

## RECREATIONAL FISHING AND HUNTING HERITAGE AND OPPORTUNITIES ACT

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JULY 19, 2012.—Committed to the Committee of the Whole House of the State of  
the Union and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 2834]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2834) to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal

Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, including the establishment of safe and convenient shooting ranges on such lands and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order 12962, relating to recreational fisheries, and Executive Order 13443, relating to facilitation of hunting heritage and wildlife conservation.

### SEC. 3. DEFINITION.

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) EXCLUSION.—The term “Federal public land” does not include any land or water held in trust for the benefit of Indians or other Native Americans.

#### (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;
- (ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or
- (iii) the training of hunting dogs including field trials.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

#### (3) RECREATIONAL FISHING.—The term “recreational fishing” means the lawful—

- (A) pursuit, capture, collection, or killing of fish; or
- (B) attempt to capture, collect, or kill 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. 4. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands and waters for fishing, sport hunting, and recreational shooting except as limited by—

- (1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;
- (2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and
- (3) discretionary limitations on recreational fishing, hunting, and 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 its land management discretion—

- (1) in a manner that supports and facilitates recreational fishing, hunting, and 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 SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this section, other than an action under subsection (d)(2) or (g), or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such 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 documents listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agency, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

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

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands 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.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act, and other applicable law, to—

- (i) lease or permit use of lands of the agency for shooting ranges; and
- (ii) designate specific lands of the agency 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 activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS.—

(1) The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The phrase “within and supplemental to” Wilderness purposes, as originally enacted in section 4(c) of Public Law 88-577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public land management officials and State fish and wildlife officials from carrying out and facilitating the original or primary purposes for which the Federal public lands or Federal public land unit was established. Such phrase is not intended to authorize or facilitate commodity development, use, or extraction, motorized recreation access, or comparable non-hunting, fishing and trapping activities.

(f) 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 agency who has authority to manage Federal public land on which 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, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

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

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, 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 640 or more contiguous acres of Federal public land or water to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal 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 significantly restricts 1280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) EMERGENCY CLOSURES.—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

(h) AREAS NOT AFFECTED.—

(1) IN GENERAL.—Nothing in this Act requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(2) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

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

(j) CONSULTATION WITH COUNCILS.—In fulfilling the duties set forth in this Act, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Orders 12962 and 13443.

(k) AUTHORITY OF THE STATES.—

(1) IN GENERAL.—Nothing in this Act shall be construed as interfering with, diminishing, or conflicting 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.—Nothing in this Act authorizes the head of a Federal 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 States, except that

this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

#### PURPOSE OF THE BILL

The purpose of H.R. 2834, as ordered reported, is to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 2834, the Recreational Fishing and Hunting Heritage Opportunities Act, clarifies federal authorities and policies for the management of hunting and fishing on public lands. It provides additional protections for continued public access to public land for the purpose of recreational fishing, hunting, and shooting sports on U.S. Forest Service (FS) and Bureau of Land Management (BLM) lands. The provisions of H.R. 2834 require federal land managers to support and facilitate public use and access for hunting, fishing and recreational shooting and create an “open until closed” management regime for these activities on FS and BLM land, but does not give these uses priority over other multiple uses. It requires an evaluation of the impact on hunting, fishing and recreational shooting in land and resource planning and eliminates redundancies in environmental review of hunting, fishing and recreational shooting opportunities. The bill restates, in unambiguous language, Congress’ consistent position that BLM and FS lands designated as wilderness, wilderness eligible, or suitable and primitive or semi-primitive areas are open to all legal forms of hunting, fishing and recreational shooting unless there are good reasons to close such areas. It also forecloses opportunities for continued nuisance lawsuits by classifying hunting, fishing and recreational shooting as “necessary” to meet the minimum requirements for the administration of wilderness.

