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2D SESSION

S. 2066

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2012

Ms. MURKOWSKI (for herself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those 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 people in the United States 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 land
11 and water 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 associated
20 industries have generated billions of dollars of crit-
21 ical 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—

4 (A) an important and traditional activity
5 in which millions of people in the United States
6 participate; and

7 (B) a valid use of Federal public land, in-
8 cluding the establishment of safe and conven-
9 ient shooting ranges on Federal land;

10 (7) participation in recreational shooting helps
11 recruit and retain hunters and contributes to wildlife
12 conservation;

13 (8)(A) opportunities for recreational fishing,
14 hunting, and shooting are declining, which depresses
15 participation in those traditional activities; and

16 (B) depressed participation adversely impacts
17 fish and wildlife conservation and funding for impor-
18 tant conservation efforts; and

19 (9) the public interest would be served, and the
20 fish and wildlife resources of citizens of the United
21 States benefitted, by action to ensure that opportu-
22 nities are facilitated to engage in fishing and hunt-
23 ing on Federal public land as recognized by Execu-
24 tive Order 12962 (16 U.S.C. 1801 note; relating to
25 recreational fisheries) and Executive Order 13443

1 (16 U.S.C. 661 note; relating to facilitation of hunt-
2 ing heritage and wildlife conservation).

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) FEDERAL PUBLIC LAND.—

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

9 (i) owned by the United States; and

10 (ii) managed by a Federal agency (in-
11 cluding the Department of the Interior and
12 the Forest Service) for purposes that in-
13 clude the conservation of natural resources.

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

18 (2) HUNTING.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the term “hunting” means
21 use of a firearm, bow, or other authorized
22 means in the lawful—

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

1 (ii) attempt to pursue, shoot, capture,
2 collect, trap, or kill wildlife; or

3 (iii) the training of hunting dogs (in-
4 cluding field trials for hunting dogs).

5 (B) EXCLUSION.—The term “hunting”
6 does not include the use of skilled volunteers to
7 cull excess animals (as defined by other Federal
8 law, including laws applicable to the National
9 Park System).

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

12 (A) pursuit, capture, collection, or killing
13 of fish; or

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

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

20 **SEC. 4. HUNTING, RECREATIONAL FISHING, AND REC-**
21 **REATIONAL SHOOTING.**

22 (a) IN GENERAL.—Subject to valid existing rights
23 and subsection (g), and cooperation with the respective
24 State and fish and wildlife agency, a Federal public land
25 management official shall exercise the authority of the of-

1 ficial under law, including provisions regarding land use
2 planning, to facilitate use of and access to Federal public
3 land for hunting, recreational fishing, and recreational
4 shooting except as limited by—

5 (1) any law that authorizes action or with-
6 holding action for reasons of national security, pub-
7 lic safety, or resource conservation;

8 (2) any other Federal law that specifically pre-
9 cludes hunting, recreational fishing, or shooting on
10 specific Federal public land or water or units of
11 Federal public land; and

12 (3) discretionary limitations on hunting, rec-
13 reational fishing, or recreational shooting determined
14 to be necessary and reasonable as supported by the
15 best scientific evidence and advanced through a
16 transparent public process.

17 (b) MANAGEMENT.—Consistent with subsection (a),
18 the head of each Federal public land management agency
19 shall exercise the land management discretion of the
20 head—

21 (1) in a manner that supports and facilitates
22 hunting, recreational fishing, and recreational shoot-
23 ing opportunities;

24 (2) to the extent authorized under applicable
25 State law; and

1 (3) in accordance with applicable Federal law.

2 (c) PLANNING.—

3 (1) EFFECTS OF PLANS AND ACTIVITIES.—

4 (A) PROVISION OF OPPORTUNITIES IN
5 LAND PLANNING DOCUMENTS.—Federal public
6 land planning documents (including land re-
7 sources management plans, travel management
8 plans, resource management plans, and general
9 management plans) shall provide for opportuni-
10 ties to engage in hunting, recreational fishing,
11 and recreational shooting, except as determined
12 to be clearly inconsistent with or incompatible
13 with the purposes for which the applicable unit
14 of Federal public land is to be managed.

15 (B) MAJOR FEDERAL ACTIONS.—

16 (i) IN GENERAL.—No action taken
17 under this section (other than an action
18 under subsection (d)(2) or (g)) or under
19 section 4 of the National Wildlife Refuge
20 System Administration Act of 1966 (16
21 U.S.C. 668dd), either individually or cu-
22 mulatively with other actions involving
23 Federal public land, shall be considered to
24 be a major Federal action significantly af-

1 fecting the quality of the human environ-
2 ment.

