

S 2283 IS

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S. 2283

To preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

IN THE SENATE OF THE UNITED STATES

November 1, 2007

Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

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 `Preserving our Equine Heritage on Public Land Act'.

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LAND.

(a) National Park System Land- Section 12 of Public Law 91-383 (16 U.S.C. 1a-7) is amended by adding at the end the following:

`(c) Use and Access of Pack and Saddle Animals-

`(1) IN GENERAL- The Secretary of the Interior (referred to in this subsection as the `Secretary') shall manage the National Park System in a manner that preserves and facilitates the continued use and access of pack and saddle stock animals at units of the National Park System at which there is a historical tradition of the use of pack and saddle stock animals.

`(2) USE-

`(A) IN GENERAL- Except as provided in subparagraph (B), National Park System land shall remain open and accessible to the use of pack and saddle

stock animals.

ˆ (B) LIMITATION-

ˆ (i) IN GENERAL- The Secretary may implement a nonemergency reduction in the use and access of pack and saddle stock animals on National Park System land after complying with--

ˆ (I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

ˆ (II) clauses (ii) through (iv).

ˆ (ii) PUBLIC NOTICE AND COMMENT- The Secretary shall provide to the public advance notice of proposed reductions in the use and access of pack and saddle stock animals on National Park System land to allow for public comment on the proposed reductions.

ˆ (iii) PUBLIC MEETING- After providing advance notice of the location, date, and time of the meeting, the Secretary shall conduct a public meeting at an appropriate location close to the unit of the National Park System on which the reduction in pack and saddle stock access is proposed.

ˆ (iv) PUBLIC COLLABORATION- To encourage meaningful public participation with respect to reductions in the use and access of pack and saddle stock animals on National Park System land, the Secretary shall facilitate collaboration among different recreational users.

ˆ (3) EFFECT- Nothing in this subsection--

ˆ (A) authorizes the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other Federal law;

ˆ (B) alters or limits the authority of the Secretary to issue permits;

ˆ (C) alters or limits the authority of the Secretary to implement a temporary emergency closure of a trail, route, or area to pack and saddle stock animals;

ˆ (D) creates a preference for 1 recreational use of an area within the National Park System over other uses without consideration of the stated purpose of the area; or

ˆ (E) supersedes any other authorizations and prohibitions in effect on the date of enactment of this subsection.'

(b) Bureau of Land Management Land- Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following:

ˆ (e) Use and Access of Pack and Saddle Animals-

ˆ (1) IN GENERAL- The Secretary shall manage land administered by the Bureau of

Land Management in a manner that preserves and facilitates the continued use and access of pack and saddle stock animals on land on which there is a historical tradition of the use of pack and saddle stock animals.

^(2) USE-

^(A) IN GENERAL- Except as provided in subparagraph (B), Bureau of Land Management land shall remain open and accessible to the use of pack and saddle stock animals.

^(B) LIMITATION-

^(i) IN GENERAL- The Secretary may implement a nonemergency reduction in the use and access of pack and saddle stock animals on Bureau of Land Management land after complying with--

^(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

^(II) clauses (ii) through (iv).

^(ii) PUBLIC NOTICE AND COMMENT- The Secretary shall provide to the public advance notice of proposed reductions in the use and access of pack and saddle stock animals on Bureau of Land Management land to allow for public comment on the proposed reductions.

^(iii) PUBLIC MEETING- After providing advance notice of the location, date, and time of the meeting, the Secretary shall conduct a public meeting at an appropriate location close to the Bureau of Land Management land on which the reduction in pack and saddle stock access is proposed.

^(iv) PUBLIC COLLABORATION- To encourage meaningful public participation with respect to reductions in the use and access of pack and saddle stock animals on Bureau of Land Management land, the Secretary shall facilitate collaboration among different recreational users.

^(3) EFFECT- Nothing in this subsection--

^(A) authorizes the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other Federal law;

^(B) alters or limits the authority of the Secretary to issue permits;

^(C) alters or limits the authority of the Secretary to implement a temporary, emergency closure of a trail, route, or area to pack and saddle stock animals;

^(D) creates a preference for 1 recreational use for any area under the jurisdiction of the Bureau of Land Management over other uses without consideration of the stated purpose of the area;

^(E) supersedes the multiple use authority or policy of an applicable agency;
or

` (F) supersedes any other authorizations and prohibitions in effect on the date of enactment of this subsection.'

