

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1825  
OFFERED BY MR. DEFAZIO OF OREGON**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) FEDERAL PUBLIC LAND.—

7               (A) IN GENERAL.—Except as provided in  
8               subparagraph (B), the term “Federal public  
9               land” means any land or water that is—

10                       (i) owned by the United States; and

11                       (ii) managed by a Federal agency (in-  
12                       cluding the Department of the Interior and  
13                       the Forest Service) for purposes that in-  
14                       clude the conservation of natural resources.

15               (B) EXCLUSIONS.—The term “Federal  
16               public land” does not include—

1 (i) land or water held or managed in  
2 trust for the benefit of Indians or other  
3 Native Americans;

4 (ii) land or water managed by the Di-  
5 rector of the National Park Service or the  
6 Director of the United States Fish and  
7 Wildlife Service;

8 (iii) fish hatcheries; or

9 (iv) conservation easements on private  
10 land.

11 (2) HUNTING.—

12 (A) IN GENERAL.—Except as provided in  
13 subparagraph (B), the term “hunting” means  
14 use of a firearm, bow, or other authorized  
15 means in the lawful—

16 (i) pursuit, shooting, capture, collec-  
17 tion, trapping, or killing of wildlife; or

18 (ii) attempt to pursue, shoot, capture,  
19 collect, trap, or kill wildlife.

20 (B) EXCLUSION.—The term “hunting”  
21 does not include the use of skilled volunteers to  
22 cull excess animals (as defined by other Federal  
23 law).

24 (3) RECREATIONAL FISHING.—The term “rec-  
25 reational fishing” means—

1 (A) an activity for sport or for pleasure  
2 that involves—

3 (i) the lawful catching, taking, or har-  
4 vesting of fish; or

5 (ii) the lawful attempted catching,  
6 taking, or harvesting of fish; or

7 (B) any other activity for sport or pleasure  
8 that can reasonably be expected to result in the  
9 lawful catching, taking, or harvesting of fish.

10 (4) RECREATIONAL SHOOTING.—The term  
11 “recreational shooting” means any form of sport,  
12 training, competition, or pastime, whether formal or  
13 informal, that involves the discharge of a rifle, hand-  
14 gun, or shotgun, or the use of a bow and arrow.

15 **SEC. 3. RECREATIONAL FISHING, HUNTING, AND REC-**  
16 **REATIONAL SHOOTING.**

17 (a) IN GENERAL.—Subject to valid existing rights,  
18 and in cooperation with the respective State and fish and  
19 wildlife agency, a Federal public land management official  
20 shall exercise the authority of the official under existing  
21 law (including provisions regarding land use planning) to  
22 facilitate use of and access to Federal public land for rec-  
23 reational fishing, hunting, and recreational shooting ex-  
24 cept as limited by—

1           (1) any law that authorizes action or with-  
2 holding action for reasons of national security, pub-  
3 lic safety, or resource conservation;

4           (2) any other Federal law that precludes rec-  
5 reational fishing, hunting, or recreational shooting  
6 on specific Federal public land or water or units of  
7 Federal public land; and

8           (3) discretionary limitations on recreational  
9 fishing, hunting, and recreational shooting deter-  
10 mined to be necessary and reasonable as supported  
11 by the best scientific evidence and advanced through  
12 a transparent public process.

13       (b) MANAGEMENT.—Consistent with subsection (a),  
14 the head of each Federal public land management agency  
15 shall exercise the land management discretion of the  
16 head—

17           (1) in a manner that supports and facilitates  
18 recreational fishing, hunting, and recreational shoot-  
19 ing opportunities;

20           (2) to the extent authorized under applicable  
21 State law; and

22           (3) in accordance with applicable Federal law.

23       (c) PLANNING.—

24           (1) EFFECTS OF PLANS AND ACTIVITIES.—

1           (A) EVALUATION OF EFFECTS ON OPPOR-  
2 TUNITIES TO ENGAGE IN RECREATIONAL FISH-  
3 ING, HUNTING, OR RECREATIONAL SHOOTING.—  
4 Federal public land planning documents (in-  
5 cluding land resources management plans, re-  
6 source management plans, travel management  
7 plans, and energy development plans) shall in-  
8 clude a specific evaluation of the effects of the  
9 plans on opportunities to engage in recreational  
10 fishing, hunting, or recreational shooting.

