

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.

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## 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

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## 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.).

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