

113th CONGRESS

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Recreational Fishing and Hunting Heritage and Opportunities Act'.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL PUBLIC LAND-

(A) IN GENERAL- Except as provided in subparagraph (B), the term 'Federal public land' means any land or water that is--

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS- The term 'Federal public land' does not include--

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

(ii) land or water managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING-

(A) IN GENERAL- Except as provided in subparagraph (B), the term `hunting' means use of a firearm, bow, or other authorized means in the lawful--

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

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

(B) EXCLUSION- The term `hunting' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING- The term `recreational fishing' means--

(A) an activity for sport or for pleasure that involves--

(i) the lawful catching, taking, or harvesting of fish; or

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

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

(4) RECREATIONAL SHOOTING- The term `recreational shooting' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 3. RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.

(a) In General- Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by--

(1) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(3) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) Management- Consistent with subsection (a), the head of each Federal public land management agency shall exercise the land management discretion of the head--

(1) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

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

(3) in accordance with applicable Federal law.

(c) Planning-

(1) EFFECTS OF PLANS AND ACTIVITIES-

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING- Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(B) OTHER ACTIVITY NOT CONSIDERED-

(i) IN GENERAL- Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of--

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

(II) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(ii) ENHANCED OPPORTUNITIES- Federal public land management officials may consider the opportunities described in clause (i) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(2) USE OF VOLUNTEERS- If hunting is prohibited by law, all Federal public land planning document described in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(d) Bureau of Land Management and Forest Service Land-

(1) LAND OPEN-

(A) IN GENERAL- Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(B) MOTORIZED ACCESS- Nothing in this paragraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(2) CLOSURE OR RESTRICTION- Land described in paragraph (1) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(3) SHOOTING RANGES-

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

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

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

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

(C) EXCEPTION- The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(e) Report- Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes--

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

(2) the reason for the closure.

(f) Closures or Significant Restrictions of 1,280 or More Acres-

(1) IN GENERAL- Other than closures established or prescribed by land planning actions referred to in subsection (d)(2) or emergency closures described in paragraph (3), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water--

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

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

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

(3) EMERGENCY CLOSURES-

(A) IN GENERAL- Nothing in this Act prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(B) TERMINATION- An emergency closure under subparagraph (A) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this Act.

(g) No Priority- Nothing in this Act requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(h) Consultation With Councils- In carrying out this Act, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(i) Authority of States-

(1) IN GENERAL- Nothing in this Act interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) FEDERAL LICENSES-

(A) IN GENERAL- Except as provided in subparagraph (B), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(B) MIGRATORY BIRD STAMPS- This paragraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

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