Although Congress has spoken many times on the issue of hunting, fishing and shooting, sports on our multiple use public lands and has always come down on the side of allowing these sporting activities to take place under state laws, these activities continue to come under attack and legal challenge from groups that are opposed to hunting in general as well as from those who seek to restrict these activities in designated wilderness areas. By clarifying the statutory obligations of land managing agencies, H.R. 2834 protects and fosters fishing, hunting, and shooting traditions on federal public lands to ensure that federal land management agencies—primarily the FS and the BLM—exercise their land management discretion to facilitate access for sportsmen activities. Under the provisions of H.R. 2834, these activities will be considered authorized and approved and thereby limit the ability of anti-hunting advocacy groups to use any ambiguity in the laws and force the land managing agencies to defend these activities in court or through the quagmire of administrative procedures, diverting resources that could otherwise be used for public recreation and wildlife conservation activities.

The provisions of H.R. 2834 are needed to restore the legal status quo that prevailed for decades until a small number of federal

court cases—primarily in San Francisco’s 9th Circuit—effectively rewrote these provisions, disregarded plain language enacted by Congress as well as years of established precedent and practice by professional federal land managers. Wildlife conservation, for example, is the primary mission of all National Wildlife Refuge units. Consistent with these purposes, for decades the U.S. Fish and Wildlife Service (FWS) and the Arizona Department of Game and Fish (AZGF) along with private conservationists constructed and maintained water “guzzlers” in the Kofa National Wildlife Refuge in Arizona to enhance and maintain the bighorn sheep populations. When Congress designated portions of Kofa as wilderness in the 1980s, it recognized these activities and concluded that the water for wildlife program on Kofa was consistent with the “supplemental” purposes of wilderness as expressly set forth in section 4(a) of the 1964 Wilderness Act (Public Law 88–577; 16 U.S.C. § 1133(a)).

Nevertheless, in 2007, activists sued FWS to terminate the water for wildlife program and remove the guzzlers on grounds that Kofa was a wilderness first (and no structures were to be permitted) and a wildlife refuge established for the conservation of bighorn sheep second. FWS and wildlife conservationists strongly disagreed. A U.S. District Court Judge upheld FWS and AZGF and allowed the water-for-wildlife program to continue. The U.S. Court of Appeals for the Ninth Circuit did not. H.R. 2834 merely reiterates the plain language of the 1964 Wilderness Act that its purposes are “supplemental” to the primary purposes of the underlying federal land designation—in this case a wildlife refuge. This change, necessitated by judicial disregard of plain statutory language, is not a change in the Wilderness Act but restoration of the legal status quo that existed from 1964 until 2010.

In certain other cases, 9th Circuit decisions also overruled professional agency determinations and disregarded long-established understandings of the “necessity” standard set forth in section 4(c) of the 1964 Wilderness Act. To ensure that anti-fishing/anti-hunting activists may not use these recent court precedents to attack fishing or hunting within wilderness areas as not being “necessary,” H.R. 2834 specifies that opportunities to fish and hunt on wilderness lands are in fact “necessary.” Nothing in this language, tailored to reverse inappropriate judicial activism, authorizes any forms of roads or mechanized vehicle access in these units. Nothing in the bill includes any references to allowing, directly or indirectly, roads or vehicles in wilderness areas. To ensure that this red herring is thoroughly refuted, the Committee intends to include a proviso specifying that nothing in this bill is intended to authorize or facilitate roads or motorized vehicle access within designated Wilderness areas.

A similar problem with regard to the National Environmental Policy Act (NEPA) is also corrected in the bill. Again, H.R. 2834 is narrowly tailored to fix a problem created by judicial disregard of previously enacted law. In this case, the 1997 Refuge Improvement Act (which passed the House with one dissenting vote and was signed into law by President Clinton) provided that fishing and hunting were “priority public uses” on National Wildlife Refuge units and that FWS would facilitate these uses by preparing Comprehensive Conservation Plans (CCPs) for each Refuge. Per the

Act, the environmental effects of fishing and hunting would be assessed and evaluated in these CCPs.

Six years later animal rights activists filed suit seeking to close hunting on over 50 Refuges. They argued the CCPs weren't enough to satisfy NEPA. FWS argued that no purpose would be served, and finite time and money wasted, by assessing the "cumulative effects," for example, of deer hunting on Georgia's Bond Swamp Refuge, woodcock hunting in the Canaan Valley Refuge in West Virginia, duck hunting on a North Dakota refuge, and moose hunting on a remote Alaska unit. None of the activities were in fact connected so there could be no cumulative effects. This fell on deaf ears in the courtroom and a D.C. federal court sided with the anti-hunting activists by ordering FWS to prepare additional cumulative effects assessments. FWS proceeded to spend the next three years wasting thousands of hours and dollars to prepare these unnecessary cumulative effects assessments. H.R. 2834 reiterates the intent of the 1997 Refuge Act that the CCPs are sufficient to satisfy NEPA and spare FWS the time and cost of preparing superfluous cumulative effects analyses of these priority public uses. It is far better for the FWS to target its resources at on-the-ground conservation and management of the National Wildlife Refuge System.

The conservation movement was started by American sportsmen a century ago and since then almost all of our most successful wildlife conservation programs have been associated with recreational hunting and fishing. Species that were once rare, such as wild turkeys, deer, bear and wood ducks are now plentiful as a result of private efforts by sportsmen and scientific management by state fish and game departments. H.R. 2834 supports sound wildlife conservation and recognizes the conservation benefits of protecting and extending recreational sporting activities.

#### COMMITTEE ACTION

H.R. 2834 was introduced on September 2, 2011, by Congressman Dan Benishek (R-MI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on National Parks, Forests and Public Lands and Fisheries, Wildlife, Oceans, and Insular Affairs. The bill was additionally referred to the Committee on Agriculture. On September 9, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On November 17, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Congressman Raúl Grijalva (D-AZ) offered amendment designated .001 to the bill; the amendment was not adopted by a bipartisan rollcall vote of 14 to 27, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: November 17, 2011

Recorded Vote #: 4

Meeting on / Amendment: **HR 2834** – An amendment offered by Mr. Grijalva.001 was NOTAGREED TO by a roll call vote of 14 yeas and 27 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			<b>Mr. Benishek, MI</b>		X	
<b>Mr. Young, AK</b>		X		<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>	X			<b>Mr. Rivera, FL</b>		X	
<b>Mr. Duncan of TN</b>		X		<i>Mr. Sarbanes, MD</i>	X		
<i>Mr. Defazio, OR</i>	X			<b>Mr. Duncan of SC</b>		X	
<b>Mr. Gohmert, TX</b>				<i>Ms. Sutton, OH</i>	X		
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>		X	
<b>Mr. Bishop, UT</b>		X		<i>Ms. Tsongas</i>	X		
<i>Mr. Pallone, NJ</i>	X			<b>Mr. Gosar, AZ</b>		X	
<b>Mr. Lamborn, CO</b>		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mrs. Napolitano, CA</i>				<b>Mr. Labrador, ID</b>		X	
<b>Mr. Wittman, VA</b>		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mr. Holt, NJ</i>	X			<b>Ms. Noem, SD</b>		X	
<b>Mr. Broun, GA</b>		X		<i>Ms. Hanabusa, HI</i>			
<i>Mr. Grijalva, AZ</i>	X			<b>Mr. Southerland, FL</b>		X	
<b>Mr. Fleming, LA</b>		X		<b>Mr. Flores, TX</b>		X	
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>		X	
<b>Mr. Coffman, CO</b>		X		<b>Mr. Landry, LA</b>		X	
<i>Mr. Costa, CA</i>				<b>Mr. Runyan, NJ</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Johnson, OH</b>		X	
<i>Mr. Boren, OK</i>		X		<b>Mr. Amodei, NV</b>		X	
<b>Mr. Thompson, PA</b>		X					
<i>Mr. Sablan, CNMI</i>	X						
<b>Mr. Denham, CA</b>		X					
				<b>TOTALS</b>	14	27	



Congressman Grijalva offered amendment designated .002 to the bill; the amendment was not adopted by a bipartisan rollcall vote of 16 to 27, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: November 17, 2011

