

111TH CONGRESS  
1ST SESSION

# H. R. 3749

To recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2009

Mr. BOREN (for himself, Mr. RYAN of Wisconsin, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BURTON of Indiana, Mr. CASSIDY, Mrs. DAHLKEMPER, Mr. ELLSWORTH, Mr. KIND, Mr. KISSELL, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. PERRIELLO, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Mr. SENSENBRENNER, Mr. SHULER, Mr. WAMP, Mr. SHUSTER, Mr. SIMPSON, Mr. DINGELL, Mr. ROSS, and Ms. GINNY BROWN-WAITE of Florida) 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 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”.

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;

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

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

1 of critical funding for fish and wildlife conservation,  
2 research, and management;

3 (6) recreational shooting is also an important  
4 and traditional activity in which millions of Ameri-  
5 cans participate and safe recreational shooting is a  
6 valid use of Federal public lands and participation  
7 in recreational shooting helps recruit and retain  
8 hunters 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, as  
17 recognized by Executive Order 12962 as amended:  
18 Recreational Fisheries, and Executive Order 13443:  
19 Facilitation of Hunting Heritage and Wildlife Con-  
20 servation, by action to ensure that opportunities are  
21 facilitated to engage in fishing and hunting on Fed-  
22 eral public lands.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1           (1) AGENCY HEAD.—The term “agency head”  
2       means the head of any Federal agency that has au-  
3       thority to manage Federal public land.

4           (2) CHIEF.—The term “Chief” means the Chief  
5       of the Forest Service.

6           (3) DIRECTOR.—The term “Director” means  
7       the Director of the Bureau of Land Management.

8           (4) FEDERAL PUBLIC LAND.—

9           (A) IN GENERAL.—The term “Federal  
10      public land” means any land or water that is—

11                   (i) owned by the United States; and

12                   (ii) managed by a Federal agency (in-  
13      cluding the Department of the Interior and  
14      the U.S. Forest Service) for purposes that  
15      include the conservation of natural re-  
16      sources.

17           (B) EXCLUSION.—The term “Federal pub-  
18      lic land” does not include any land or water  
19      held in trust for the benefit of—

20                   (i) an Indian tribe; or

21                   (ii) a member of an Indian tribe.

22           (5) HUNTING.—

23           (A) IN GENERAL.—The term “hunting”  
24      means the lawful—

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

3 (ii) attempt to pursue, shoot, capture,  
4 collect, trap or kill wildlife.

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

10 (6) RECREATIONAL FISHING.—The term “rec-  
11 reational fishing” means the lawful—

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

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

15 (7) RECREATIONAL SHOOTING.—The term  
16 “recreational shooting” means any form of shooting  
17 sport or pastime, formal or informal, including but  
18 not limited to target and practical rifle, pistol and  
19 shotgun shooting, archery, trap, skeet, and sporting  
20 clays.

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

22 (a) IN GENERAL.—Subject to valid existing rights  
23 and subsection (f), Federal public land management offi-  
24 cials shall exercise their authority under existing law, in-  
25 cluding provisions regarding land use planning, to provide

1 use of and access to Federal public lands and waters for  
2 fishing, sport hunting, and recreational shooting except as  
3 limited by—

4 (1) statutory authority which authorizes action  
5 or withholding action for reasons of national secu-  
6 rity, public safety or resource conservation;

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

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

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

19 (1) in a manner that supports, promotes, and  
20 enhances recreational fishing, hunting, and shooting  
21 opportunities;

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

24 (3) in accordance with applicable Federal law.

1 (c) BUREAU OF LAND MANAGEMENT AND FOREST  
2 SERVICE LANDS.—

3 (1) LANDS OPEN.—Lands under the jurisdic-  
4 tion of the Bureau of Land Management and the  
5 U.S. Forest Service, excluding lands on the Outer  
6 Continental Shelf, shall be open to recreational fish-  
7 ing, hunting, and shooting unless the managing  
8 agency acts to close lands to such activity. Lands  
9 may be subject to closures or restrictions if deter-  
10 mined to be necessary and reasonable and supported  
11 by facts and evidence, for purposes including re-  
12 source conservation, public safety, protection of his-  
13 toric or cultural values, energy or mineral produc-  
14 tion, energy generation or transmission infrastruc-  
15 ture, water supply facilities, protection of other per-  
16 mittees, protection of private property rights or in-  
17 terests, national security, or compliance with other  
18 law. Publication of public notice shall precede any  
19 such closures or restrictions unless the closure or re-  
20 striction is mandated by other law.