11           (B) OTHER ACTIVITY NOT CONSIDERED.—

12           (i) IN GENERAL.—Federal public land  
13 management officials shall not be required  
14 to consider the existence or availability of  
15 recreational fishing, hunting, or rec-  
16 reational shooting opportunities on private  
17 or public land that is located adjacent to,  
18 or in the vicinity of, Federal public land  
19 for purposes of—

20           (I) planning for or determining  
21 which units of Federal public land are  
22 open for recreational fishing, hunting,  
23 or recreational shooting; or

24           (II) setting the levels of use for  
25 recreational fishing, hunting, or rec-

1 recreational shooting on Federal public  
2 land.

3 (ii) ENHANCED OPPORTUNITIES.—

4 Federal public land management officials  
5 may consider the opportunities described in  
6 clause (i) if the combination of those op-  
7 portunities would enhance the recreational  
8 fishing, hunting, or shooting opportunities  
9 available to the public.

10 (2) USE OF VOLUNTEERS.—If hunting is pro-  
11 hibited by law, all Federal public land planning doc-  
12 ument described in paragraph (1)(A) of an agency  
13 shall, after appropriate coordination with State fish  
14 and wildlife agencies, allow the participation of  
15 skilled volunteers in the culling and other manage-  
16 ment of wildlife populations on Federal public land  
17 unless the head of the agency demonstrates, based  
18 on the best scientific data available or applicable  
19 Federal law, why skilled volunteers should not be  
20 used to control overpopulation of wildlife on the land  
21 that is the subject of the planning document.

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

24 (1) LAND OPEN.—

1           (A) IN GENERAL.—Land under the juris-  
2           diction of the Bureau of Land Management or  
3           the Forest Service (including a component of  
4           the National Wilderness Preservation System,  
5           land designated as a wilderness study area or  
6           administratively classified as wilderness eligible  
7           or suitable, and primitive or semiprimitive  
8           areas, but excluding land on the outer Conti-  
9           nental Shelf) shall be open to recreational fish-  
10          ing, hunting, and recreational shooting unless  
11          the managing Federal public land agency acts  
12          to close the land to such activity.

13          (B) MOTORIZED ACCESS.—Nothing in this  
14          paragraph authorizes or requires motorized ac-  
15          cess or the use of motorized vehicles for rec-  
16          reational fishing, hunting, or recreational shoot-  
17          ing purposes within land designated as a wilder-  
18          ness study area or administratively classified as  
19          wilderness eligible or suitable.

20          (2) CLOSURE OR RESTRICTION.—Land de-  
21          scribed in paragraph (1) may be subject to closures  
22          or restrictions if determined by the head of the  
23          agency to be necessary and reasonable and sup-  
24          ported by facts and evidence for purposes including  
25          resource conservation, public safety, energy or min-

1       eral production, energy generation or transmission  
2       infrastructure, water supply facilities, protection of  
3       other permittees, protection of private property  
4       rights or interests, national security, or compliance  
5       with other law, as determined appropriate by the Di-  
6       rector of the Bureau of Land Management or the  
7       Chief of the Forest Service, as applicable.

8               (3) SHOOTING RANGES.—

9               (A) IN GENERAL.—Except as provided in  
10              subparagraph (C), the head of each Federal  
11              public land agency may use the authorities of  
12              the head, in a manner consistent with this Act  
13              and other applicable law—

14              (i) to lease or permit use of land  
15              under the jurisdiction of the head for  
16              shooting ranges; and

17              (ii) to designate specific land under  
18              the jurisdiction of the head for recreational  
19              shooting activities.

20              (B) LIMITATION ON LIABILITY.—Any des-  
21              ignation under subparagraph (A)(ii) shall not  
22              subject the United States to any civil action or  
23              claim for monetary damages for injury or loss  
24              of property or personal injury or death caused



1 by any recreational shooting activity occurring  
2 at or on the designated land.

3 (C) EXCEPTION.—The head of each Fed-  
4 eral public land agency shall not lease or permit  
5 use of Federal public land for shooting ranges  
6 or designate land for recreational shooting ac-  
7 tivities within including a component of the Na-  
8 tional Wilderness Preservation System, land  
9 designated as a wilderness study area or admin-  
10 istratively classified as wilderness eligible or  
11 suitable, and primitive or semiprimitive areas.

