

111TH CONGRESS  
1ST SESSION

# S. 1348

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

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## IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To recognize the heritage of hunting and provide opportunities for continued hunting on Federal public 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 “Hunting Heritage Pro-  
5 tection Act”.

### 6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) hunting is an important and traditional rec-  
2           reational activity in which 13,000,000 people in the  
3           United States 16 years of age and older participate;

4           (2) hunters have been and continue to be  
5           among the foremost supporters of sound wildlife  
6           management and conservation practices in the  
7           United States;

8           (3) persons who hunt and organizations relating  
9           to hunting provide direct assistance to wildlife man-  
10          agers and enforcement officers of the Federal Gov-  
11          ernment and State and local governments;

12          (4) purchases of hunting licenses, permits, and  
13          stamps and excise taxes on goods used by hunters  
14          have generated billions of dollars for wildlife con-  
15          servation, research, and management;

16          (5) hunting is an essential component of effec-  
17          tive wildlife management by—

18                (A) reducing conflicts between people and  
19                wildlife;

20                (B) balancing wildlife populations with the  
21                natural carrying capacity of the land; and

22                (C) providing incentives for the conserva-  
23                tion of—

24                       (i) wildlife; and

1 (ii) habitats and ecosystems on which  
2 wildlife depend;

3 (6) each State has established at least 1 agency  
4 staffed by professionally trained wildlife manage-  
5 ment personnel that has legal authority to manage  
6 the wildlife in the State; and

7 (7) hunting is an environmentally beneficial ac-  
8 tivity that occurs, and can be provided for, on Fed-  
9 eral public land without adverse effects on other  
10 uses of the land.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) AGENCY HEAD.—The term “agency head”  
14 means the head of any Federal agency that has au-  
15 thority to manage a natural resource or Federal  
16 public land.

17 (2) FEDERAL PUBLIC LAND.—

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

20 (i) publicly accessible;

21 (ii) owned by the United States; and

22 (iii) managed by an executive agency  
23 for purposes that include the conservation  
24 of natural resources.

1 (B) EXCLUSION.—The term “Federal pub-  
2 lic land” does not include any land held in trust  
3 for the benefit of an Indian tribe or member of  
4 an Indian tribe.

5 (3) HUNTING.—The term “hunting” means the  
6 lawful pursuit, trapping, shooting, capture, collec-  
7 tion, or killing of wildlife.

8 **SEC. 4. HUNTING.**

9 (a) IN GENERAL.—Subject to existing rights, Federal  
10 public land shall be open to access and use for hunting  
11 except as limited by—

12 (1) the agency head with jurisdiction over the  
13 Federal public land—

14 (A) for reasons of national security;

15 (B) for reasons of public safety; or

16 (C) for any other reasons for limiting ac-  
17 cess authorized by applicable Federal law; and

18 (2) any law of the State in which the Federal  
19 public land is located that is applicable to hunting.

20 (b) MANAGEMENT.—Consistent with subsection (a),  
21 to the extent authorized under State law, and in accord-  
22 ance with applicable Federal law, each agency head shall  
23 manage Federal public land under the jurisdiction of the  
24 agency head in a manner that supports, promotes, and  
25 enhances access for hunting.

1 (c) NO NET LOSS.—

2 (1) IN GENERAL.—Each agency head shall, to  
3 the maximum extent practicable, ensure that Fed-  
4 eral public land management decisions and actions  
5 result in no net loss of land area accessible for hunt-  
6 ing on Federal public land.

7 (2) ANNUAL REPORT.—Not later than October  
8 1 of each year, each agency head with authority to  
9 manage Federal public land on which hunting occurs  
10 shall submit to the Committee on Agriculture, Nutri-  
11 tion, and Forestry and the Committee on Energy  
12 and Natural Resources of the Senate and the Com-  
13 mittee on Agriculture and the Committee on Natural  
14 Resources of the House of Representatives a report  
15 that describes—

16 (A)(i) any Federal public land adminis-  
17 tered by the agency head in which access for  
18 hunting was limited at any time during the year  
19 as compared to access available during the pre-  
20 vious year; and

21 (ii) the reason for the limitation; and

22 (B) areas administered by the agency head  
23 that were opened to hunting to compensate for  
24 the limitations of the areas described in sub-  
25 paragraph (A)(i).

1           (3) CLOSURES OF 5,000 OR MORE ACRES.—The  
2       withdrawal, change of classification, or change of  
3       management status that effectively closes or limits  
4       access to 5,000 or more acres of Federal public land  
5       for hunting shall take effect only if, before the date  
6       of withdrawal or change, the agency head that has  
7       jurisdiction over the Federal public land submits to  
8       the Committee on Agriculture, Nutrition, and For-  
9       estry and the Committee on Energy and Natural Re-  
10      sources of the Senate and the Committee on Agri-  
11      culture and the Committee on Natural Resources of  
12      the House of Representatives written notice of the  
13      withdrawal or change.

14      (d) AREAS NOT AFFECTED.—Nothing in this Act  
15      compels the opening to hunting of national parks or na-  
16      tional monuments under the jurisdiction of the Secretary  
17      of the Interior.

18      (e) NO PRIORITY.—Nothing in this Act requires a  
19      Federal agency to give preference to hunting over other  
20      uses of Federal public land or over land or water manage-  
21      ment priorities established by Federal law.

22      (f) AUTHORITY OF THE STATES.—

23           (1) SAVINGS.—Nothing in this Act affects the  
24      authority, jurisdiction, or responsibility of a State to  
25      manage, control, or regulate fish and wildlife under

1 State law on land or water in the State, including  
 2 Federal public land.

3 (2) FEDERAL LICENSES.—Nothing in this Act  
 4 authorizes an agency head to require a license or  
 5 permit to hunt, fish, or trap on land or water in a  
 6 State, including on Federal public land in the State.

7 (3) STATE RIGHT OF ACTION.—

8 (A) IN GENERAL.—Any State aggrieved by  
 9 the failure of an agency head or employee to  
 10 comply with this Act may bring a civil action in  
 11 the United States District Court for the district  
 12 in which the failure occurs for a permanent in-  
 13 junction.

14 (B) PRELIMINARY INJUNCTION.—If the  
 15 district court determines, based on the facts,  
 16 that a preliminary injunction is appropriate, the  
 17 district court may grant a preliminary injunc-  
 18 tion.

19 (C) COURT COSTS.—If the district court  
 20 issues an injunction under this paragraph or  
 21 otherwise finds in favor of the State, the dis-  
 22 trict court shall award to the State any reason-  
 23 able costs of bringing the civil action (including  
 24 an attorney's fee).

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