21 (2) SHOOTING RANGES.—Each agency may  
22 lease lands for shooting ranges if the lessees offer  
23 suitable assurances to remediate leased lands at the  
24 termination of the lease. Each agency may also des-  
25 ignate specific lands for recreational shooting activi-

1       ties and such action shall not subject the United  
2       States to any civil action or claim for monetary dam-  
3       ages for injury or loss of property or personal injury  
4       or death caused by any activity occurring at or on  
5       such designated lands.

6       (d) PLANNING.—

7           (1) EFFECT OF PLANS.—Federal public land  
8       planning documents, including land resources man-  
9       agement plans, resource management plans, travel  
10      management plans, general management plans, and  
11      comprehensive conservation plans, shall include sec-  
12      tions that evaluate the effects of such plans on op-  
13      portunities to engage in recreational fishing, hunting  
14      or shooting.

15          (2) USE OF VOLUNTEERS.—If hunting is pro-  
16      hibited by law, all agency planning documents listed  
17      in subsection (c)(1) shall allow the participation of  
18      skilled volunteers in the culling and other manage-  
19      ment of wildlife populations on Federal public lands  
20      unless the agency head demonstrates, based on the  
21      best scientific data available or applicable Federal  
22      statutes, why skilled volunteers shall not be used to  
23      control overpopulations of wildlife on the land that  
24      is the subject of the planning documents.

25      (e) ANNUAL REPORT.—



1           (1) IN GENERAL.—Not later than October 1 of  
2       each year, each agency head with authority to man-  
3       age Federal public land on which fishing, hunting,  
4       or recreational shooting occurs shall publish in the  
5       Federal Register and submit to the Committee on  
6       Natural Resources of the House of Representatives  
7       and the Committee on Energy and Natural Re-  
8       sources of the Senate a report that describes—

9           (A) any Federal public land administered  
10       by the agency head that was closed to rec-  
11       reational fishing, sport hunting, or shooting at  
12       any time during the preceding year; and

13          (B) the reason for the closure.

14          (2) CLOSURES OR SIGNIFICANT RESTRICTIONS  
15       OF 640 OR MORE ACRES.—Other than closures under  
16       subsection (c), the withdrawal, change of classifica-  
17       tion, or change of management status that effec-  
18       tively closes or significantly restricts 640 or more  
19       acres of Federal public lands or waters to access or  
20       use for fishing or hunting shall take effect only if,  
21       before the date of withdrawal or change, the agency  
22       head that has jurisdiction over the Federal public  
23       land publishes notice of the closure, withdrawal, or  
24       significant restriction, and submits to the Committee  
25       on Natural Resources of the House of Representa-

1       tives and the Committee on Energy and Natural Re-  
2       sources of the Senate written notice of the with-  
3       drawal, change, or significant restriction. If the ag-  
4       gregate or cumulative effect of small closures or sig-  
5       nificant restrictions affects 640 or more acres, such  
6       small closures or significant restrictions shall be sub-  
7       ject to these requirements.

8       (f) AREAS NOT AFFECTED.—Nothing in this Act re-  
9       quires the opening of national parks or national monu-  
10      ments under the jurisdiction of the National Park Service  
11      to hunting or recreational shooting.

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

17      (h) ESTABLISHMENT OF COUNCILS.—

18           (1) SPORT FISHING AND BOATING PARTNER-  
19      SHIP COUNCIL.—There is hereby established the  
20      Sport Fishing and Boating Partnership Council, as  
21      described in Executive Order 12962, as amended.

22           (2) SPORTING CONSERVATION COUNCIL.—There  
23      is hereby established the Sporting Conservation  
24      Council, as referenced in Executive Order 13443

1 and described in its January 15, 2009, as amended  
2 charter.

3 (3) TERMINATION.—Each Council shall termi-  
4 nate 10 years after the date of the enactment of this  
5 Act.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated such sums  
8 as may be necessary to support and sustain each  
9 Council. Funds may be used for programs and ef-  
10 forts to recruit new anglers, hunters, and rec-  
11 reational shooters and retain existing anglers, hunt-  
12 ers, and recreational shooters.

13 (i) AUTHORITY OF THE STATES.—

14 (1) SAVINGS.—Nothing in this Act affects the  
15 authority, jurisdiction, or responsibility of a State to  
16 manage, control, or regulate fish and wildlife under  
17 State law (including regulations) on land or water in  
18 the State, including Federal public land.

19 (2) FEDERAL LICENSES.—Nothing in this Act  
20 authorizes an agency head to require a license or  
21 permit to fish, hunt, or trap on land or water in a  
22 State, including on Federal public land in the  
23 States.

○