

Subcommittee on Federal Lands
Tom McClintock, Chairman

Subcommittee on Water, Power, & Oceans
John Fleming, Chairman

Hearing Memo

May 15, 2015

To: Natural Resources Committee Members

From: Subcommittee on Federal Lands Majority Staff and the Subcommittee on Water, Power and Oceans Majority Staff, x 6-7736 and 5-8331

Hearing: Joint Legislative hearing on H.R. ____, the “*Sportsmen’s Heritage and Recreational Enhancement Act of 2015*” (“*SHARE Act*”) on **May 20, 2015 at 9:30 A.M. in room 1324 Longworth.**

Bill Summary

The *Sportsmen’s Heritage and Recreational Enhancement Act of 2015 (SHARE Act)*, is comprised of thirteen individual legislative efforts that will increase opportunities for hunters, anglers, and recreational shooters; eliminate regulatory impediments and safeguard against new regulations that will impede outdoor sporting activities; and protect Second Amendment rights.

Similar packages were passed with strong bipartisan support in both the 112th and 113th Congresses. H.R. 3590, which was introduced in the 113th Congress by Rep. Robert Latta (R-OH) and included many of the same or similar provisions as the *SHARE Act of 2014*, which passed the House on February 5, 2014 with a bipartisan vote of 268-154, but was not taken up in the Senate.

Invited Witnesses

Panel I

Mr. Steve Ellis, Deputy Director for Operations
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C.

Ms. Leslie Weldon, Deputy Chief, National Forest System
U.S. Forest Service
U.S. Department of Agriculture
Washington, D.C.

Panel II

Mr. John Annoni

Founder, Camp Compass Academy and 2 Million Bullets
Allentown, Pennsylvania

Mr. Jeff Crane, President

Congressional Sportsmen's Foundation
Washington, D.C.

Mr. Jorge Gutierrez, Past President

Everglades Coordinating Council
Fort Lauderdale, Florida

Mr. Land Tawney, Executive Director

Backcountry Hunters and Anglers
Missoula, Montana

Background

The *SHARE Act* aims to ensure that future generations will have ample access to federal lands to hunt, fish, and shoot. Reliable access not only sustains our nation's rich outdoor sporting tradition heritage, it significantly benefits the men and women that make up the industries that support it. The bill also protects Second Amendment rights and the use of traditional ammunition and fishing tackle, prevents the implementation of onerous constraints on lawfully possessed ivory products, and eliminates red tape associated with the importation of hunting trophies.

Outdoor sporting activities, including hunting, fishing and recreational shooting, are deeply engrained in the fabric of America's culture and heritage. Values instilled by partaking in these activities are passed down from generation to generation. Hunting, fishing, and shooting are now growing in popularity. In 2011, over 37 million people over the age of 16 hunted or fished in the U.S.¹ Outdoor sporting activities are also a major economic driver, contributing over \$90 billion to the U.S. economy in 2011.²

Much of this activity occurs on America's federal lands. Unfortunately, federal agencies like the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) often prevent or impede access to federal lands for hunting, fishing, and recreational shooting that should otherwise be available for those activities. Since lack of access is one of the key reasons why sportsmen and women may stop participating in traditional outdoor sporting activities, ensuring that the public has reliable access to our nation's federal lands must remain a priority.

¹ [*America's Sporting Heritage: Fueling the American Economy*](#). Congressional Sportsmen's Foundation. 2013.

² *Id.*

Increasing and Sustaining Access for Hunting, Fishing, and Recreational Shooting on Federal Lands

This legislation:

