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 Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—
(1) recreational fishing and hunting are important and traditional activities in which millions of people in the United States participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public land and water without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated bil-
lions of dollars of critical funding for fish and wild-
life conservation, research, and management;

(6) recreational shooting is—

(A) an important and traditional activity

in which millions of people in the United States

participate; and

(B) a valid use of Federal public land, in-

cluding the establishment of safe and conven-

tient shooting ranges on Federal land;

(7) participation in recreational shooting helps

recruit and retain hunters and contributes to wildlife

conservation;

(8)(A) opportunities for recreational fishing,

hunting, and shooting are declining, which depresses

participation in those traditional activities; and

(B) depressed participation adversely impacts

fish and wildlife conservation and funding for impor-

tant conservation efforts; and

(9) the public interest would be served, and the

fish and wildlife resources of citizens of the United

States benefitted, by action to ensure that oppor-

unities are facilitated to engage in fishing and hunt-

ing on Federal public land as recognized by Execu-

tive Order 12962 (16 U.S.C. 1801 note; relating to

recreational fisheries) and Executive Order 13443
(16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **FEDERAL PUBLIC LAND.**—

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

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) **EXCLUSION.**—The term “Federal public land” does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) **HUNTING.**—

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

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;
(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs (including field trials for hunting dogs).

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

(3) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful—

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

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

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

SEC. 4. HUNTING, RECREATIONAL FISHING, AND RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the of-
ficial under law, including provisions regarding land use
planning, to facilitate use of and access to Federal public
land for hunting, recreational fishing, and recreational
shooting except as limited by—

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

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

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

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

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

(2) to the extent authorized under applicable
State law; and
(3) in accordance with applicable Federal law.

(e) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) Provision of opportunities in land planning documents.—Federal public land planning documents (including land resources management plans, travel management plans, resource management plans, and general management plans) shall provide for opportunities to engage in hunting, recreational fishing, and recreational shooting, except as determined to be clearly inconsistent with or incompatible with the purposes for which the applicable unit of Federal public land is to be managed.

(B) MAJOR FEDERAL ACTIONS.—

(i) In general.—No action taken under this section (other than an action under subsection (d)(2) or (g)) or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public land, shall be considered to be a major Federal action significantly af-
fecting the quality of the human environment.

(ii) Limitation.—No additional identification, analysis, or consideration of environmental effects (including cumulative effects) shall be necessary or required with respect to an action described in clause (i).

(C) Other activity not considered.—

(i) In general.— Except as provided in clause (ii), Federal public land management officials shall not be required to consider the existence or availability of hunting, recreational fishing, or recreational shooting opportunities on adjacent or nearby public land or private land for purposes of—

(I) determining which units of Federal public land are open for, hunting, recreational fishing, or recreational shooting; or

(II) setting levels of use for hunting, recreational fishing, or recreational shooting on Federal public land.
(ii) **Enhanced Opportunities.**—

Federal public land management officials
may consider the opportunities described in
clause (i) if the coordination of those op-
portunities would enhance the hunting,
recreational fishing, or recreational shoot-
ing opportunities available to the public.

(2) **Use of Volunteers.**—If hunting is pro-
hibited by law, a Federal public land planning docu-
ment described in paragraph (1)(A) of an agency
shall, after appropriate coordination with the appro-
priate State fish and wildlife agency, allow the par-
ticipation of skilled volunteers in the culling and
other management of wildlife populations on Federal
public land unless the head of the agency dem-
onstrates, based on the best scientific data available
or applicable Federal law, why skilled volunteers
should not be used to control overpopulation of wild-
life on the land that is the subject of the planning
document.

(d) **Bureau of Land Management and Forest Service Land.**—

(1) **Land Open.**—

(A) **In General.**—Land under the juris-
diction of the Bureau of Land Management or
the Forest Service (including land designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to hunting, recreational fishing, or recreational shooting unless the managing Federal agency acts to close land to such activity.

(B) CLOSURE OR RESTRICTIONS.—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes such as resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

(2) RECREATIONAL SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use the authorities of the head, in a manner consistent with this Act and other applicable law—
(i) to lease or permit use of Federal public land for recreational shooting ranges; and

(ii) to designate specific Federal public land for recreational shooting activities.

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

(e) NECESSITY IN WILDERNESS AREAS.—

(1) IN GENERAL.—The provision of opportunities for hunting, recreational fishing, and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public land shall constitute measures necessary to meet the minimum requirements for the administration of a wilderness area.

(2) AMENDMENT TO WILDERNESS ACT.—Section 4 of the Wilderness Act (16 U.S.C. 1133) is amended by adding at the end the following:
“(e) WILDERNESS PURPOSES.—In subsection (a), the term ‘within and supplemental to’—

“(1) means that any requirements under this Act shall be implemented only to the extent that the activities do not prevent Federal public land management officials and State fish and wildlife officials from carrying out and facilitating the original or primary purpose or purposes for which the unit was established; and

“(2) does not authorize or facilitate commodity development, use, or extraction, motorized recreation access, or comparable non-hunting, fishing and trapping activities.”.

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

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

(2) the reason for the closure.

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

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

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

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

(C) submits to the Committee on Natural
Resources of the House of Representatives and
the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change.

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

(3) EMERGENCY CLOSURES.—

(A) IN GENERAL.—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(B) TERMINATION.—An emergency closure under subparagraph (A) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this Act.

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

(2) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act amends or modifies the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except to the extent expressly provided in this Act.

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

(j) AUTHORITY OF STATES.—

(1) IN GENERAL.—Nothing in this Act interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.
(2) Federal licenses.—

(A) In general.—Except as provided in subparagraph (B), nothing in this Act authorizes the head of a Federal agency to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States.

(B) Migratory Bird Stamps.—This paragraph does not apply to any requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).