLANNING.—

20 (1) EFFECTS OF PLANS AND ACTIVITIES.—

21 (A) EVALUATION OF EFFECTS ON OPPOR-
22 TUNITIES TO ENGAGE IN RECREATIONAL FISH-
23 ING, HUNTING, OR SHOOTING.—Federal public
24 land planning documents, including land re-
25 sources management plans, resource manage-

1 ment plans, travel management plans, general
2 management plans, and comprehensive con-
3 servation plans, shall include a specific evalua-
4 tion of the effects of such plans on opportuni-
5 ties to engage in recreational fishing, hunting,
6 or shooting.

7 (B) NOT MAJOR FEDERAL ACTION.—No
8 action taken under this Act, or under section 4
9 of the National Wildlife Refuge System Admin-
10 istration Act of 1966 (16 U.S.C. 668dd), either
11 individually or cumulatively with other actions
12 involving Federal public lands, shall be consid-
13 ered to be a major Federal action significantly
14 affecting the quality of the human environment,
15 and no additional identification, analysis, or
16 consideration of environmental effects, including
17 cumulative effects, is necessary or required.

18 (C) OTHER ACTIVITY NOT CONSIDERED.—
19 The fact that recreational fishing, hunting, or
20 shooting occurs on adjacent or nearby public or
21 private lands shall not be considered in deter-
22 mining which Federal public lands are open for
23 these activities or for setting levels of use for
24 these activities.

1 (2) USE OF VOLUNTEERS.—If hunting is pro-
2 hibited by law, all Federal public land planning doc-
3 uments of listed in paragraph (1)(A) of an agency
4 shall, after appropriate coordination with State fish
5 and wildlife agency, allow the participation of skilled
6 volunteers in the culling and other management of
7 wildlife populations on Federal public lands unless
8 the head of the agency demonstrates, based on the
9 best scientific data available or applicable Federal
10 statutes, why skilled volunteers shall not be used to
11 control overpopulations of wildlife on the land that
12 is the subject of the planning documents.

13 (d) BUREAU OF LAND MANAGEMENT AND FOREST
14 SERVICE LANDS.—

15 (1) LANDS OPEN.—Lands under the jurisdic-
16 tion of the Bureau of Land Management and the
17 Forest Service, including lands designated as wilder-
18 ness or administratively classified as wilderness eligi-
19 ble or suitable and primitive or semi-primitive areas
20 but excluding lands on the Outer Continental Shelf,
21 shall be open to recreational fishing, hunting, and
22 shooting unless the managing Federal agency acts to
23 close lands to such activity. Lands may be subject
24 to closures or restrictions if determined by the head
25 of the agency to be necessary and reasonable and

1 supported by facts and evidence, for purposes includ-
2 ing resource conservation, public safety, energy or
3 mineral production, energy generation or trans-
4 mission infrastructure, water supply facilities, pro-
5 tection of other permittees, protection of private
6 property rights or interests, national security, or
7 compliance with other law. The head of the agency
8 shall publish public notice of such closure or restric-
9 tion before it is effective, unless the closure or re-
10 striction is mandated by other law.

11 (2) SHOOTING RANGES.—

12 (A) IN GENERAL.—The head of each Fed-
13 eral agency—

14 (i) may lease its lands for shooting
15 ranges; and

16 (ii) may designate specific lands for
17 recreational shooting activities.

18 (B) LIMITATION ON LIABILITY.—Any des-
19 ignation under subparagraph (A)(ii) shall not
20 subject the United States to any civil action or
21 claim for monetary damages for injury or loss
22 of property or personal injury or death caused
23 by any activity occurring at or on such des-
24 ignated lands.

25 (e) NECESSITY IN WILDERNESS AREAS.—

1 (1) The provision of opportunities for hunting,
2 fishing and recreational shooting, and the conserva-
3 tion of fish and wildlife to provide sustainable use
4 recreational opportunities on designated wilderness
5 areas on Federal public lands shall constitute meas-
6 ures necessary to meet the minimum requirements
7 for the administration of the wilderness area.

