

**[DISCUSSION DRAFT]**113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

To direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BENISHEK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct Federal public land management officials to exercise their authority under existing law to facilitate use of and access to Federal public lands for fishing, sport hunting, and recreational shooting, and for other purposes.

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 or  
14 users;

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

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

1 ing, and shooting equipment that have generated bil-  
2 lions of dollars of critical funding for fish and wild-  
3 life conservation, research, and management;

4 (6) recreational shooting is also an important  
5 and traditional activity in which millions of Ameri-  
6 cans participate, safe recreational shooting is a valid  
7 use of Federal public lands, including the establish-  
8 ment of safe and convenient shooting ranges on such  
9 lands, and participation in recreational shooting  
10 helps recruit and retain hunters and contributes to  
11 wildlife conservation;

12 (7) opportunities to recreationally fish, hunt,  
13 and shoot are declining, which depresses participa-  
14 tion in these traditional activities, and depressed  
15 participation adversely impacts fish and wildlife con-  
16 servation and funding for important conservation ef-  
17 forts; and

18 (8) the public interest would be served, and our  
19 citizens' fish and wildlife resources benefitted, by ac-  
20 tion to ensure that opportunities are facilitated to  
21 engage in fishing and hunting on Federal public  
22 land as recognized by Executive Order No. 12962,  
23 relating to recreational fisheries, and Executive  
24 Order No. 13443, relating to facilitation of hunting  
25 heritage and wildlife conservation.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL PUBLIC LAND.—The term “Fed-  
4 eral public land” means any land or water that is  
5 owned and managed by the Bureau of Land Man-  
6 agement or the Forest Service.

7 (2) FEDERAL PUBLIC LAND MANAGEMENT OF-  
8 FICIALS.—The term “Federal public land manage-  
9 ment officials” means—

10 (A) the Secretary of the Interior and Di-  
11 rector of Bureau of Land Management regard-  
12 ing Bureau of Land Management lands and wa-  
13 ters; and

14 (B) the Secretary of Agriculture and Chief  
15 of the Forest Service regarding the National  
16 Forest System.

17 (3) HUNTING.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the term “hunting” means  
20 use of a firearm, bow, or other authorized  
21 means in the lawful—

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

24 (ii) attempt to pursue, shoot, capture,  
25 collect, trap, or kill wildlife; or

1 (iii) the training of hunting dogs, in-  
2 cluding field trials.

3 (B) EXCLUSION.—The term “hunting”  
4 does not include the use of skilled volunteers to  
5 cull excess animals (as defined by other Federal  
6 law).

7 (4) RECREATIONAL FISHING.—The term “rec-  
8 reational fishing” means the lawful—

9 (A) pursuit, capture, collection, or killing  
10 of fish; or

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

12 (5) RECREATIONAL SHOOTING.—The term  
13 “recreational shooting” means any form of sport,  
14 training, competition, or pastime, whether formal or  
15 informal, that involves the discharge of a rifle, hand-  
16 gun, or shotgun, or the use of a bow and arrow.

17 **SEC. 4. RECREATIONAL FISHING, HUNTING, AND SHOOT-**  
18 **ING.**

19 (a) IN GENERAL.—Subject to valid existing rights  
20 and subsection (g), and cooperation with the respective  
21 [State and fish and wildlife agency] [Should the first  
22 “and” be removed here?], Federal public land manage-  
23 ment officials shall exercise authority under existing law,  
24 including provisions regarding land use planning, to facili-  
25 tate use of and access to Federal public lands, including

1 National Monuments, Wilderness Areas, Wilderness Study  
2 Areas, and lands administratively classified as wilderness  
3 eligible or suitable and primitive or semi-primitive areas,  
4 for fishing, sport hunting, and recreational shooting, ex-  
5 cept as limited by—

6 (1) statutory authority that authorizes action or  
7 withholding action for reasons of national security,  
8 public safety, or resource conservation;

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

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

18 (b) MANAGEMENT.—Consistent with subsection (a),  
19 the head of each Federal public land management agency  
20 shall exercise its land management discretion—

21 (1) in a manner that supports and facilitates  
22 recreational fishing, hunting, and shooting opportu-  
23 nities;

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

1 (3) in accordance with applicable Federal law.