3 (ii) LIMITATION.—No additional iden-
4 tification, analysis, or consideration of en-
5 vironmental effects (including cumulative
6 effects) shall be necessary or required with
7 respect to an action described in clause (i).

8 (C) OTHER ACTIVITY NOT CONSIDERED.—

9 (i) IN GENERAL.—Except as provided
10 in clause (ii), Federal public land manage-
11 ment officials shall not be required to con-
12 sider the existence or availability of hunt-
13 ing, recreational fishing, or recreational
14 shooting opportunities on adjacent or near-
15 by public land or private land for purposes
16 of—

17 (I) determining which units of
18 Federal public land are open for,
19 hunting, recreational fishing, or rec-
20 reational shooting; or

21 (II) setting levels of use for hunt-
22 ing, recreational fishing, or rec-
23 reational shooting on Federal public
24 land.

1 (ii) ENHANCED OPPORTUNITIES.—
2 Federal public land management officials
3 may consider the opportunities described in
4 clause (i) if the coordination of those op-
5 portunities would enhance the hunting,
6 recreational fishing, or recreational shoot-
7 ing opportunities available to the public.

8 (2) USE OF VOLUNTEERS.—If hunting is pro-
9 hibited by law, a Federal public land planning docu-
10 ment described in paragraph (1)(A) of an agency
11 shall, after appropriate coordination with the appro-
12 priate State fish and wildlife agency, allow the par-
13 ticipation of skilled volunteers in the culling and
14 other management of wildlife populations on Federal
15 public land unless the head of the agency dem-
16 onstrates, based on the best scientific data available
17 or applicable Federal law, why skilled volunteers
18 should not be used to control overpopulation of wild-
19 life on the land that is the subject of the planning
20 document.

21 (d) BUREAU OF LAND MANAGEMENT AND FOREST
22 SERVICE LAND.—

23 (1) LAND OPEN.—

24 (A) IN GENERAL.—Land under the juris-
25 diction of the Bureau of Land Management or

1 the Forest Service (including land designated as
2 wilderness or administratively classified as wil-
3 derness eligible or suitable and primitive or
4 semiprimitive areas, but excluding land on the
5 outer Continental Shelf) shall be open to hunt-
6 ing, recreational fishing, or recreational shoot-
7 ing unless the managing Federal agency acts to
8 close land to such activity.

9 (B) CLOSURE OR RESTRICTIONS.—Land
10 described in subparagraph (A) may be subject
11 to closures or restrictions if determined by the
12 head of the agency to be necessary and reason-
13 able and supported by facts and evidence for
14 purposes such as resource conservation, public
15 safety, energy or mineral production, energy
16 generation or transmission infrastructure, water
17 supply facilities, protection of other permittees,
18 protection of private property rights or inter-
19 ests, national security, or compliance with other
20 law.

21 (2) RECREATIONAL SHOOTING RANGES.—

22 (A) IN GENERAL.—The head of each Fed-
23 eral agency shall use the authorities of the
24 head, in a manner consistent with this Act and
25 other applicable law—

1 (i) to lease or permit use of Federal
2 public land for recreational shooting
3 ranges; and

4 (ii) to designate specific Federal pub-
5 lic land for recreational shooting activities.

6 (B) LIMITATION ON LIABILITY.—Any des-
7 ignation under subparagraph (A)(ii) shall not
8 subject the United States to any civil action or
9 claim for monetary damages for injury or loss
10 of property or personal injury or death caused
11 by any recreational shooting activity occurring
12 at or on the designated Federal public land.

13 (e) NECESSITY IN WILDERNESS AREAS.—

14 (1) IN GENERAL.—The provision of opportuni-
15 ties for hunting, recreational fishing, and rec-
16 reational shooting, and the conservation of fish and
17 wildlife to provide sustainable use recreational op-
18 portunities on designated wilderness areas on Fed-
19 eral public land shall constitute measures necessary
20 to meet the minimum requirements for the adminis-
21 tration of a wilderness area.

22 (2) AMENDMENT TO WILDERNESS ACT.—Sec-
23 tion 4 of the Wilderness Act (16 U.S.C. 1133) is
24 amended by adding at the end the following:

1 “(e) WILDERNESS PURPOSES.—In subsection (a),
2 the term ‘within and supplemental to’—

3 “(1) means that any requirements under this
4 Act shall be implemented only to the extent that the
5 activities do not prevent Federal public land man-
6 agement officials and State fish and wildlife officials
7 from carrying out and facilitating the original or pri-
8 mary purpose or purposes for which the unit was es-
9 tablished; and

10 “(2) does not authorize or facilitate commodity
11 development, use, or extraction, motorized recreation
12 access, or comparable non-hunting, fishing and trap-
13 ping activities.”.