12 (e) REPORT.—Not later than October 1 of every  
13 other year, beginning with the second October 1 after the  
14 date of enactment of this Act, the head of each Federal  
15 public land agency who has authority to manage Federal  
16 public land on which recreational fishing, hunting, or rec-  
17 reational shooting occurs shall submit to the Committee  
18 on Natural Resources of the House of Representatives and  
19 the Committee on Energy and Natural Resources of the  
20 Senate a report that describes—

21 (1) any Federal public land administered by the  
22 agency head that was closed to recreational fishing,  
23 hunting, or recreational shooting at any time during  
24 the preceding year; and

25 (2) the reason for the closure.

1 (f) CLOSURES OR SIGNIFICANT RESTRICTIONS OF  
2 1,280 OR MORE ACRES.—

3 (1) IN GENERAL.—Other than closures estab-  
4 lished or prescribed by land planning actions re-  
5 ferred to in subsection (d)(2) or emergency closures  
6 described in paragraph (3), a permanent or tem-  
7 porary withdrawal, change of classification, or  
8 change of management status of Federal public land  
9 or water that effectively closes or significantly re-  
10 stricts 1,280 or more contiguous acres of Federal  
11 public land or water to access or use for recreational  
12 fishing or hunting or activities relating to fishing or  
13 hunting shall take effect only if, before the date of  
14 withdrawal or change, the head of the Federal public  
15 land agency that has jurisdiction over the Federal  
16 public land or water—

17 (A) publishes appropriate notice of the  
18 withdrawal or change, respectively;

19 (B) demonstrates that coordination has oc-  
20 curred with a State fish and wildlife agency;  
21 and

22 (C) submits to the Committee on Natural  
23 Resources of the House of Representatives and  
24 the Committee on Energy and Natural Re-

1 sources of the Senate written notice of the with-  
2 drawal or change, respectively.

3 (2) AGGREGATE OR CUMULATIVE EFFECTS.—If  
4 the aggregate or cumulative effect of separate with-  
5 drawals or changes effectively closes or significant  
6 restrictions affects 1,280 or more acres of land or  
7 water, the withdrawals and changes shall be treated  
8 as a single withdrawal or change for purposes of  
9 paragraph (1).

10 (3) EMERGENCY CLOSURES.—

11 (A) IN GENERAL.—Nothing in this Act  
12 prohibits a Federal public land management  
13 agency from establishing or implementing emer-  
14 gency closures or restrictions of the smallest  
15 practicable area of Federal public land to pro-  
16 vide for public safety, resource conservation, na-  
17 tional security, or other purposes authorized by  
18 law.

19 (B) TERMINATION.—An emergency closure  
20 under subparagraph (A) shall terminate after a  
21 reasonable period of time unless the temporary  
22 closure is converted to a permanent closure con-  
23 sistent with this Act.

24 (g) NO PRIORITY.—Nothing in this Act requires a  
25 Federal agency to give preference to recreational fishing,

1 hunting, or recreational shooting over other uses of Fed-  
2 eral public land or over land or water management prior-  
3 ities established by other Federal law.

4 (h) CONSULTATION WITH COUNCILS.—In carrying  
5 out this Act, the heads of Federal public land agencies  
6 shall consult with the appropriate advisory councils estab-  
7 lished under Executive Order 12962 (16 U.S.C. 1801  
8 note; relating to recreational fisheries) and Executive  
9 Order 13443 (16 U.S.C. 661 note; relating to facilitation  
10 of hunting heritage and wildlife conservation).

11 (i) AUTHORITY OF STATES.—

12 (1) IN GENERAL.—Nothing in this Act inter-  
13 feres with, diminishes, or conflicts with the author-  
14 ity, jurisdiction, or responsibility of any State to  
15 manage, control, or regulate fish and wildlife under  
16 State law (including regulations) on land or water  
17 within the State, including on Federal public land.

18 (2) FEDERAL LICENSES.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), nothing in this section au-  
21 thORIZES the head of a Federal public land agen-  
22 cy head to require a license, fee, or permit to  
23 fish, hunt, or trap on land or water in a State,  
24 including on Federal public land in the State.

1                   (B)   MIGRATORY   BIRD   STAMPS.—This  
2                   paragraph shall not affect any migratory bird  
3                   stamp requirement of the Migratory Bird Hunt-  
4                   ing and Conservation Stamp Act (16 U.S.C.  
5                   718a et seq.).