- Clearly affirms that fishing, hunting, and recreational shooting are important and traditional activities that should continue on federal lands.
- Requires federal land managers to support and facilitate use and access for hunting, fishing, and recreational shooting on USFS and BLM lands.
- Protects sportsmen and women from arbitrary efforts by the federal government to block federal lands from hunting and fishing activities by implementing an “open until closed” management policy. However, it does not prioritize hunting and fishing over other multiple uses of federal lands.
- Keeps BLM and USFS lands open for hunting and fishing but allows the agencies to close or restrict access when justified for reasons of national security, public safety, or to comply with federal and state laws or regulations. It does not require that hunting be allowed in National Parks nor does it create new exemptions to the Wilderness Act.
- Establishes a Wildlife and Hunting Heritage Conservation Council Advisory Committee.
- Requires federal agencies, including the U.S. Fish & Wildlife Service (FWS) and the National Park Service (NPS) to consider the use of volunteers from the hunting community to cull excess animals on federal lands.
- Requires federal agencies to reports to Congress any closures of federal lands to hunting, fishing, or recreational shooting.
- Authorizes bows and crossbows to be lawfully transported on NPS lands, as long as they are not ready for immediate use and remain inside the vehicle.
- Reauthorizes the Federal Land Transaction Facilitation Act (FLTFA), which enables the BLM to sell federal land for ranching, community development, and other projects and allows federal agencies to acquire high-priority in-holdings from willing sellers. Importantly, the bill requires funds from the federal portion of the program to be used for deferred maintenance activities on federal lands and the enhancement of hunting, fishing, and recreational access.
- Adjusts funding limitations to make more funds available to states, for a longer period of time, for the creation and maintenance of recreational shooting ranges.

Protects Second Amendment Rights and the Use of Traditional Ammunition and Fishing Tackle

- Protects law-abiding individuals' constitutional right to bear arms on lands owned by the U.S. Army Corps of Engineers (Corps). Congress has passed legislation allowing citizens to exercise this right on National Park and other federal lands, but did not address lands owned by the Corps.
- Protects the use of traditional ammunition and fishing tackle by reiterating and clarifying existing law to clearly limit EPA's authority under the Toxic Substances Control Act (TSCA). Although Congress long ago barred the EPA from banning certain types of ammunition, activist environmental groups are currently seeking to bypass the law by petitioning the EPA to ban the use of lead in hunting and fishing components.
- Prevents the Departments of the Interior and Agriculture from unnecessarily regulating the use of ammunition and fishing tackle based on lead content but retains the existing prohibition of lead used in waterfowl hunting.

Prevents the Implementation of Onerous Regulations on Lawfully Possessed Ivory Products and Eliminates Government Red Tape for the Importation of Certain Legal Hunting Trophies

- Prevents the FWS from implementing onerous rules banning the U.S. sale and trade of lawfully possessed ivory products, including musical instruments, firearms, and museum pieces that include ivory parts and ensures that sport-hunted elephant trophies can be legally imported from countries with sustainable elephant populations.
- Allows for the importation of certain legally taken polar bear hunting trophies that, through no fault of sportsmen or women, have become trapped in bureaucratic red tape. It is focused squarely on resolving specific, existing cases ensnared in red tape, and doesn't open the door to future imports.

Section-by-Section Analysis

Title 1 - Hunting, Fishing and Recreational Shooting Protection Act

- Makes permanent the existing exemption from Environmental Protection Agency regulation under the Toxic Substances Control Act (TSCA) for lead ammunition, and adds lead tackle to the list of exempted products under TSCA.
- Prevents the Departments of the Interior and Agriculture from regulating the use of ammunition and fishing tackle based on lead content, except for the existing prohibition of lead used in waterfowl hunting, and if such use is in compliance with State law.

Title 2 - Target Practice and Marksmanship Training Support Act

- Encourages federal land agencies to cooperate with state and local governments to maintain recreational shooting ranges and extends and increases states' authority to allocate Pittman-Robertson Act funding for recreational shooting ranges on federal lands. The bill also enables states to allocate a greater proportion of federal funding to create and maintain recreational shooting ranges on federal and non-federal lands.
- Shields the United States from any civil action or claim for money damages for injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is funded by the federal government, except to the extent provided under the Federal Tort Claims Act.
- Urges the Chief of the USFS and the Director of the BLM to cooperate with state and local authorities and other entities to implement waste removal and other practices on federal lands used as a public target range to encourage continued use.

Title 3 - Polar Bear Conservation and Fairness Act

- Enables the Secretary of the Interior to authorize import permits of 41 Polar Bears legally harvested from approved populations in Canada before the polar bear was listed as threatened under the Endangered Species Act (ESA) in 2008.