14 “(f) REPORT.—Not later than October 1 of every other
15 year, beginning with the second October 1 after the date
16 of enactment of this Act, the head of each Federal agency
17 who has authority to manage Federal public land on which
18 hunting, recreational fishing, or recreational shooting oc-
19 curs shall submit to the Committee on Natural Resources
20 of the House of Representatives and the Committee on
21 Energy and Natural Resources of the Senate a report that
22 describes—

23 (1) any Federal public land administered by the
24 agency head that was closed to hunting, recreational

1 fishing, or recreational shooting at any time during
2 the preceding year; and

3 (2) the reason for the closure.

4 (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF
5 640 OR MORE ACRES.—

6 (1) IN GENERAL.—Other than closures estab-
7 lished or prescribed by land planning actions re-
8 ferred to in subsection (d)(1)(B) or emergency clo-
9 sures described in paragraph (3), a permanent or
10 temporary withdrawal, change of classification, or
11 change of management status of Federal public land
12 or water that effectively closes or significantly re-
13 stricts 640 or more contiguous acres of Federal pub-
14 lic land or water to access or use for hunting or rec-
15 reational fishing or activities related to hunting or
16 recreational fishing shall take effect only after the
17 head of the Federal agency that has jurisdiction over
18 the Federal public land or water—

19 (A) publishes appropriate notice of the
20 withdrawal or change;

21 (B) demonstrates that coordination has oc-
22 curred with a State fish and wildlife agency;
23 and

24 (C) submits to the Committee on Natural
25 Resources of the House of Representatives and

1 the Committee on Energy and Natural Re-
2 sources of the Senate written notice of the with-
3 drawal or change.

4 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If
5 the aggregate or cumulative effect of separate with-
6 drawals or changes effectively closes or significant
7 restrictions affects 1,280 or more acres of land or
8 water, the withdrawals and changes shall be treated
9 as a single withdrawal or change for purposes of
10 paragraph (1).

11 (3) EMERGENCY CLOSURES.—

12 (A) IN GENERAL.—Nothing in this Act
13 prohibits a Federal land management agency
14 from establishing or implementing emergency
15 closures or restrictions of the smallest prac-
16 ticable area of Federal public land to provide
17 for public safety, resource conservation, na-
18 tional security, or other purposes authorized by
19 law.

20 (B) TERMINATION.—An emergency closure
21 under subparagraph (A) shall terminate after a
22 reasonable period of time unless the temporary
23 closure is converted to a permanent closure con-
24 sistent with this Act.

25 (h) NO PRIORITY.—

1 (1) IN GENERAL.—Nothing in this Act requires
2 a Federal agency to give preference to hunting, rec-
3 reational fishing, or recreational shooting over other
4 uses of Federal public land or over land or water
5 management priorities established by other Federal
6 law.

7 (2) NATIONAL WILDLIFE REFUGE SYSTEM.—
8 Nothing in this Act amends or modifies the provi-
9 sions of the National Wildlife Refuge System Admin-
10 istration Act of 1966 (16 U.S.C. 668dd et seq.), ex-
11 cept to the extent expressly provided in this Act.

12 (i) CONSULTATION WITH COUNCILS.—In carrying
13 out this Act, the head of a Federal agency shall consult
14 with the appropriate Council established under Executive
15 Order 12962 (16 U.S.C. 1801 note; relating to rec-
16 reational fisheries) and Executive Order 13443 (16 U.S.C.
17 661 note; relating to facilitation of hunting heritage and
18 wildlife conservation).

19 (j) AUTHORITY OF STATES.—

20 (1) IN GENERAL.—Nothing in this Act inter-
21 feres with, diminishes, or conflicts with the author-
22 ity, jurisdiction, or responsibility of any State to
23 manage, control, or regulate fish and wildlife under
24 State law (including regulations) on land or water
25 within the State, including on Federal public land.

1 (2) FEDERAL LICENSES.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), nothing in this Act author-
4 izes the head of a Federal agency to require a
5 license, fee, or permit to fish, hunt, or trap on
6 land or water in a State, including on Federal
7 public land in the States.

8 (B) MIGRATORY BIRD STAMPS.—This
9 paragraph does not apply to any requirement of
10 the Migratory Bird Hunting and Conservation
11 Stamp Act (16 U.S.C. 718a et seq.).

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