8 (2) The “within and supplemental to” Wilder-
9 ness purposes, as provided in Public Law 88–577,
10 section 4(c), means that any requirements imposed
11 by that Act shall be implemented only insofar as
12 they facilitate or enhance the original or primary
13 purpose or purposes for which the Federal public
14 lands or Federal public land unit was established
15 and do not materially interfere with or hinder such
16 purpose or purposes.

17 (f) ANNUAL REPORT.—

18 (1) IN GENERAL.—Not later than October 1 of
19 each year, the head of each Federal agency who has
20 authority to manage Federal public land on which
21 fishing, hunting, or recreational shooting occurs
22 shall publish in the Federal Register and submit to
23 the Committee on Natural Resources of the House
24 of Representatives and the Committee on Energy

1 and Natural Resources of the Senate a report that
2 describes—

3 (A) any Federal public land administered
4 by the agency head that was closed to rec-
5 reational fishing, sport hunting, or shooting at
6 any time during the preceding year; and

7 (B) the reason for the closure.

8 (2) CLOSURES OR SIGNIFICANT RESTRICTIONS
9 OF 640 OR MORE ACRES.—

10 (A) IN GENERAL.—Other than closures
11 under subsection (c), the withdrawal, any
12 change of classification, or any change of man-
13 agement status that effectively closes or signifi-
14 cantly restricts 640 or more contiguous acres of
15 Federal public land or water to access or use
16 for fishing or hunting or activities related to
17 fishing and hunting (or both) shall take effect
18 only if, before the date of withdrawal or change,
19 the head of the Federal agency that has juris-
20 diction over the Federal public land or water—

21 (i) publishes notice of the closure,
22 withdrawal, or significant restriction;

23 (ii) demonstrates that coordination
24 has occurred with a State fish and wildlife
25 agency; and

1 (iii) submits to the Committee on
2 Natural Resources of the House of Rep-
3 resentatives and the Committee on Energy
4 and Natural Resources of the Senate writ-
5 ten notice of the withdrawal, change, or
6 significant restriction.

7 (B) AGGREGATE OR CUMULATIVE EF-
8 FECTS.—If the aggregate or cumulative effect
9 of small closures or significant restrictions af-
10 fects 640 or more acres, such small closures or
11 significant restrictions shall be subject to these
12 requirements.

13 (g) AREAS NOT AFFECTED.—Nothing in this Act re-
14 quires the opening of national park or national monu-
15 ments under the jurisdiction of the National Park Service
16 to hunting or recreational shooting.

17 (h) NO PRIORITY.—Nothing in this Act requires a
18 Federal agency to give preference to recreational fishing,
19 hunting, or shooting over other uses of Federal public land
20 or over land or water management priorities established
21 by Federal law.

22 (i) CONSULTATION WITH COUNCILS.—In fulfilling
23 the duties set forth in this Act, the heads of Federal agen-
24 cies shall consult with respective advisory councils as es-
25 tablished in Executive Orders 12962 and 13443.

1 (j) AUTHORITY OF THE STATES.—

2 (1) IN GENERAL.—Nothing in this Act shall be
3 construed as interfering with, diminishing, or con-
4 flicting with the authority, jurisdiction, or responsi-
5 bility of any State to manage, control, or regulate
6 fish and wildlife under State law (including regula-
7 tions) on land or water within the State, including
8 on Federal public land.

9 (2) FEDERAL LICENSES.—Nothing in this Act
10 authorizes the head of a Federal agency head to re-
11 quire a license or permit to fish, hunt, or trap on
12 land or water in a State, including on Federal public
13 land in the States, except that this paragraph shall
14 not affect the Migratory Bird Stamp requirement set
15 forth in the Migratory Bird Hunting and Conserva-
16 tion Stamp Act (16 U.S.C. 718 et seq.).

○