

TITLE 16--CONSERVATION

CHAPTER 5A--PROTECTION AND CONSERVATION OF WILDLIFE

SUBCHAPTER III--ENDANGERED SPECIES OF FISH AND WILDLIFE

Sec. 668dd. National Wildlife Refuge System

(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds

(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the ``National Wildlife Refuge System'' (referred to herein as the ``System''), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

(3) With respect to the System, it is the policy of the United States that--

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

(D) when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

(4) In administering the System, the Secretary shall--

(A) provide for the conservation of fish, wildlife, and plants, and their habitats within the System;

(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans;

(C) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public;

(D) ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System;

(E) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

(F) assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge;

(G) acquire, under State law, water rights that are needed for refuge purposes;

(H) recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

(I) ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;

(J) ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System;

(K) provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

(M) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges; and

(N) monitor the status and trends of fish, wildlife, and plants in each refuge.

(5) No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless--

(A) the Secretary determines with the approval of the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established; and

(B) such lands are transferred or otherwise disposed of for an amount not less than--

(i) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or fair market value, whichever is greater; or

(ii) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System.

The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(6) Each area which is included within the System on January 1, 1975, or thereafter, and which was or is--

(A) designated as an area within such System by law, Executive order, or secretarial order; or

(B) so included by public land withdrawal, donation, purchase, exchange, or pursuant to a cooperative agreement with any State or local government, any Federal department or agency, or any other governmental entity,

shall continue to be a part of the System until otherwise specified by Act of Congress, except that nothing in this paragraph shall be construed as precluding--

(i) the transfer or disposal of acquired lands within any such area pursuant to paragraph (5) of this subsection;

(ii) the exchange of lands within any such area pursuant to subsection (b)(3) of this section; or

(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement referred to in subparagraph (B) of this paragraph.

(b) Administration; public accommodations contracts; acceptance and use of funds; exchange of properties; cash equalization payments

In administering the System, the Secretary is authorized to take the following actions:

(1) Enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) Accept donations of funds and to use such funds to acquire or manage lands or interests therein.

(3) Acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as he may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, to enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge.

(5) Issue regulations to carry out this Act.

(c) Prohibited and permitted activities; application of mining and mineral leasing laws, hunting or fishing regulations, and State laws or regulations

No person shall disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: Provided, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to October 15, 1966, unless subsequently withdrawn under other authority of law. With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system. The regulations permitting hunting and fishing of resident fish and wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws and regulations.

(d) Use of areas; administration of migratory bird sanctuaries as game taking areas; rights of way, easements, and reservations; payment of fair market value

(1) The Secretary is authorized, under such regulations as he may prescribe, to--

(A) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: Provided, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe unless the Secretary finds that the taking of any species of migratory game birds in more than 40 percent of such area would be beneficial to the species; and

(B) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.

(2) Notwithstanding any other provision of law, the Secretary may not grant to any Federal, State, or local agency or to any private individual or organization any right-of-way, easement, or reservation in, over, across, through, or under any area within the system in connection with any use permitted by him under paragraph (1)(B) of this subsection unless the grantee pays to the Secretary, at the option of the Secretary, either (A) in lump sum the fair market value (determined by the Secretary as of the date of conveyance to the grantee) of the right-of-way, easement, or reservation; or (B) annually in advance the fair market rental value (determined by the Secretary) of the right-of-way, easement, or reservation. If any Federal, State, or local agency is exempted from such payment by any other provision of Federal law, such agency shall otherwise compensate the Secretary by any other means agreeable to the Secretary, including, but not limited to, making other land available or the loan of equipment or personnel; except that (A) any such compensation shall relate to, and be consistent with, the objectives of the National Wildlife Refuge System, and (B) the Secretary may waive such requirement for compensation if he finds such requirement impracticable or unnecessary. All sums received by the Secretary pursuant to this paragraph shall, after payment of any necessary expenses incurred by him in administering this paragraph, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions for land acquisition of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Hunting Stamp Act (16 U.S.C. 718 et seq.).

(3)(A)(i) Except as provided in clause (iv), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e) of this section.

(ii) On lands added to the System after March 25, 1996, the Secretary shall identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of any such lands, existing compatible wildlife-dependent recreational uses that the Secretary determines shall be permitted to continue on an interim basis pending completion of the comprehensive conservation plan for the refuge.