2 (c) PLANNING.—

3 (1) EVALUATION OF EFFECTS ON OPPORTUNI-  
4 TIES TO ENGAGE IN RECREATIONAL FISHING, HUNT-  
5 ING, OR SHOOTING.—Federal public land planning  
6 documents, including land resources management  
7 plans, resource management plans, and comprehen-  
8 sive conservation plans, shall include a specific eval-  
9 uation of the effects of such plans on opportunities  
10 to engage in recreational fishing, hunting, or shoot-  
11 ing.

12 (2) NO MAJOR FEDERAL ACTION.—No action  
13 taken under this Act, or under section 4 of the Na-  
14 tional Wildlife Refuge System Administration Act of  
15 1966 (16 U.S.C. 668dd), either individually or cu-  
16 mulatively with other actions involving Federal pub-  
17 lic lands or lands managed by the United States  
18 Fish and Wildlife Service, shall be considered to be  
19 a major Federal action significantly affecting the  
20 quality of the human environment, and no additional  
21 identification, analysis, or consideration of environ-  
22 mental effects, including cumulative effects, is nec-  
23 essary or required.

24 (3) OTHER ACTIVITY NOT CONSIDERED.—Fed-  
25 eral public land management officials are not re-

1       quired to consider the existence or availability of rec-  
2       reational fishing, hunting, or shooting opportunities  
3       on adjacent or nearby public or private lands in the  
4       planning for or determination of which Federal pub-  
5       lic lands are open for these activities or in the set-  
6       ting of levels of use for these activities on Federal  
7       public lands, unless the combination or coordination  
8       of such opportunities would enhance the recreational  
9       fishing, hunting, or shooting opportunities available  
10      to the public.

11      (d) FEDERAL PUBLIC LANDS.—

12           (1) LANDS OPEN.—Lands under the jurisdic-  
13      tion of the Bureau of Land Management and the  
14      Forest Service, including Wilderness Areas, Wilder-  
15      ness Study Areas, lands designated as wilderness or  
16      administratively classified as wilderness eligible or  
17      suitable and primitive or semi-primitive areas, but  
18      excluding lands on the Outer Continental Shelf, and  
19      National Monuments, shall be open to recreational  
20      fishing, hunting, and shooting unless the managing  
21      Federal agency acts to close lands to such activity.  
22      Lands may be subject to closures or restrictions if  
23      determined by the head of the agency to be nec-  
24      essary and reasonable and supported by facts and  
25      evidence, for purposes including resource conserva-

1       tion, public safety, energy or mineral production, en-  
2       ergy generation or transmission infrastructure,  
3       water supply facilities, protection of other permit-  
4       tees, protection of private property rights or interest,  
5       national security, or compliance with other law.

6               (2) SHOOTING RANGES.—

7                       (A) IN GENERAL.—The head of each Fed-  
8       eral agency shall use his or her authorities in  
9       a manner consistent with this Act and other ap-  
10      plicable law, to—

11                               (i) lease or permit use of lands under  
12                               the jurisdiction of the agency for shooting  
13                               ranges; and

14                               (ii) designate specific lands under the  
15                               jurisdiction of the agency for recreational  
16                               shooting activities.

17                       (B) LIMITATION ON LIABILITY.—Any des-  
18       ignation under subparagraph (A)(ii) shall not  
19       subject the United States to any civil action or  
20       claim for monetary damages for injury or loss  
21       of property or personal injury or death caused  
22       by any activity occurring at or on such des-  
23       ignated lands.

24               (e) NECESSITY IN WILDERNESS AREAS AND “WITH-  
25      IN AND SUPPLEMENTAL TO” WILDERNESS PURPOSES.—

1           (1) MINIMUM REQUIREMENTS FOR ADMINIS-  
2           TRATION.—The provision of opportunities for hunt-  
3           ing, fishing and recreational shooting, and the con-  
4           servation of fish and wildlife to provide sustainable  
5           use recreational opportunities on designated Federal  
6           wilderness areas shall constitute measures necessary  
7           to meet the minimum requirements for the adminis-  
8           tration of the wilderness area, provided that this de-  
9           termination shall not authorize or facilitate com-  
10          modity development, use, or extraction, motorized  
11          recreational access or use that is not otherwise al-  
12          lowed under the Wilderness Act (16 U.S.C. 1131 et  
13          seq.), or road construction or maintenance within  
14          designated wilderness areas.

