

113TH CONGRESS
1ST SESSION

S. 170

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

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2013

Ms. MURKOWSKI (for herself and Mr. MANCHIN) 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 recreational shooting on Federal public land and ensure continued opportunities for those 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. DEFINITIONS.**

7 In this Act:

8 (1) FEDERAL PUBLIC LAND.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “Federal public
3 land” means any land or water that is—

4 (i) owned by the United States; and

5 (ii) managed by a Federal agency (in-
6 cluding the Department of the Interior and
7 the Forest Service) for purposes that in-
8 clude the conservation of natural resources.

9 (B) EXCLUSIONS.—The term “Federal
10 public land” does not include—

11 (i) land or water held or managed in
12 trust for the benefit of Indians or other
13 Native Americans;

14 (ii) land or water managed by the Di-
15 rector of the National Park Service or the
16 Director of the United States Fish and
17 Wildlife Service;

18 (iii) fish hatcheries; or

19 (iv) conservation easements on private
20 land.

21 (2) HUNTING.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term “hunting” means
24 use of a firearm, bow, or other authorized
25 means in 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).

9 (3) RECREATIONAL FISHING.—The term “rec-
10 reational fishing” means—

11 (A) an activity for sport or for pleasure
12 that involves—

13 (i) the lawful catching, taking, or har-
14 vesting of fish; or

15 (ii) the lawful attempted catching,
16 taking, or harvesting of fish; or

17 (B) any other activity for sport or pleasure
18 that can reasonably be expected to result in the
19 lawful catching, taking, or harvesting of fish.

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

1 **SEC. 3. RECREATIONAL FISHING, HUNTING, AND REC-**
2 **REATIONAL SHOOTING.**

3 (a) IN GENERAL.—Subject to valid existing rights,
4 and in cooperation with the respective State and fish and
5 wildlife agency, a Federal public land management official
6 shall exercise the authority of the official under existing
7 law (including provisions regarding land use planning) to
8 facilitate use of and access to Federal public land for rec-
9 reational fishing, hunting, and recreational shooting ex-
10 cept as limited by—

11 (1) any law that authorizes action or with-
12 holding action for reasons of national security, pub-
13 lic safety, or resource conservation;

14 (2) any other Federal law that precludes rec-
15 reational fishing, hunting, or recreational shooting
16 on specific Federal public land or water or units of
17 Federal public land; and

18 (3) discretionary limitations on recreational
19 fishing, hunting, and recreational shooting deter-
20 mined to be necessary and reasonable as supported
21 by the best scientific evidence and advanced through
22 a transparent public process.

23 (b) MANAGEMENT.—Consistent with subsection (a),
24 the head of each Federal public land management agency
25 shall exercise the land management discretion of the
26 head—

1 (1) in a manner that supports and facilitates
2 recreational fishing, hunting, and recreational shoot-
3 ing opportunities;

4 (2) to the extent authorized under applicable
5 State law; and

6 (3) in accordance with applicable Federal law.

7 (c) PLANNING.—

8 (1) EFFECTS OF PLANS AND ACTIVITIES.—

9 (A) EVALUATION OF EFFECTS ON OPPOR-
10 TUNITIES TO ENGAGE IN RECREATIONAL FISH-
11 ING, HUNTING, OR RECREATIONAL SHOOTING.—

12 Federal public land planning documents (in-
13 cluding land resources management plans, re-
14 source management plans, travel management
15 plans, and energy development plans) shall in-
16 clude a specific evaluation of the effects of the
17 plans on opportunities to engage in recreational
18 fishing, hunting, or recreational shooting.

19 (B) OTHER ACTIVITY NOT CONSIDERED.—

20 (i) IN GENERAL.—Federal public land
21 management officials shall not be required
22 to consider the existence or availability of
23 recreational fishing, hunting, or rec-
24 reational shooting opportunities on private
25 or public land that is located adjacent to,

1 or in the vicinity of, Federal public land
2 for purposes of—

3 (I) planning for or determining
4 which units of Federal public land are
5 open for recreational fishing, hunting,
6 or recreational shooting; or

7 (II) setting the levels of use for
8 recreational fishing, hunting, or rec-
9 reational shooting on Federal public
10 land.

