

**Statement of
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**Before the
House Natural Resources Subcommittee
National Parks, Forests and Public Lands
H.R. 2834, and H.R. 1444
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Introduction

Thank you for the opportunity to discuss the Department of the Interior's (Department) views on two bills pertaining to recreational fishing, hunting and shooting on federal public lands: H.R. 2834, the Recreational Fishing and Hunting Heritage and Opportunities Act, and H.R. 1444, which concerns hunting and land management planning.

As H.R. 2834 was only formally introduced on September 2, 2011, and the text of the introduced bill only became available yesterday, September 8th, 2011, one day before this hearing, the Department has not had sufficient time to conduct an in-depth analysis of the legislation as introduced. Our testimony today is based upon a discussion draft of the bill. We would like to reserve the right to submit additional comments about the introduced bill.

The Department strongly supports the goal of promoting recreational fishing, hunting and shooting opportunities. These important recreational opportunities abound on public lands and are valued by millions of Americans who hunt and fish on DOI-administered parks, refuges and public lands. The Department also recognizes the economic and community benefits associated with hunting and fishing and fully considers these opportunities when developing our land planning and management.

However, the Department strongly opposes provisions of the bills which exclude management decisions from the National Environmental Policy Act (NEPA) – the cornerstone law guiding environmental protection and public involvement in federal actions – and provisions which undermine the Wilderness Act of 1964. The Department also has concerns with the provisions in the bills which seem to duplicate, overlap, or potentially interfere with existing management authorities and policies.

The Department would welcome the opportunity to work with the Committee to promote highly important and traditional outdoor recreation activities – including hunting, fishing and recreational shooting where authorized– on lands administered by Department agencies.

Background

American hunters and anglers, concerned about the future of wildlife and the outdoor tradition, have made invaluable contributions to the conservation of the nation's wildlife resources since the late 19th century. This tradition continues today, with hunters and anglers remaining at the forefront of American conservation. Hunting and fishing, and shooting are often life-long recreational activities and they build appreciation and promote understanding of the lands, water and its wildlife.

The America's Great Outdoors Initiative (AGO), established by President Obama in 2010, supports these same goals by reconnecting Americans to our nation's land, water and wildlife. During the recent summer listening sessions on AGO, support for hunting and fishing access and opportunities on public lands and waters was a common theme. The goals of the Wildlife and Hunting Heritage Conservation Council (WHHCC), an official advisory group established under the Federal Advisory Committee Act (FACA), are complementary: promote and preserve America's hunting heritage for future generations by advising the Federal government on policies that benefit hunting, wildlife and encourage partnerships. Activities of Department land management agencies reflect these goals.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service (FWS) administers the National Wildlife Refuge System (Refuge System), which is comprised of 553 refuges and 38 Wetland Management Districts (WMDs) and more than 150 million acres of land and water across the country. Hunting programs are actively supported in the majority of these refuges, and the Service also strongly supports hunting and fishing activities through many of its other programs and expenditures. In accordance with the National Wildlife Refuge Administration Act, as amended by the National Wildlife Refuge Improvement Act of 1997, hunting and fishing are given priority as two of the "big six" wildlife-dependent recreational activities in the statute. Each individual National Wildlife Refuge is established with a primary purpose or purposes related to conservation, management, and in some cases restoration of fish, wildlife, and plant resources and their habitats. The management of each refuge gives priority consideration to appropriate recreational uses of the refuge that are deemed compatible with the primary conservation purposes of the refuge, and the overall purpose of the Refuge System. Given hunters and anglers special relationship with our National Wildlife Refuges, hunting and fishing are already given priority among uses. When appropriate and compatible, hunting and fishing opportunities are allowed and often facilitated on refuge lands. Currently, approximately 375 of the 591 refuges and WMDs of the Refuge System have hunting programs and approximately 355 have fishing programs. Recreational shooting is not deemed a wildlife-dependent use of a refuge, and is therefore not a priority use within the Refuge System.

National Park Service

The National Park Service (NPS) administers the National Park System, which is comprised of 395 units on more than 84 million acres across the country. The NPS Organic Act of 1916 established the mission of the National Park Service to conserve the scenery and the natural and

historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. Of the 84 million acres of NPS lands, 29 million are in the lower 48 states and 55 million are in Alaska. Hunting is allowed in all regions of the National Park Service except the National Capital Region. Roughly 70 percent of NPS lands are already available for hunting (8.3 million in the lower 48 states, which is 29% of NPS lands in the lower 48 states and 50.3 million in Alaska, which is 91% of NPS lands in Alaska).

