

# Union Calendar No. 250

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1825

**[Report No. 113–337, Part I]**

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.

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## 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

JANUARY 31, 2014

Additional sponsors: Mr. KLINE, Mr. PEARCE, Mr. DESJARLAIS, Mr. WESTMORELAND, Mr. ROSS, Mr. FRANKS of Arizona, Mr. STOCKMAN, Mr. HARRIS, Mr. WALBERG, Mr. LATHAM, Mr. GINGREY of Georgia, Mr. FARENTHOLD, Mr. NUGENT, Mr. KING of Iowa, Mr. HUELSKAMP, Mrs. MILLER of Michigan, Mr. LATTA, Mr. DUNCAN of Tennessee, Mr. ALEXANDER, Mr. RODNEY DAVIS of Illinois, Mr. WITTMAN, Mr. SMITH of Nebraska, Mr. UPTON, Mr. STIVERS, Mr. TIPTON, Mr. YODER, Mr. COTTON, Mr. HOLDING, Mr. BARLETTA, Mr. TERRY, Mr. BURGESS, Mrs. BLACKBURN, Mr. OWENS, Mrs. HARTZLER, Mrs. LUMMIS, Mr. HUIZENGA of Michigan, Mr. HENSARLING, Mr. DUNCAN of South Carolina, Mr. POMPEO, Mr. HUNTER, Mr. MESSER, Mr. KINZINGER of Illinois, Mr. MARCHANT, Mr. KELLY of Pennsylvania, Mr. SESSIONS, Mr. GIBSON, Mr. FLEISCHMANN, Mr. SHUSTER, Mr. YOUNG of Indiana, Mr. BENTIVOLIO, Mr. JOHNSON of Ohio, Mr. WENSTRUP, Mr. BRIDENSTINE, Mr. SMITH of Missouri, Mr. COLE, Mr. FLORES, Mr. NUNNELEE, Mr. SOUTHERLAND, Mr. GALLEGO, Mr. GARDNER, Mr. FINCHER, Mr. COLLINS of Georgia, Mr. ROE of Tennessee, Mr. RIBBLE, Mr. BARR, Mr.

POE of Texas, Mr. YOHO, Mr. JOYCE, Mr. BROOKS of Alabama, Mr. FLEMING, Mr. ROONEY, Mr. MEADOWS, Mr. COBLE, Mrs. BLACK, Mr. GRAVES of Missouri, Mr. CRAWFORD, Mr. PALAZZO, Mr. GRIFFIN of Arkansas, Mr. BACHUS, Mrs. NOEM, Mr. HECK of Nevada, Mr. RADEL, Mr. NEUGEBAUER, Mr. CAMP, Mr. DESANTIS, Mr. BOUSTANY, Mr. ROKITA, Mrs. BROOKS of Indiana, Mr. LANKFORD, Mrs. CAPITO, Mr. LONG, Mr. GRAVES of Georgia, Mr. SAM JOHNSON of Texas, Mr. RICE of South Carolina, Mrs. WALORSKI, Ms. GRANGER, Mr. ROGERS of Alabama, Mr. LUETKEMEYER, and Mr. PITTINGER

JANUARY 31, 2014

Reported from the Committee on Natural Resources

JANUARY 31, 2014

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## **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”.

6 **SEC. 2. FINDINGS.**

7        Congress finds that—

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

11           (2) recreational anglers and hunters have been  
12 and continue to be among the foremost supporters  
13 of sound fish and wildlife management and conserva-  
14 tion in the United States;

15           (3) recreational fishing and hunting are envi-  
16 ronmentally acceptable and beneficial activities that  
17 occur and can be provided on Federal public lands  
18 and waters without adverse effects on other uses or  
19 users;

20           (4) recreational anglers, hunters, and sporting  
21 organizations provide direct assistance to fish and  
22 wildlife managers and enforcement officers of the  
23 Federal Government as well as State and local gov-  
24 ernments by investing volunteer time and effort to  
25 fish and wildlife conservation;

1           (5) recreational anglers, hunters, and the asso-  
2           ciated industries have generated billions of dollars of  
3           critical funding for fish and wildlife conservation, re-  
4           search, and management by providing revenues from  
5           purchases of fishing and hunting licenses, permits,  
6           and stamps, as well as excise taxes on fishing, hunt-  
7           ing, and shooting equipment that have generated bil-  
8           lions of dollars of critical funding for fish and wild-  
9           life conservation, research, and management;

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

18           (7) opportunities to recreationally fish, hunt,  
19           and shoot are declining, which depresses participa-  
20           tion in these traditional activities, and depressed  
21           participation adversely impacts fish and wildlife con-  
22           servation and funding for important conservation ef-  
23           forts; and

24           (8) the public interest would be served, and our  
25           citizens' fish and wildlife resources benefitted, by ac-

1       tion to ensure that opportunities are facilitated to  
2       engage in fishing and hunting on Federal public  
3       land as recognized by Executive Order No. 12962,  
4       relating to recreational fisheries, and Executive  
5       Order No. 13443, relating to facilitation of hunting  
6       heritage and wildlife conservation.