Title 4 - Recreational Lands Self-Defense Act

- Authorizes the lawful possession of firearms pursuant to state law on lands managed by the Corps as part of a water resource development project, in order to provide law-abiding gun owners more access to carry firearms on land managed by the Corps.

Title 5- Wildlife & Hunting Heritage Conservation Council Advisory Committee

- Amends the Fish and Wildlife Coordination Act to establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and of Agriculture on wildlife and habitat conservation, hunting, and recreational shooting.
- Eliminates the existing Wildlife and Hunting Heritage Conservation Council.

Title 6 - Recreational Fishing and Hunting Heritage Opportunities Act

- Requires BLM and USFS lands to be open for recreational hunting fishing and shooting unless specifically closed. BLM and USFS will retain authority to implement closures or restrictions on such land for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, national security, protection of private property rights, or compliance with other law. National parks and wildlife refuges will remain exempt from this provision.

- Revises the FWS Strategic Growth Policy to require the consideration of priority public uses such as hunting and recreational fishing when adding new lands to National Wildlife Refuge System.
- Provides for the use of volunteers from the hunting community to cull excess animals on BLM, USFS, FWS, and NPS lands.
- Requires federal agencies to reports to Congress any closures of federal lands to hunting, fishing, or recreational shooting.

Title 7 - Farmer and Hunter Protection Act

- Authorizes U.S. Department of Agriculture (USDA) state extension offices to determine “normal agricultural practices” in order to help remedy situations in which the FWS has interpreted the Migratory Bird Treaty Act to include hunting of migratory birds on rolled rice fields as illegal baiting. While normal agricultural practices are not considered baiting, baiting migratory birds with grain is illegal and can result in fines up to \$10,000. This bill aims to set criteria of what constitutes “normal agricultural practices” by having the FWS refer to local USDA extension offices for the determination.

Title 8 - Transporting Bows across National Park Service Lands

- Authorizes bows and crossbows to be lawfully transported on NPS lands, as long as they are not ready for immediate use and remain inside the vehicle during the time they are transported across NPS lands.

Title 9 - Federal Land Transaction Facilitation Act Reauthorization (FLTFA)

- Reauthorizes FLTFA, which enables the BLM to sell federal land for ranching, community development, and other projects. The revenue allows federal agencies to acquire high-priority in-holdings from willing sellers.
- Requires funds from the federal portion of the program to be used for deferred maintenance activities on federal lands and the enhancement of hunting, fishing, and recreational access.

Title 10 - African Elephant Conservation and Legal Ivory Possession Act

- Reauthorizes the African Elephant Conservation Act (AECA) through fiscal year 2019.
- Authorizes ivory to be imported or exported under the AECA and the ESA if the raw ivory or worked ivory is solely for a museum; it was lawfully importable into the United States on February 24, 2014, regardless of when it was acquired; or the worked ivory was previously lawfully possessed in the United States.
- Authorizes under the possession, sale, delivery, receipt, shipment, or transportation of African elephant ivory that has been lawfully imported or crafted in the United States and

the importation of a sport-hunted African elephant trophy if the country in which the elephant was taken had elephants that are listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the time the trophy was taken.

Title 11 - Respect for Treaties and Rights

- Prevents the bill from modifying of treaties and rights of federally recognized Indian tribes.

Title 12- Interest on Obligations Held in the Wildlife Restoration Fund

- Extends the date after which interest earned on obligations held in the wildlife restoration fund, which was established by the Pittman-Robertson Wildlife Restoration Act, may be available for apportionment through 2026.

Title 13 - Permits for Film Crews of Five People or Less

- Directs the Departments of the Interior and Agriculture to issue permits and assess fees on an annual-basis for commercial filming on federal lands and waterways for crews of five people or fewer, which will allow for greater access for small media groups and individuals.

Report on Economic Impact

- Requires the Secretary of the Interior to submit a report to Congress that assesses expected economic impacts from the Act within a year of passage. This report must include a review of any expected increases in recreational hunting, fishing, recreational shooting, and conservation activities and an estimate of any jobs created to support these activities including estimated wages and federal revenue related to those jobs.