NPS allows recreational fishing when it is authorized or not specifically prohibited by federal law, provided that it has been determined to be an appropriate use per the 2006 National Park Service Management Policies. Hunting, trapping or any other method of harvesting wildlife by the public is allowed where it is specifically mandated by federal law or where it has been authorized on a discretionary basis under federal law and special regulations. Hunting is authorized in 62 of the 395 national park units, while fishing is allowed in nearly all applicable NPS units, in accordance with non-conflicting state regulations and federal restrictions. Trapping is allowed in 16 units. Units of the National Park System where there is no hunting or trapping are some of the only federally managed areas in the U.S. that may provide a system relatively unaltered by humans that, because of the lack of alteration, are useful as control areas for scientific studies. These areas also provide opportunities for non-consumptive recreation by members of the public and significant opportunities to see wildlife in their native habitats.

Bureau of Land Management

The Bureau of Land Management (BLM) is responsible for the protection of resources and multiple use management of our Nation's 245 million acres of public land. The BLM manages the public land for a variety of uses, such as energy development, livestock grazing, recreation and timber harvesting, while protecting an array of natural, cultural, and historical resources.

The BLM's recreation program is one of the key elements of our multiple-use mission. In the west, these lands constitute America's backyard, providing close-to-home outdoor recreation venues. In addition, they afford extensive backcountry recreation opportunities. The expansive landscapes and world-class recreation opportunities offered by the BLM's public lands are among America's greatest treasures. BLM has strived to maintain high quality dispersed recreation opportunities where visitors and recreationists are free to explore and discover undeveloped places in the outdoors. There are countless outstanding examples of fishing and hunting opportunities on the public lands. For example, the Gunnison River Gorge National Conservation Area is designated by the State of Colorado as a Gold Medal Trout Fishery and supports excellent rainbow, brown, and cutthroat trout populations; Wyoming BLM lands provide habitat for abundant herds of trophy pronghorn and Rocky Mountain elk; and the BLM-managed Steens Mountain area in Oregon supports fantastic big game hunting opportunities for trophy mule deer. In many places across the west, the BLM's remote lands are highly regarded for the quality of the hunting experiences they offer.

Hunting activities and regulations on public lands are generally managed by State fish and wildlife agencies. The BLM estimates that over 95 percent of BLM-managed public lands are open to hunting. The BLM restricts hunting and shooting in administrative sites,

campgrounds and other developed facilities and in a few other areas with intensive energy, industrial or mineral operations or nearby residential or community development. When lands are closed to hunting and shooting, those restrictions are typically implemented to comply with state and local public safety laws and ordinances or private property considerations. For example, in Arizona where the BLM manages more than 12 million acres of public lands, less than 1.3% of BLM public lands have recreational target shooting restrictions and only a few administrative sites and developed areas are closed to hunting.

Any consideration of closures or restrictions is completed through the management planning process that includes extensive public input. This is an open process through which BLM's proposals for managing particular resources are made known to the public before action is taken. The BLM responds to substantive comments received from the public and stakeholders, on the proposal, during the NEPA public review process.

H.R. 2834

H.R. 2834 would require federal land managers to facilitate access to public lands and waters for fishing, hunting and shooting except for reasons of national security, public safety or resource conservation. Under the bill, the effects of a Federal action on opportunities to engage in recreational fishing, hunting and shooting must be analyzed in all planning documents. The bill also prevents any action taken under this legislation to be considered a "major Federal action" which would preclude any analysis and the public review process under NEPA. Provisions of the bill also substantially affect the Wilderness Act of 1964. The bill allows lands managed by the BLM and the Forest Service to be leased for shooting ranges and limits liability. Finally, the bill would require public notice, coordination and a report to Congress for all closures or fishing, hunting and shooting restrictions on tracts of land greater than 640 contiguous acres.

The Department has serious concerns with several of the provisions of H.R. 2834.

The bill's provisions (Sections 4a and 4b) which aim to provide greater access to Federal public lands for recreational hunting, fishing and shooting appear to be duplicative of existing authorities and policies, and are therefore unnecessary. For example, the BLM regards public lands as open to fishing, hunting and shooting because these activities are currently allowed without restriction unless it is demonstrated that the activity could result in unacceptable resource damage or create a public health and safety hazard or is incompatible with the purposes for which certain special areas have been designated. Any determination to close public lands to certain activities is made following extensive public involvement and notification through management planning NEPA processes and public notices. Further, through BLM, land use planners are not only required to notify the general public but are specifically required to contact over 40 hunting and fishing interest non-government organizations, as specified in the Federal Land Hunting, Fishing and Shooting Sports Roundtable Memorandum of Understanding (MOU), expressly to help ensure that these activities and issues are fully considered in resource management plan development.