7       **SEC. 3. DEFINITIONS.**

8       In this Act:

9               (1) **FEDERAL PUBLIC LAND.**—The term “Fed-  
10       eral public land” means any land or water that is  
11       owned and managed by the Bureau of Land Man-  
12       agement or the Forest Service.

13              (2) **FEDERAL PUBLIC LAND MANAGEMENT OF-**  
14       **FICIALS.**—The term “Federal public land manage-  
15       ment officials” means—

16                   (A) the Secretary of the Interior and Di-  
17       rector of Bureau of Land Management regard-  
18       ing Bureau of Land Management lands and  
19       waters; and

20                   (B) the Secretary of Agriculture and Chief  
21       of the Forest Service regarding the National  
22       Forest System.

23              (3) **HUNTING.**—

24                   (A) **IN GENERAL.**—Except as provided in  
25       subparagraph (B), the term “hunting” means

1 use of a firearm, bow, or other authorized  
2 means in the lawful—

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

5 (ii) attempt to pursue, shoot, capture,  
6 collect, trap, or kill wildlife; or

7 (iii) the training of hunting dogs, in-  
8 cluding field trials.

9 (B) EXCLUSION.—The term “hunting”  
10 does not include the use of skilled volunteers to  
11 cull excess animals (as defined by other Federal  
12 law).

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

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

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

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

1 **SEC. 4. RECREATIONAL FISHING, HUNTING, AND SHOOT-**  
2 **ING.**

3 (a) IN GENERAL.—Subject to valid existing rights  
4 and subsection (g), and cooperation with the respective  
5 State fish and wildlife agency, Federal public land man-  
6 agement officials shall exercise authority under existing  
7 law, including provisions regarding land use planning, to  
8 facilitate use of and access to Federal public lands, includ-  
9 ing National Monuments, Wilderness Areas, Wilderness  
10 Study Areas, and lands administratively classified as wil-  
11 derness eligible or suitable and primitive or semi-primitive  
12 areas, for fishing, sport hunting, and recreational shoot-  
13 ing, except as limited by—

14 (1) statutory authority that authorizes action or  
15 withholding action for reasons of national security,  
16 public safety, or resource conservation;

17 (2) any other Federal statute that specifically  
18 precludes recreational fishing, hunting, or shooting  
19 on specific Federal public lands, waters, or units  
20 thereof; and

21 (3) discretionary limitations on recreational  
22 fishing, hunting, and shooting determined to be nec-  
23 essary and reasonable as supported by the best sci-  
24 entific evidence and advanced through a transparent  
25 public process.

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

4 (1) in a manner that supports and facilitates  
5 recreational fishing, hunting, and shooting opportu-  
6 nities;

7 (2) to the extent authorized under applicable  
8 State law; and

9 (3) in accordance with applicable Federal law.

10 (c) PLANNING.—

11 (1) EVALUATION OF EFFECTS ON OPPORTUNI-  
12 TIES TO ENGAGE IN RECREATIONAL FISHING, HUNT-  
13 ING, OR SHOOTING.—Federal public land planning  
14 documents, including land resources management  
15 plans, resource management plans, and comprehen-  
16 sive conservation plans, shall include a specific eval-  
17 uation of the effects of such plans on opportunities  
18 to engage in recreational fishing, hunting, or shoot-  
19 ing.

20 (2) NO MAJOR FEDERAL ACTION.—No action  
21 taken under this Act, or under section 4 of the Na-  
22 tional Wildlife Refuge System Administration Act of  
23 1966 (16 U.S.C. 668dd), either individually or cu-  
24 mulatively with other actions involving Federal pub-  
25 lic lands or lands managed by the United States



1 Fish and Wildlife Service, shall be considered to be  
2 a major Federal action significantly affecting the  
3 quality of the human environment, and no additional  
4 identification, analysis, or consideration of environ-  
5 mental effects, including cumulative effects, is nec-  
6 essary or required.

7 (3) OTHER ACTIVITY NOT CONSIDERED.—Fed-  
8 eral public land management officials are not re-  
9 quired to consider the existence or availability of rec-  
10 reational fishing, hunting, or shooting opportunities  
11 on adjacent or nearby public or private lands in the  
12 planning for or determination of which Federal pub-  
13 lic lands are open for these activities or in the set-  
14 ting of levels of use for these activities on Federal  
15 public lands, unless the combination or coordination  
16 of such opportunities would enhance the recreational  
17 fishing, hunting, or shooting opportunities available  
18 to the public.

19 (d) FEDERAL PUBLIC LANDS.—

20 (1) LANDS OPEN.—Lands under the jurisdic-  
21 tion of the Bureau of Land Management and the  
22 Forest Service, including Wilderness Areas, Wilder-  
23 ness Study Areas, lands designated as wilderness or  
24 administratively classified as wilderness eligible or  
25 suitable and primitive or semi-primitive areas and

1 National Monuments, but excluding lands on the  
2 Outer Continental Shelf, shall be open to rec-  
3 reational fishing, hunting, and shooting unless the  
4 managing Federal agency acts to close lands to such  
5 activity. Lands may be subject to closures or restric-  
6 tions if determined by the head of the agency to be  
7 necessary and reasonable and supported by facts  
8 and evidence, for purposes including resource con-  
9 servation, public safety, energy or mineral produc-  
10 tion, energy generation or transmission infrastruc-  
11 ture, water supply facilities, protection of other per-  
12 mittees, protection of private property rights or in-  
13 terest, national security, or compliance with other  
14 law.