Recorded Vote #: 5

Meeting on / Amendment: **HR 2834** – An amendment offered by Mr. Grijalva.002 was NOT AGREED TO by a roll call vote of 16 yeas and 27 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			<b>Mr. Benishek, MI</b>		X	
<b>Mr. Young, AK</b>		X		<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>	X			<b>Mr. Rivera, FL</b>		X	
<b>Mr. Duncan of TN</b>		X		<i>Mr. Sarbanes, MD</i>	X		
<i>Mr. Defazio, OR</i>	X			<b>Mr. Duncan of SC</b>		X	
<b>Mr. Gohmert, TX</b>				<i>Ms. Sutton, OH</i>	X		
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>		X	
<b>Mr. Bishop, UT</b>		X		<i>Ms. Tsongas</i>	X		
<i>Mr. Pallone, NJ</i>	X			<b>Mr. Gosar, AZ</b>		X	
<b>Mr. Lamborn, CO</b>		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mrs. Napolitano, CA</i>				<b>Mr. Labrador, ID</b>		X	
<b>Mr. Wittman, VA</b>		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mr. Holt, NJ</i>	X			<b>Ms. Noem, SD</b>		X	
<b>Mr. Broun, GA</b>		X		<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Grijalva, AZ</i>	X			<b>Mr. Southerland, FL</b>		X	
<b>Mr. Fleming, LA</b>		X		<b>Mr. Flores, TX</b>		X	
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>		X	
<b>Mr. Coffman, CO</b>		X		<b>Mr. Landry, LA</b>		X	
<i>Mr. Costa, CA</i>	X			<b>Mr. Runyan, NJ</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Johnson, OH</b>		X	
<i>Mr. Boren, OK</i>		X		<b>Mr. Amodei, NV</b>		X	
<b>Mr. Thompson, PA</b>		X					
<i>Mr. Sablan, CNMI</i>	X						
<b>Mr. Denham, CA</b>		X					
				<b>TOTALS</b>	16	27	

Congressman Rob Bishop (R-UT) offered en bloc amendment designated .045 to the bill. Congressman Paul Broun (R-GA) offered amendment designated .001 to the Bishop en bloc amendment; the Broun amendment was adopted by voice vote. The en bloc amendment offered by Congressman Bishop, as amended, was adopted by voice vote. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan rollcall vote of 29 to 14, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: November 17, 2011

Recorded Vote #: 6

Meeting on / Amendment: **HR 2834** – Favorably reported to the House of Representatives, as amended, by a roll call vote of 29 yeas and 14 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>		X		<b>Mr. Benishek, MI</b>	X		
<b>Mr. Young, AK</b>	X			<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>		X		<b>Mr. Rivera, FL</b>	X		
<b>Mr. Duncan of TN</b>	X			<i>Mr. Sarbanes, MD</i>		X	
<i>Mr. Defazio, OR</i>		X		<b>Mr. Duncan of SC</b>	X		
<b>Mr. Gohmert, TX</b>				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>	X		
<b>Mr. Bishop, UT</b>	X			<i>Ms. Tsongas</i>		X	
<i>Mr. Pallone, NJ</i>		X		<b>Mr. Gosar, AZ</b>	X		
<b>Mr. Lamborn, CO</b>	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mrs. Napolitano, CA</i>				<b>Mr. Labrador, ID</b>	X		
<b>Mr. Wittman, VA</b>	X			<i>Mr. Garamendi, CA</i>	X		
<i>Mr. Holt, NJ</i>		X		<b>Ms. Noem, SD</b>	X		
<b>Mr. Broun, GA</b>	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Grijalva, AZ</i>		X		<b>Mr. Southerland, FL</b>	X		
<b>Mr. Fleming, LA</b>	X			<b>Mr. Flores, TX</b>	X		
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>	X		
<b>Mr. Coffman, CO</b>	X			<b>Mr. Landry, LA</b>	X		
<i>Mr. Costa, CA</i>	X			<b>Mr. Runyan, NJ</b>	X		
<b>Mr. McClintock, CA</b>	X			<b>Mr. Johnson, OH</b>	X		
<i>Mr. Boren, OK</i>	X			<b>Mr. Amodei, NV</b>	X		
<b>Mr. Thompson, PA</b>	X						
<i>Mr. Sablan, CNMI</i>		X					
<b>Mr. Denham, CA</b>	X						
				<b>TOTALS</b>	29	14	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2834—Recreational Fishing and Hunting Heritage and Opportunities Act*