The bill contains provisions (Section 4) (c)) which restrict consideration of effects of certain management actions and activities on adjacent or nearby non-Federal lands. This is inconsistent with both the BLM's planning policy, which is based on the Federal Land Policy and Management Act (FLPMA), and NEPA; and with cumulative impacts analyses the NPS uses in its planning efforts. Furthermore, section 4(c)(1)(B) exempts all actions taken under the legislation, as well as all National Wildlife Refuge System activities from the National Environmental Policy Act (NEPA) regulations and the attendant environmental review processes. Such an exemption would impair the ability to accurately assess the likely impacts of decisions to manage federal lands under the Department's jurisdiction. Properly developed NEPA reviews are a critical tool for public involvement and they improve decision-making by allowing the officials to evaluate ways to resolve resource use conflicts and address issues that the public raises. These restrictions will limit the agencies' ability to make well-informed land management decisions. The Department strongly opposes these provisions.

Section 4(c)(1)(C) states that recreational fishing, hunting, or shooting that occurs on adjacent or nearby public or private lands shall not be considered in determining which Federal public lands shall be open for these activities. However, it is prudent and important to consider the cumulative effects of proposed actions on public lands during the decision making process. In the NEPA planning process, there could be impact topics that require consideration of nearby or adjacent lands in the analysis.

Section 4(d) of the bill authorizes the BLM to lease its lands for shooting ranges and to designate specific lands for recreational shooting activities. This section of the bill is unnecessary because the BLM has in the past and currently can transfer title of lands to other public entities including state and counties, for their management as public shooting ranges under the Recreation and Public Purposes Lease Act. The BLM can also implement non-reversionary leases with other entities for public use as shooting ranges. The bill also provides limitations on liability related to activities at the shooting ranges. The Department of the Interior defers to the Department of Justice on the bill's limitation on liability related to activities occurring at shooting ranges.

The Department strongly opposes and recommends deletion of Section 4 (e) of the bill, which appears to have the unintended consequences of undermining the principles of the Wilderness Act of 1964. Specifically, the bill could be interpreted to allow motorized and commercial activities in wilderness, which are clearly contrary to Congressional intent, 45 years of wilderness management, and judicial precedent.

H.R. 1444

H.R. 1444 requires that hunting activities (defined as hunting, trapping, netting and fishing) be a land use in all management plans for lands administered by Department agencies. The bill provides that hunting shall be allowed as a land use unless clearly not compatible with the purposes for which lands are managed, with any closures or restrictions clearly spelled out in management plans. It is unclear to which management plans the bill is referring, or if it requires agencies to develop specific hunting management plans.

Applying a one-size-fits-all approach for the automatic allowance of hunting on public lands precludes full public engagement and involvement in the land use planning process, which is critical when determining which significant issues will be addressed in the land management plan.

The bill's provisions duplicate, and in some cases contradict, existing authorities. The BLM, for example, already allows unrestricted hunting on BLM-managed lands unless it has been determined to be specifically incompatible with the purposes for which the lands are managed. Hunting and fishing programs are commonplace in the Refuge System administered by the FWS, and occur in most, if not all, refuges where such programs are found to be compatible with the conservation purpose of each refuge and the overall Refuge System. Similarly, hunting and fishing are currently permitted in many NPS units with an appropriate land base. However, the National Park System includes units created for a variety of purposes in a variety of settings. Hunting may not only contradict existing NPS enabling legislation and other authorities, it also may be incompatible with state or local ordinances.

For the FWS and NPS, this bill reverses the long held standard that an activity needs to be found compatible before it can be allowed. It places the burden on land managing agencies to show why hunting and fishing activities should not take place unless it is clearly incompatible with the purposes for which the federal land is managed or for which it was established. Agencies would need to develop this analysis for all public lands.

The bill also considers fees collected by any entity, over and above the costs associated with managing lands administered by Department agencies for hunting, a restriction on hunting. These fee provisions are unclear and require clarification. For example, while the BLM charges fees to commercial recreation providers, including hunting outfitters and guides, the agency does not charge fees to individuals wishing to fish, hunt or shoot on BLM-managed public lands. Although fees collected at many FWS-administered refuges help to defray costs or improve public facilities for hunting, they do not fully cover the costs. Fees are kept low to ensure more hunters have access. The fee provisions of the bill are unclear and have the potential to introduce confusion into fee programs related to hunting and fishing in the Refuge System, including the Federal Duck Stamp program.

Conclusion

The Department looks forward to continuing its work with the Congress and stakeholders in promoting and facilitating recreational fishing, hunting and shooting opportunities on lands administered by Department agencies. Thank you for the opportunity to present testimony on these two bills. I would be glad to answer any questions you may have.