15 (2) SHOOTING RANGES.—

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

20 (i) lease or permit use of lands under  
21 the jurisdiction of the agency for shooting  
22 ranges; and

23 (ii) designate specific lands under the  
24 jurisdiction of the agency for recreational  
25 shooting activities.

1 (B) LIMITATION ON LIABILITY.—Any des-  
2 gnation under subparagraph (A)(ii) shall not  
3 subject the United States to any civil action or  
4 claim for monetary damages for injury or loss  
5 of property or personal injury or death caused  
6 by any activity occurring at or on such des-  
7 ignated lands.

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

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

24 (2) APPLICATION OF WILDERNESS ACT.—Provi-  
25 sions of the Wilderness Act (16 U.S.C. 1131 et

1 seq.), stipulating that wilderness purposes are “with-  
2 in and supplemental to” the purposes of the under-  
3 lying Federal land unit are reaffirmed. When seek-  
4 ing to carry out fish and wildlife conservation pro-  
5 grams and projects or provide fish and wildlife de-  
6 pendent recreation opportunities on designated wil-  
7 derness areas, the head of each Federal agency shall  
8 implement these supplemental purposes so as to fa-  
9 cilitate, enhance, or both, but not to impede the un-  
10 derlying Federal land purposes when seeking to  
11 carry out fish and wildlife conservation programs  
12 and projects or provide fish and wildlife dependent  
13 recreation opportunities in designated wilderness  
14 areas, provided that such implementation shall not  
15 authorize or facilitate commodity development, use  
16 or extraction, or permanent road construction or use  
17 within designated wilderness areas.

18 (f) REPORT.—Beginning on the second October 1  
19 after the date of the enactment of this Act and biennially  
20 on October 1 thereafter, the head of each Federal agency  
21 who has authority to manage Federal public land on which  
22 fishing, hunting, or recreational shooting occurs shall sub-  
23 mit to the Committee on Natural Resources of the House  
24 of Representatives and the Committee on Energy and  
25 Natural Resources of the Senate a report that describes—

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

5           (2) the reason for the closure.

6           (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF  
7   640 OR MORE ACRES.—

8           (1) IN GENERAL.—Other than closures estab-  
9           lished or prescribed by land planning actions re-  
10          ferred to in subsection (d) or emergency closures de-  
11          scribed in paragraph (3) of this subsection, a perma-  
12          nent or temporary withdrawal, change of classifica-  
13          tion, or change of management status of Federal  
14          public land that effectively closes or significantly re-  
15          stricts 640 or more contiguous acres of Federal pub-  
16          lic land to access or use for fishing or hunting or ac-  
17          tivities related to fishing, hunting, or both, shall  
18          take effect only if, before the date of withdrawal or  
19          change, the head of the Federal agency that has ju-  
20          risdiction over the Federal public land—

21                   (A) publishes appropriate notice of the  
22                   withdrawal or change, respectively;

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

1 (C) submits to the Committee on Natural  
2 Resources of the House of Representatives and  
3 the Committee on Energy and Natural Re-  
4 sources of the Senate written notice of the with-  
5 drawal or change, respectively.

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

12 (3) EMERGENCY CLOSURES.—Nothing in this  
13 Act prohibits a Federal land management agency  
14 from establishing or implementing emergency clo-  
15 sures or restrictions of the smallest practicable area  
16 to provide for public safety, resource conservation,  
17 national security, or other purposes authorized by  
18 law. Such an emergency closure shall terminate after  
19 a reasonable period of time unless converted to a  
20 permanent closure consistent with this Act.

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

24 (i) NO PRIORITY.—Nothing in this Act requires a  
25 Federal land management agency to give preference to

1 recreational fishing, hunting, or shooting over other uses  
2 of Federal public land or over land or water management  
3 priorities established by Federal law.

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

8 (k) AUTHORITY OF THE STATES.—

9 (1) IN GENERAL.—Nothing in this Act shall be  
10 construed as interfering with, diminishing, or con-  
11 flicting with the authority, jurisdiction, or responsi-  
12 bility of any State to exercise primary management,  
13 control, or regulation of fish and wildlife under State  
14 law (including regulations) on land or water within  
15 the State, including on Federal public land.

16 (2) FEDERAL LICENSES.—Nothing in this Act  
17 shall be construed to authorize the head of a Federal  
18 agency head to require a license, fee, or permit to  
19 fish, hunt, or trap on land or water in a State, in-  
20 cluding on Federal public land in the States, except  
21 that this paragraph shall not affect the Migratory  
22 Bird Stamp requirement set forth in the Migratory  
23 Bird Hunting and Conservation Stamp Act (16  
24 U.S.C. 718 et seq.).

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The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed