

113TH CONGRESS
1ST SESSION

H. R. 1825

To direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2013

Mr. BENISHEK (for himself, Mr. AMODEI, Mr. GOSAR, Mr. YOUNG of Alaska, Mr. BUCHANAN, Mr. SIMPSON, Ms. JENKINS, Mr. HANNA, Mr. DAINES, and Mr. HUDSON) introduced the following bill; which was 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 direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Fishing
5 and Hunting Heritage and Opportunities Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

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

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

1 ing, and shooting equipment that have generated bil-
2 lions of dollars of critical funding for fish and wild-
3 life conservation, research, and management;

4 (6) recreational shooting is also an important
5 and traditional activity in which millions of Ameri-
6 cans participate, safe recreational shooting is a valid
7 use of Federal public lands, including the establish-
8 ment of safe and convenient shooting ranges on such
9 lands, and participation in recreational shooting
10 helps recruit and retain hunters and contributes to
11 wildlife conservation;

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

18 (8) the public interest would be served, and our
19 citizens' fish and wildlife resources benefitted, by ac-
20 tion to ensure that opportunities are facilitated to
21 engage in fishing and hunting on Federal public
22 land as recognized by Executive Order No. 12962,
23 relating to recreational fisheries, and Executive
24 Order No. 13443, relating to facilitation of hunting
25 heritage and wildlife conservation.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL PUBLIC LAND.—The term “Fed-
4 eral public land” means any land or water that is
5 owned and managed by the Bureau of Land Man-
6 agement or the Forest Service.

7 (2) FEDERAL PUBLIC LAND MANAGEMENT OF-
8 FICIALS.—The term “Federal public land manage-
9 ment officials” means—

10 (A) the Secretary of the Interior and Di-
11 rector of Bureau of Land Management regard-
12 ing Bureau of Land Management lands and
13 waters; and

14 (B) the Secretary of Agriculture and Chief
15 of the Forest Service regarding the National
16 Forest System.

17 (3) HUNTING.—

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

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

24 (ii) attempt to pursue, shoot, capture,
25 collect, trap, or kill wildlife; or

1 (iii) the training of hunting dogs, in-
2 cluding field trials.

3 (B) EXCLUSION.—The term “hunting”
4 does not include the use of skilled volunteers to
5 cull excess animals (as defined by other Federal
6 law).

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

9 (A) pursuit, capture, collection, or killing
10 of fish; or

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

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

17 **SEC. 4. RECREATIONAL FISHING, HUNTING, AND SHOOT-**
18 **ING.**

19 (a) IN GENERAL.—Subject to valid existing rights
20 and subsection (g), and cooperation with the respective
21 State fish and wildlife agency, Federal public land man-
22 agement officials shall exercise authority under existing
23 law, including provisions regarding land use planning, to
24 facilitate use of and access to Federal public lands, includ-
25 ing National Monuments, Wilderness Areas, Wilderness

1 Study Areas, and lands administratively classified as wil-
2 derness eligible or suitable and primitive or semi-primitive
3 areas, for fishing, sport hunting, and recreational shoot-
4 ing, except as limited by—

5 (1) statutory authority that authorizes action or
6 withholding action for reasons of national security,
7 public safety, or resource conservation;

8 (2) any other Federal statute that specifically
9 precludes recreational fishing, hunting, or shooting
10 on specific Federal public lands, waters, or units
11 thereof; and

12 (3) discretionary limitations on recreational
13 fishing, hunting, and shooting determined to be nec-
14 essary and reasonable as supported by the best sci-
15 entific evidence and advanced through a transparent
16 public process.

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

20 (1) in a manner that supports and facilitates
21 recreational fishing, hunting, and shooting opportu-
22 nities;

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

25 (3) in accordance with applicable Federal law.

1 (c) PLANNING.—

2 (1) EVALUATION OF EFFECTS ON OPPORTUNI-
3 TIES TO ENGAGE IN RECREATIONAL FISHING, HUNT-
4 ING, OR SHOOTING.—Federal public land planning
5 documents, including land resources management
6 plans, resource management plans, and comprehen-
7 sive conservation plans, shall include a specific eval-
8 uation of the effects of such plans on opportunities
9 to engage in recreational fishing, hunting, or shoot-
10 ing.

11 (2) NO MAJOR FEDERAL ACTION.—No action
12 taken under this Act, or under section 4 of the Na-
13 tional Wildlife Refuge System Administration Act of
14 1966 (16 U.S.C. 668dd), either individually or cu-
15 mulatively with other actions involving Federal pub-
16 lic lands or lands managed by the United States
17 Fish and Wildlife Service, shall be considered to be
18 a major Federal action significantly affecting the
19 quality of the human environment, and no additional
20 identification, analysis, or consideration of environ-
21 mental effects, including cumulative effects, is nec-
22 essary or required.

23 (3) OTHER ACTIVITY NOT CONSIDERED.—Fed-
24 eral public land management officials are not re-
25 quired to consider the existence or availability of rec-

1 recreational fishing, hunting, or shooting opportunities
2 on adjacent or nearby public or private lands in the
3 planning for or determination of which Federal pub-
4 lic lands are open for these activities or in the set-
5 ting of levels of use for these activities on Federal
6 public lands, unless the combination or coordination
7 of such opportunities would enhance the recreational
8 fishing, hunting, or shooting opportunities available
9 to the public.