11 (ii) ENHANCED OPPORTUNITIES.—
12 Federal public land management officials
13 may consider the opportunities described in
14 clause (i) if the combination of those op-
15 portunities would enhance the recreational
16 fishing, hunting, or shooting opportunities
17 available to the public.

18 (2) USE OF VOLUNTEERS.—If hunting is pro-
19 hibited by law, all Federal public land planning doc-
20 ument described in paragraph (1)(A) of an agency
21 shall, after appropriate coordination with State fish
22 and wildlife agencies, allow the participation of
23 skilled volunteers in the culling and other manage-
24 ment of wildlife populations on Federal public land
25 unless the head of the agency demonstrates, based

1 on the best scientific data available or applicable
2 Federal law, why skilled volunteers should not be
3 used to control overpopulation of wildlife on the land
4 that is the subject of the planning document.

5 (d) BUREAU OF LAND MANAGEMENT AND FOREST
6 SERVICE LAND.—

7 (1) LAND OPEN.—

8 (A) IN GENERAL.—Land under the juris-
9 diction of the Bureau of Land Management or
10 the Forest Service (including a component of
11 the National Wilderness Preservation System,
12 land designated as a wilderness study area or
13 administratively classified as wilderness eligible
14 or suitable, and primitive or semiprimitive
15 areas, but excluding land on the outer Conti-
16 nental Shelf) shall be open to recreational fish-
17 ing, hunting, and recreational shooting unless
18 the managing Federal public land agency acts
19 to close the land to such activity.

20 (B) MOTORIZED ACCESS.—Nothing in this
21 paragraph authorizes or requires motorized ac-
22 cess or the use of motorized vehicles for rec-
23 reational fishing, hunting, or recreational shoot-
24 ing purposes within land designated as a wilder-

1 ness study area or administratively classified as
2 wilderness eligible or suitable.

3 (2) CLOSURE OR RESTRICTION.—Land de-
4 scribed in paragraph (1) may be subject to closures
5 or restrictions if determined by the head of the
6 agency to be necessary and reasonable and sup-
7 ported by facts and evidence for purposes including
8 resource conservation, public safety, energy or min-
9 eral production, energy generation or transmission
10 infrastructure, water supply facilities, protection of
11 other permittees, protection of private property
12 rights or interests, national security, or compliance
13 with other law, as determined appropriate by the Di-
14 rector of the Bureau of Land Management or the
15 Chief of the Forest Service, as applicable.

16 (3) SHOOTING RANGES.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (C), the head of each Federal
19 public land agency may use the authorities of
20 the head, in a manner consistent with this Act
21 and other applicable law—

22 (i) to lease or permit use of land
23 under the jurisdiction of the head for
24 shooting ranges; and

1 (ii) to designate specific land under
2 the jurisdiction of the head for recreational
3 shooting activities.

4 (B) LIMITATION ON LIABILITY.—Any des-
5 ignation under subparagraph (A)(ii) shall not
6 subject the United States to any civil action or
7 claim for monetary damages for injury or loss
8 of property or personal injury or death caused
9 by any recreational shooting activity occurring
10 at or on the designated land.

11 (C) EXCEPTION.—The head of each Fed-
12 eral public land agency shall not lease or permit
13 use of Federal public land for shooting ranges
14 or designate land for recreational shooting ac-
15 tivities within including a component of the Na-
16 tional Wilderness Preservation System, land
17 designated as a wilderness study area or admin-
18 istratively classified as wilderness eligible or
19 suitable, and primitive or semiprimitive areas.