(c) National Wildlife Refuge System Land- Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following:

` (5) USE AND ACCESS OF PACK AND SADDLE ANIMALS-

` (A) IN GENERAL- The Secretary shall manage the System in a manner that preserves and facilitates the continued use and access of pack and saddle stock animals on System land on which there is a historical tradition of the use of pack and saddle stock animals.

` (B) USE-

` (i) IN GENERAL- Except as provided in clause (ii), System land shall remain open and accessible to the use of pack and saddle stock animals.

` (ii) LIMITATION-

` (I) IN GENERAL- The Secretary may implement a nonemergency reduction in the use and access of pack and saddle stock animals on System land after complying with--

` (aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

` (bb) subclauses (II) through (IV).

` (II) PUBLIC NOTICE AND COMMENT- The Secretary shall provide to the public advance notice of proposed reductions in the use and access of pack and saddle stock animals on System land to allow for public comment on the proposed reductions.

` (III) PUBLIC MEETING- After providing advance notice of the location, date, and time of the meeting, the Secretary shall conduct a public meeting at an appropriate location close to System land on which the reduction in pack and saddle stock access is proposed.

` (IV) PUBLIC COLLABORATION- To encourage meaningful public participation with respect to reductions in the use and access of pack and saddle stock animals on System land, the Secretary shall facilitate collaboration among different recreational users.

` (C) EFFECT- Nothing in this paragraph--

` (i) authorizes the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable management plans (including a comprehensive conservation plan, comprehensive management plan, master plan, or step-down management plan) and planning processes required under this Act or any other Federal law;

` (ii) alters or limits the authority of the Secretary to issue permits for a

compatible use that is not inconsistent with public safety;

` (iii) alters or limits the authority of the Secretary to implement a temporary, emergency closure of a trail, route, or area to pack and saddle stock animals;

` (iv) creates a preference for 1 recreational use within any refuge within the System without consideration of the mission of the System and the purposes for which the refuge was established;

` (v) supersedes the conservation authority or policy of any applicable agency;

` (vi) supersedes the priority of applicable agencies for compatible wildlife-dependent recreational uses; or

` (vii) supersedes any other authorizations and prohibitions in effect on the date of enactment of this paragraph.'.

(d) National Forest System Land- The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended--

(1) by redesignating section 16 as section 17; and

(2) by inserting after section 15 the following:

SEC. 16. USE AND ACCESS OF PACK AND SADDLE ANIMALS.

` (a) In General- The Secretary of Agriculture (referred to in this section as the 'Secretary') shall manage National Forest System in a manner that preserves and facilitates the continued use and access of pack and saddle stock animals on National Forest System land on which there is a historical tradition of the use of pack and saddle stock animals.

` (b) Use-

` (1) IN GENERAL- Except as provided in paragraph (2), National Forest System land shall remain open and accessible to the use of pack and saddle stock animals.

` (2) LIMITATION-

` (A) IN GENERAL- The Secretary may implement a nonemergency reduction in the use and access of pack and saddle stock animals on National Forest System land after complying with--

` (i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

` (ii) subparagraphs (B) through (D).

` (B) PUBLIC NOTICE AND COMMENT- The Secretary shall provide to the public advance notice of proposed reductions in the use and access of pack and saddle stock animals on National Forest System land to allow for public comment on the proposed reductions.

` (C) PUBLIC MEETING- After providing advance notice of the location, date, and time of the meeting, the Secretary shall conduct a public meeting at an appropriate location close to the unit of the National Forest System on which the reduction in pack and saddle stock access is proposed.

` (D) PUBLIC COLLABORATION- To encourage meaningful public participation with respect to reductions in the use and access of pack and saddle stock animals on National Forest System land, the Secretary shall facilitate collaboration among different recreational users.

` (c) Effect- Nothing in this section--

` (1) authorizes the Secretary to refuse to issue a special use authorization or wilderness permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable land management plans and planning processes required under this Act or any other Federal law;

` (2) alters or limits the authority of the Secretary to issue special use authorizations or wilderness permits;

` (3) alters or limits the authority of the Secretary to implement a temporary, emergency closure of a trail, route, or area to pack and saddle stock animals;

` (4) creates a preference for 1 recreational use of an area within the National Forest System over other uses of the area;

` (5) supersedes the multiple use authority or policy of an applicable agency; or

` (6) supersedes any other authorizations and prohibitions in effect on the date of enactment of this section.'

(e) Issuance of Policy- Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue a policy for the Department of the Interior and the Department of Agriculture, respectively, that defines the term `historical tradition of the use of pack and saddle stock animals' for purposes of the amendments made by this section.

END