15          (2) APPLICATION OF WILDERNESS ACT.—Provi-  
16          sions of the Wilderness Act (16 U.S.C. 1131 et  
17          seq.), stipulating that wilderness purposes are “with-  
18          in and supplemental to” the purposes of the under-  
19          lying Federal land unit are reaffirmed. When seek-  
20          ing to carry out fish and wildlife conservation pro-  
21          grams and projects or provide fish and wildlife de-  
22          pendent recreation opportunities on designated wil-  
23          derness areas, the head of each Federal agency shall  
24          harmonize these supplemental purposes with the un-  
25          derlying Federal land purposes. Such harmonization

1 shall not authorize or facilitate commodity develop-  
2 ment, use or extraction, motorized recreational ac-  
3 cess or use, or road construction or use within des-  
4 ignated wilderness areas.

5 (f) REPORT.—Beginning on the second October 1  
6 after the date of the enactment of this Act and biennially  
7 on October 1 thereafter, the head of each Federal agency  
8 who has authority to manage Federal public land on which  
9 fishing, hunting, or recreational shooting occurs shall sub-  
10 mit to the Committee on Natural Resources of the House  
11 of Representatives and the Committee on Energy and  
12 Natural Resources of the Senate a report that describes—

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

17 (2) the reason for the closure.

18 (g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF  
19 640 OR MORE ACRES.—

20 (1) IN GENERAL.—Other than closures estab-  
21 lished or prescribed by land planning actions re-  
22 ferred to in subsection (d) or emergency closures de-  
23 scribed in paragraph (3) of this subsection, a perma-  
24 nent or temporary withdrawal, change of classifica-  
25 tion, or change of management status of Federal

1 public land that effectively closes or significantly re-  
2 stricts 640 or more contiguous acres of Federal pub-  
3 lic land to access or use for fishing or hunting or ac-  
4 tivities related to fishing and hunting (or both) shall  
5 take effect only if, before the date of withdrawal or  
6 change, the head of the Federal agency that has ju-  
7 risdiction over the Federal public land—

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

10 (B) demonstrates that coordination has oc-  
11 curred with a State fish and wildlife agency;  
12 and

13 (C) submits to the Committee on Natural  
14 Resources of the House of Representatives and  
15 the Committee on Energy and Natural Re-  
16 sources of the Senate written notice of the with-  
17 drawal or change, respectively.

18 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If  
19 the aggregate or cumulative effect of separate with-  
20 drawals or changes effectively closes or significantly  
21 restricts 1,280 or more acres of land or water, such  
22 withdrawals and changes shall be treated as a single  
23 withdrawal or change for purposes of paragraph (1).

24 (3) EMERGENCY CLOSURES.—Nothing in this  
25 Act prohibits a Federal land management agency

1 from establishing or implementing emergency clo-  
2 sures or restrictions of the smallest practicable area  
3 to provide for public safety, resource conservation,  
4 national security, or other purposes authorized by  
5 law. Such an emergency closure shall terminate after  
6 a reasonable period of time unless converted to a  
7 permanent closure consistent with this Act.

8 (h) NATIONAL PARK SERVICE UNITS NOT AF-  
9 FECTED.—Nothing in this Act shall affect or modify man-  
10 agement or use of units of the National Park System.

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

16 (j) CONSULTATION WITH COUNCILS.—In fulfilling  
17 the duties set forth in this Act, the heads of Federal agen-  
18 cies shall consult with respective advisory councils as es-  
19 tablished in Executive Order Nos. 12962 and 13443.

20 (k) AUTHORITY OF THE STATES.—

21 (1) IN GENERAL.—Nothing in this Act shall be  
22 construed as interfering with, diminishing, or con-  
23 flicting with the authority, jurisdiction, or responsi-  
24 bility of any State to exercise primary management,  
25 control, or regulation of fish and wildlife under State

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

3 (2) FEDERAL LICENSES.—Nothing in this Act  
4 shall be construed to authorize the head of a Federal  
5 agency head to require a license, fee, or permit to  
6 fish, hunt, or trap on land or water in a State, in-  
7 cluding on Federal public land in the States, except  
8 that this paragraph shall not affect the Migratory  
9 Bird Stamp requirement set forth in the Migratory  
10 Bird Hunting and Conservation Stamp Act (16  
11 U.S.C. 718 et seq.).