20 (e) REPORT.—Not later than October 1 of every
21 other year, beginning with the second October 1 after the
22 date of enactment of this Act, the head of each Federal
23 public land agency who has authority to manage Federal
24 public land on which recreational fishing, hunting, or rec-
25 reational shooting occurs shall submit to the Committee

1 on Natural Resources of the House of Representatives and
2 the Committee on Energy and Natural Resources of the
3 Senate a report that describes—

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

8 (2) the reason for the closure.

9 (f) CLOSURES OR SIGNIFICANT RESTRICTIONS OF
10 1,280 OR MORE ACRES.—

11 (1) IN GENERAL.—Other than closures estab-
12 lished or prescribed by land planning actions re-
13 ferred to in subsection (d)(2) or emergency closures
14 described in paragraph (3), a permanent or tem-
15 porary withdrawal, change of classification, or
16 change of management status of Federal public land
17 or water that effectively closes or significantly re-
18 stricts 1,280 or more contiguous acres of Federal
19 public land or water to access or use for recreational
20 fishing or hunting or activities relating to fishing or
21 hunting shall take effect only if, before the date of
22 withdrawal or change, the head of the Federal public
23 land agency that has jurisdiction over the Federal
24 public land or water—

1 (A) publishes appropriate notice of the
2 withdrawal or change, respectively;

3 (B) demonstrates that coordination has oc-
4 curred with a State fish and wildlife agency;
5 and

6 (C) submits to the Committee on Natural
7 Resources of the House of Representatives and
8 the Committee on Energy and Natural Re-
9 sources of the Senate written notice of the with-
10 drawal or change, respectively.

11 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If
12 the aggregate or cumulative effect of separate with-
13 drawals or changes effectively closes or significant
14 restrictions affects 1,280 or more acres of land or
15 water, the withdrawals and changes shall be treated
16 as a single withdrawal or change for purposes of
17 paragraph (1).

18 (3) EMERGENCY CLOSURES.—

19 (A) IN GENERAL.—Nothing in this Act
20 prohibits a Federal public land management
21 agency from establishing or implementing emer-
22 gency closures or restrictions of the smallest
23 practicable area of Federal public land to pro-
24 vide for public safety, resource conservation, na-

1 tional security, or other purposes authorized by
2 law.

3 (B) TERMINATION.—An emergency closure
4 under subparagraph (A) shall terminate after a
5 reasonable period of time unless the temporary
6 closure is converted to a permanent closure con-
7 sistent with this Act.

8 (g) NO PRIORITY.—Nothing in this Act requires a
9 Federal agency to give preference to recreational fishing,
10 hunting, or recreational shooting over other uses of Fed-
11 eral public land or over land or water management prior-
12 ities established by other Federal law.

13 (h) CONSULTATION WITH COUNCILS.—In carrying
14 out this Act, the heads of Federal public land agencies
15 shall consult with the appropriate advisory councils estab-
16 lished under Executive Order 12962 (16 U.S.C. 1801
17 note; relating to recreational fisheries) and Executive
18 Order 13443 (16 U.S.C. 661 note; relating to facilitation
19 of hunting heritage and wildlife conservation).

20 (i) AUTHORITY OF STATES.—

21 (1) IN GENERAL.—Nothing in this Act inter-
22 feres with, diminishes, or conflicts with the author-
23 ity, jurisdiction, or responsibility of any State to
24 manage, control, or regulate fish and wildlife under

1 State law (including regulations) on land or water
2 within the State, including on Federal public land.

3 (2) FEDERAL LICENSES.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), nothing in this section au-
6 thORIZES the head of a Federal public land agen-
7 cy head to require a license, fee, or permit to
8 fish, hunt, or trap on land or water in a State,
9 including on Federal public land in the State.

10 (B) MIGRATORY BIRD STAMPS.—This
11 paragraph shall not affect any migratory bird
12 stamp requirement of the Migratory Bird Hunt-
13 ing and Conservation Stamp Act (16 U.S.C.
14 718a et seq.).

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