10 (d) FEDERAL PUBLIC LANDS.—

11 (1) LANDS OPEN.—Lands under the jurisdic-
12 tion of the Bureau of Land Management and the
13 Forest Service, including Wilderness Areas, Wilder-
14 ness Study Areas, lands designated as wilderness or
15 administratively classified as wilderness eligible or
16 suitable and primitive or semi-primitive areas and
17 National Monuments, but excluding lands on the
18 Outer Continental Shelf, shall be open to rec-
19 reational fishing, hunting, and shooting unless the
20 managing Federal agency acts to close lands to such
21 activity. Lands may be subject to closures or restric-
22 tions if determined by the head of the agency to be
23 necessary and reasonable and supported by facts
24 and evidence, for purposes including resource con-
25 servation, public safety, energy or mineral produc-

1 tion, energy generation or transmission infrastruc-
2 ture, water supply facilities, protection of other per-
3 mittees, protection of private property rights or in-
4 terest, national security, or compliance with other
5 law.

6 (2) SHOOTING RANGES.—

7 (A) IN GENERAL.—The head of each Fed-
8 eral agency shall use his or her authorities in
9 a manner consistent with this Act and other ap-
10 plicable law, to—

11 (i) lease or permit use of lands under
12 the jurisdiction of the agency for shooting
13 ranges; and

14 (ii) designate specific lands under the
15 jurisdiction of the agency for recreational
16 shooting activities.

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

24 (e) NECESSITY IN WILDERNESS AREAS AND “WITH-
25 IN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

1 (1) MINIMUM REQUIREMENTS FOR ADMINIS-
2 TRATION.—The provision of opportunities for hunt-
3 ing, fishing and recreational shooting, and the con-
4 servation of fish and wildlife to provide sustainable
5 use recreational opportunities on designated Federal
6 wilderness areas shall constitute measures necessary
7 to meet the minimum requirements for the adminis-
8 tration of the wilderness area, provided that this de-
9 termination shall not authorize or facilitate com-
10 modity development, use, or extraction, motorized
11 recreational access or use that is not otherwise al-
12 lowed under the Wilderness Act (16 U.S.C. 1131 et
13 seq.), or permanent road construction or mainte-
14 nance within designated wilderness areas.

15 (2) APPLICATION OF WILDERNESS ACT.—Provi-
16 sions of the Wilderness Act (16 U.S.C. 1131 et
17 seq.), stipulating that wilderness purposes are “with-
18 in and supplemental to” the purposes of the under-
19 lying Federal land unit are reaffirmed. When seek-
20 ing to carry out fish and wildlife conservation pro-
21 grams and projects or provide fish and wildlife de-
22 pendent recreation opportunities on designated wil-
23 derness areas, the head of each Federal agency shall
24 implement these supplemental purposes so as to fa-
25 cilitate, enhance, or both, but not to impede the un-

1 derlying Federal land purposes when seeking to
2 carry out fish and wildlife conservation programs
3 and projects or provide fish and wildlife dependent
4 recreation opportunities in designated wilderness
5 areas, provided that such implementation shall not
6 authorize or facilitate commodity development, use
7 or extraction, or permanent road construction or use
8 within designated wilderness areas.

9 (f) REPORT.—Beginning on the second October 1
10 after the date of the enactment of this Act and biennially
11 on October 1 thereafter, the head of each Federal agency
12 who has authority to manage Federal public land on which
13 fishing, hunting, or recreational shooting occurs shall sub-
14 mit to the Committee on Natural Resources of the House
15 of Representatives and the Committee on Energy and
16 Natural Resources of the Senate a report that describes—

17 (1) any Federal public land administered by the
18 agency head that was closed to recreational fishing,
19 sport hunting, or shooting at any time during the
20 preceding year; and

21 (2) the reason for the closure.

22 (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF
23 640 OR MORE ACRES.—

24 (1) IN GENERAL.—Other than closures estab-
25 lished or prescribed by land planning actions re-

1 ferred to in subsection (d) or emergency closures de-
2 scribed in paragraph (3) of this subsection, a perma-
3 nent or temporary withdrawal, change of classifica-
4 tion, or change of management status of Federal
5 public land that effectively closes or significantly re-
6 stricts 640 or more contiguous acres of Federal pub-
7 lic land to access or use for fishing or hunting or ac-
8 tivities related to fishing, hunting, or both, shall
9 take effect only if, before the date of withdrawal or
10 change, the head of the Federal agency that has ju-
11 risdiction over the Federal public land—

12 (A) publishes appropriate notice of the
13 withdrawal or change, respectively;

14 (B) demonstrates that coordination has oc-
15 curred with a State fish and wildlife agency;
16 and

17 (C) submits to the Committee on Natural
18 Resources of the House of Representatives and
19 the Committee on Energy and Natural Re-
20 sources of the Senate written notice of the with-
21 drawal or change, respectively.

22 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If
23 the aggregate or cumulative effect of separate with-
24 drawals or changes effectively closes or significantly
25 restricts 1,280 or more acres of land or water, such

1 withdrawals and changes shall be treated as a single
2 withdrawal or change for purposes of paragraph (1).

3 (3) EMERGENCY CLOSURES.—Nothing in this
4 Act prohibits a Federal land management agency
5 from establishing or implementing emergency clo-
6 sures or restrictions of the smallest practicable area
7 to provide for public safety, resource conservation,
8 national security, or other purposes authorized by
9 law. Such an emergency closure shall terminate after
10 a reasonable period of time unless converted to a
11 permanent closure consistent with this Act.

12 (h) NATIONAL PARK SERVICE UNITS NOT AF-
13 FECTED.—Nothing in this Act shall affect or modify man-
14 agement or use of units of the National Park System.

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

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

24 (k) AUTHORITY OF THE STATES.—

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

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

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