

111TH CONGRESS
1ST SESSION

S. 1770

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2009

Ms. MURKOWSKI (for herself, Mr. CRAPO, and Mr. NELSON of Nebraska) 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 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

4 (2) recreational anglers and hunters have been
5 and continue to be among the foremost supporters
6 of sound fish and wildlife management and conserva-
7 tion in the United States;

8 (3) recreational fishing and hunting are envi-
9 ronmentally acceptable and beneficial activities that
10 occur and can be provided on Federal public lands
11 and waters without adverse effects on other uses;

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

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

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