

109TH CONGRESS
1ST SESSION

S. 2108

To ensure general aviation aircraft access to Federal land and to the airspace over Federal land.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2005

Mr. CRAPO (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To ensure general aviation aircraft access to Federal land and to the airspace over Federal land.

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 “Backcountry Landing
5 Strip Access Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) aircraft landing strips—

9 (A) serve an essential safety role as emer-
10 gency landing areas;

1 (B) provide access to people who would
2 otherwise be physically unable to enjoy national
3 parks, national forests, wilderness areas, and
4 other Federal land;

5 (C) support State economies by providing
6 efficient access for visitors seeking recreational
7 activities; and

8 (D) serve an essential role in search and
9 rescue, forest and ecological management, re-
10 search, wildlife management, aerial mapping,
11 firefighting, and disaster relief; and

12 (2) the Secretary of the Interior and the Sec-
13 retary of Agriculture should—

14 (A) adopt a nationwide policy for gov-
15 erning backcountry aviation issues relating to
16 the management of Federal land under the ju-
17 risdiction of the Secretaries; and

18 (B) require regional managers to comply
19 with the policy adopted under subparagraph
20 (A).

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Aviation Administration.

1 (2) AIRCRAFT LANDING STRIP.—The term “air-
 2 craft landing strip” means an established aircraft
 3 landing strip located on Federal land under the ad-
 4 ministrative jurisdiction of the Secretary that is
 5 commonly known, and has been or is consistently
 6 used, for aircraft landing and departure activities.

7 (3) PERMANENTLY CLOSE.—The term “perma-
 8 nently close” means any closure, the duration of
 9 which is more than 90 days in any calendar year.

10 (4) SECRETARY.—The term “Secretary”
 11 means—

12 (A) with respect to land under the jurisdic-
 13 tion of the Secretary of the Interior, the Sec-
 14 retary of the Interior; and

15 (B) with respect to land under the jurisdic-
 16 tion of the Secretary of Agriculture, the Sec-
 17 retary of Agriculture.

18 **SEC. 4. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**
 19 **FECTING CERTAIN AIRCRAFT LANDING**
 20 **STRIPS.**

21 (a) IN GENERAL.—The Secretary shall not take any
 22 action that would permanently close, restrict, or render
 23 or declare as unserviceable any aircraft landing strip un-
 24 less—

1 (1) the head of the aviation department of each
2 State in which the aircraft landing strip is located
3 approves the action;

4 (2) the Secretary publishes in the Federal Reg-
5 ister notice of the proposed action, including notice
6 that the action would permanently close, restrict, or
7 render or declare as unserviceable the aircraft land-
8 ing strip;

9 (3) the Secretary provides for a 90-day public
10 comment period beginning on the date of publication
11 of the notice under paragraph (2); and

12 (4) the Secretary and the head of the aviation
13 department of each State in which the affected air-
14 craft landing strip is located have taken into consid-
15 eration any comments received during the comment
16 period under paragraph (3).

17 (b) POLICIES.—

18 (1) BACKCOUNTRY AVIATION POLICIES.—Not
19 later than 2 years after the date of enactment of
20 this Act, the Secretaries shall—

21 (A) adopt a nationwide policy for gov-
22 erning backcountry aviation issues relating to
23 the management of Federal land under the ju-
24 risdiction of the Secretaries; and

1 (B) require regional managers to adhere to
2 the policy adopted under subparagraph (A).

3 (2) REQUIREMENTS.—Any policy affecting air
4 access to an aircraft landing strip, including the pol-
5 icy adopted under paragraph (1), shall not take ef-
6 fect unless the policy—

7 (A) states that the Administrator has the
8 sole authority to control aviation and airspace
9 over the United States; and

10 (B) seeks and considers comments from
11 State governments and the public.

12 (c) MAINTENANCE OF AIRSTRIPS.—

13 (1) IN GENERAL.—To ensure that aircraft land-
14 ing strips are maintained in a manner that is con-
15 sistent with the resource values of any adjacent
16 area, the Secretary shall consult with—

17 (A) the head of the aviation department of
18 each State in which an aircraft landing strip is
19 located; and

20 (B) any other interested parties.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-
22 retary may enter into cooperative agreements with
23 interested parties for the maintenance of aircraft
24 landing strips.

1 (d) EXCHANGES OR ACQUISITIONS.—There shall not
2 be as a condition of any Federal acquisition of, or ex-
3 change involving, private property on which a landing strip
4 is located—

5 (1) the closure or purposeful neglect of the
6 landing strip; or

7 (2) any other action that would restrict use or
8 render any landing strip unserviceable.

9 (e) APPLICABILITY.—Subsections (a), (b)(2), and (d)
10 shall apply to any action, policy, exchange, or acquisition,
11 respectively, that is not final on the date of enactment of
12 this Act.

13 (f) EFFECT ON FEDERAL AVIATION ADMINISTRA-
14 TION AUTHORITY.—Nothing in this Act affects the au-
15 thority of the Administrator over aviation or airspace.

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