



## Closure Of Federal Land to Hunting, Fishing, And Recreational Shooting

Within Section 4103 of Public Law 116-9, the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), the Forest Service received the following directive:

*On an annual basis, the Secretaries concerned shall— (1) publish on a public website a list of all areas of Federal land temporarily or permanently subject to a closure under this section; and (2) submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a report that identifies— (A) a list of each area of Federal land temporarily or permanently subject to a closure; (B) the acreage of each closure; and (C) a survey of— (i) the aggregate areas and acreage closed under this section in each State; and (ii) the percentage of Federal land in each State closed under this section with respect to hunting, fishing, and recreational shooting. (e) APPLICATION—This section shall not apply if the closure is— (1) less than 14 days in duration; and (2) covered by a special use permit.*

### **Background**

In March 2019, the John D. Dingell Jr. Conservation, Management and Recreation Act (P.L. 116-9) was signed. This act required that Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with Section 4103. To comply with this Act, the U.S. Department of Agriculture's Forest Service (Forest Service) promulgated directives in Forest Service Handbook (FSH 5309.11, Ch. 30, Section 34<sup>1</sup>) on April 8, 2021, defining Permanent and Temporary specific to Hunting, Fishing, or Recreational Shooting Orders as follows:

- **Permanent Hunting, Fishing, or Recreational Shooting Order.** A hunting, fishing, or recreational shooting order that is in effect for more than 180 days, including an order that remains in effect until rescinded or an order that is in effect for 180 days or less and recurs annually in accordance with its terms.
- **Temporary Hunting, Fishing, or Recreational Shooting Order.** A hunting, fishing, or recreational shooting order that is in effect for 180 days or less, does not recur annually in accordance with its terms, and is not an emergency order or a short-term order.

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<sup>1</sup> [https://www.fs.usda.gov/im/directives/fsh/5309.11/wo\\_5309.11\\_30\\_Amend-2021-1%20-%20Violations.doc](https://www.fs.usda.gov/im/directives/fsh/5309.11/wo_5309.11_30_Amend-2021-1%20-%20Violations.doc)



Closing National Forest System (NFS) lands permanently or temporarily to hunting, fishing, or recreational shooting is an extensive process that includes informing the public of the intent to close and the reason for the closure. Below are the steps that the Forest Service follows to implement these closures:

1. Create the initial management proposal to close public land.
2. Outreach and coordinate with various stakeholders including Tribes, State fish and wildlife agencies, and the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable.
3. Create and distribute a public notice in the *Federal Register* for comments on the proposal (60 days for permanent closures and 30 days for temporary closures), which includes the proposed Closure Order, proposed Closure Order map, proposed justification documentation, and proposed regulatory certifications.
4. In a final decision, the Forest Service responds in a reasoned manner to the comments received, explaining how the Forest Service resolved any significant issues raised by the comments and demonstrating how the resolution led to the closure.
5. Final decisions are noticed in the *Federal Register* and final documents, including the final Closure Order, final map, response to comments, final justification documentation, and final regulatory certifications, are posted on the relevant National Forest and/or National Grasslands website.

Closure information is organized by the Forest Service Washington Office and is updated annually. This information can be found online at <https://www.fs.usda.gov/about-agency/regulations-policies/dingell-act-closures>.

### **Current Closure Status Overview:**

Table 1. Summary of National Forest System (NFS) Dingell Act Hunting, Fishing, or Recreational Shooting Permanent and Temporary Closures

<b>Fiscal Year</b>	<b>Permanent Closures</b>	<b>Acres Permanently Closed</b>	<b>Acres of Permanently Seasonally Closed</b>	<b>Temporary Closures</b>	<b>Acres Temporarily Closed</b>
2019	0	NA*	NA	0	NA
2020	0	NA	NA	0	NA
2021	1	23	NA	0	NA
2022	0	NA	NA	0	NA
2023	2	5,090	42,000	0	NA
2024	1	NA	55,714	0	NA

\*NA = not applicable

Table 2. Summary of National Forest System (NFS) Dingell Act Hunting, Fishing, or Recreational Shooting Closures by State

State	NFS Acres <sup>i</sup>	2019-2024 Acres Permanently Closed	2019- 2024 Acres Seasonally Permanently Closed	Percent Acres Closed within each State
Arizona	11,179,623	5,090	0	0.0456%
Montana	17,241,421	23	0	0.0001%
Wyoming	9,225,897	0	97,714	1.059%
<b>Totals</b>	<b>37,646,941</b>	<b>5,113</b>	<b>97,714</b>	<b>0.273%<sup>ii</sup></b>

<sup>i</sup>Total NFS acres per state derived from Land Areas of the National Forest System (LAR).

<sup>ii</sup> Total percentage of NFS land closed for all 3 of these states. For total land, this percentage is less than 0.00003%.

### **Fiscal Year 2021 Dingell Act Closures**

#### ***Montana***

**Beattie Gulch and McConnell Fishing Access Area:** In fiscal year 2021, the Custer-Gallatin National Forest permanently closed 23 acres of NFS lands (18 acres in the Beattie Gulch area and 5 acres in the McConnell Fishing Access Area) to protect public health and safety in close proximity of private residences, developed facilities, and high-density hunter and public use.<sup>2</sup> Prohibition: Discharging a firearm, air rifle or gas gun [36 CFR 261.58 (m)].

### **Fiscal Year 2023 Dingell Act Closures**

#### ***Arizona***

**Huachuca Mountains – East:** The Coronado National Forest permanently closed 5,090 acres of NFS lands to protect public health and safety within the wildland-urban interface on the eastern side of the Huachuca Mountains.<sup>3</sup> Prohibition: Discharging a firearm, air rifle or gas gun [36 CFR 261.58 (m)].

#### ***Wyoming***

**Management Area 3.67 (Thunder Basin National Grassland):** The Medicine Bow-Routt National Forests and Thunder Basin National Grasslands permanently closed seasonally, February 1 to August 15, approximately 42,000 acres to prairie dog hunting to protect at-risk animal species associated with black-tailed prairie dog colonies during breeding, nesting, and brood-rearing seasons within Management Area 3.67.<sup>4</sup> Prohibition: Hunting prairie dogs in the Restricted Area from February 1<sup>st</sup> to August 15<sup>th</sup> of each year [36 CFR 261.58 (v)].

### **Fiscal Year 2024 Dingell Act Closures**

**Pole Mountain Area:** The Medicine Bow-Routt National Forests and Thunder Basin National Grasslands permanently closed, seasonally March 31<sup>st</sup> to September 10<sup>th</sup>, approximately 55,714 acres to recreational shooting to address public safety and natural resource concerns in the Pole Mountain Area.<sup>5</sup> Prohibition: Discharging a firearm, air rifle or gas gun annually from March 31 to September 10 [36 CFR 261.58 (m)].

<sup>2</sup> <https://www.fs.usda.gov/alerts/custergallatin/alerts-notices/?aid=59503>

<sup>3</sup> <https://www.fs.usda.gov/alerts/coronado/alerts-notices/?aid=79749>

<sup>4</sup> <https://www.fs.usda.gov/detailfull/mbr/alerts-notices/?cid=stelprdb5139680&width=full>

<sup>5</sup> <https://www.fs.usda.gov/detailfull/mbr/alerts-notices/?cid=stelprdb5139680&width=full>