H.R. 2834 would require federal land management agencies to provide access to certain federal lands for hunting, fishing, and recreational shooting activities. The bill also would require those agencies to prepare annual reports identifying lands that have been closed to such activities. Based on information provided by the affected agencies, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 2834 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Because the Bureau of Land Management, the Forest Service, and other land management agencies have the authority to allow hunting, fishing, and recreational shooting on lands under their jurisdictions, CBO expects that implementing the bill would not significantly affect agency operations. In addition, the activities necessary to complete the annual reports required under the bill are similar to activities performed by the affected agencies under current law. Therefore, we estimate that implementing the legislation would have no significant impact on the budgets of those agencies.

H.R. 2834 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the affected agencies, CBO estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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July 17, 2012

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The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D.C. 20515

Dear Chairman Hastings:

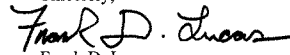
Thank you for the opportunity to review the relevant provisions of the text of H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunity Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 2834 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

  
Frank D. Lucas  
Chairman

cc: The Honorable John A. Boehner, Speaker  
The Honorable Collin C. Peterson  
The Honorable Edward J. Markey  
Mr. Thomas J. Wickham, Parliamentarian

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TODD YOUNG  
 CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

July 18, 2012

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JEFFREY DUNCAN  
 DEMOCRATIC STAFF DIRECTOR

The Honorable Frank Lucas  
 Chairman  
 Committee on Agriculture  
 1301 Longworth HOB  
 Washington, D.C. 20515

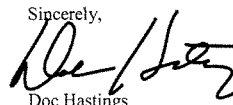
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunities Act. As you know, the Committee on Natural Resources ordered reported the bill by a bipartisan vote on November 17, 2011. I appreciate your support for the legislation, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 2834 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration of the bill, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,



Doc Hastings  
 Chairman



## DISSENTING VIEWS

We fully support hunting, fishing, trapping and other wildlife-dependant recreational activities on public land, including designated wilderness. Obviously, these activities must be managed in order to achieve balance between the competing demands on our federal lands but, as far as we are aware, opportunities to hunt and fish on public land are abundant. Were proponents of this bill interested in legislation simply restating the value of these recreational activities, H.R. 2834 could be bipartisan, noncontroversial legislation. Unfortunately, that does not appear to be the goal of this measure.

Rather, H.R. 2834 includes sweeping provisions that would effectively rewrite the Wilderness Act, National Environmental Policy Act (NEPA) and the National Wildlife Refuge System Administration Act. Section 4(c)(1)(B) specifies that any action taken under "this section," or section 4 of the Refuge System Administration Act shall not require compliance with NEPA. The section is unclear but appears to waive NEPA for all decisions regarding amendments to land use plans or refuge conservation plans concerning hunting or fishing. While these activities are appropriate uses of public lands, they clearly have impacts on those lands and decisions regarding areas where they are allowed are significant and should be made in accordance with NEPA and other laws.

While hunting and fishing are allowed in wilderness under current law, Section 4(e) of H.R. 2834 appears to require *roaded* access and *mechanized vehicles* in wilderness areas in furtherance of hunting and fishing. Such a change in wilderness policy would fundamentally rewrite the Wilderness Act and permanently alter the character of most wilderness areas. Subcommittee Ranking Member Grijalva offered amendments to strike both of these provisions from the bill; the Grijalva amendments were defeated on largely party-line votes.

H.R. 2834 uses an issue on which there is broad agreement—the importance of hunting and fishing on public lands—as cover to make harmful, backdoor changes to conservation laws. If enacted, H.R. 2834 would destroy the wilderness character of most designated wilderness areas and permanently alter wildlife refuge management. As a result, enactment of H.R. 2834 would destroy wildlife habitat, severely limiting opportunities for the recreational pursuits the bill claims to protect.

EDWARD J. MARKEY.  
RUSH D. HOLT.  
MADELEINE Z. BORDALLO.  
GRACE F. NAPOLITANO.  
NIKI TSONGAS.  
DALE E. KILDEE.  
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RAÚL M. GRIJALVA.