(iii) Wildlife-dependent recreational uses may be authorized on a refuge when they are compatible and not inconsistent with public safety. Except for consideration of consistency with State laws and regulations as provided for in subsection (m) of this section, no other determinations or findings are required to be made by the refuge official under this Act or the Refuge Recreation Act for wildlife-dependent recreation to occur.

(iv) Compatibility determinations in existence on October 9, 1997, shall remain in effect until and unless modified.

(B) Not later than 24 months after October 9, 1997, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use of a refuge is a compatible use. These regulations shall--

(i) designate the refuge official responsible for making initial compatibility determinations;

(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

(iii) identify the effects of each use on refuge resources and purposes of each refuge;

(iv) require that compatibility determinations be made in writing;

(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the mission of the System;

(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use, except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself;

(viii) require, after an opportunity for public comment, reevaluation of each compatible wildlife-dependent recreational use when conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) of this section or at least every 15 years, whichever is earlier; and

(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) of this section or has otherwise been provided during routine, periodic determinations of compatibility for wildlife-dependent recreational uses.

(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to--

(A) overflights above a refuge; and

(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over a refuge or a portion of a refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

(e) Refuge conservation planning program for non-Alaskan refuge lands

(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall--

(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a ``planning unit'') in the System;

(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after October 9, 1997.

(C) The Secretary shall manage each refuge or planning unit under plans in effect on October 9, 1997, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe--

(A) the purposes of each refuge comprising the planning unit;

(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

(C) the archaeological and cultural values of the planning unit;

(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

(F) opportunities for compatible wildlife-dependent recreational uses.

(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act--

(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

(B) coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats.

(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.

(f) Penalties

(1) Knowing violations

Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined under title 18 or imprisoned for not more than 1 year, or both.

(2) Other violations

Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18 or imprisoned not more than 180 days, or both.

(g) Enforcement provision; arrests, searches, and seizures; custody of property; forfeitures; disposition

Any person authorized by the Secretary to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competence jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary, in accordance with law. The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.

(h) Regulations; continuation, modification, or rescission

Regulations applicable to areas of the System that are in effect on October 15, 1966, shall continue in effect until modified or rescinded.

(i) National conservation recreational area provisions; amendment, repeal, or modification

Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k--460k-4) which authorizes the Secretary to administer the areas within the System for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said sections.

(j) Exemption from State water laws

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(k) Emergency power

Notwithstanding any other provision of this Act, the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System if the Secretary determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

(l) Hunting and fishing on lands and waters not within System

Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters that are not within the System.

(m) State authority

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

(n) Water rights

(1) Nothing in this Act shall--

(A) create a reserved water right, express or implied, in the United States for any purpose;

(B) affect any water right in existence on October 9, 1997; or

(C) affect any Federal or State law in existence on October 9, 1997, regarding water quality or water quantity.

(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to section 666 of title 43.

(o) Coordination with State agencies

Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 89-669, Sec. 4, Oct. 15, 1966, 80 Stat. 927; Pub. L. 90-404, Sec. 1, July 18, 1968, 82 Stat. 359; Pub. L. 93-205, Sec. 13(a), Dec. 28, 1973, 87 Stat. 902; Pub. L. 93-509, Sec. 2, Dec. 3, 1974, 88 Stat. 1603; Pub. L. 94-215, Sec. 5, Feb. 17, 1976, 90 Stat. 190; Pub. L. 94-223, Feb. 27, 1976, 90 Stat. 199; Pub. L. 95-616, Secs. 3(f), 6, Nov. 8, 1978, 92 Stat. 3111, 3114; Pub. L. 100-226, Sec. 4, Dec. 31, 1987, 101 Stat. 1551; Pub. L. 100-653, title IX, Sec. 904, Nov. 14, 1988, 102 Stat. 3834; Pub. L. 105-57, Secs. 3(b)-8, Oct. 9, 1997, 111 Stat. 1254-1259; Pub. L. 105-312, title II, Sec. 206, Oct. 30, 1998, 112 Stat. 2958.)

References in Text

This Act, referred to in text, means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, as amended, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715l, 715m of this title. For complete classification of this Act to the Code, see Tables.

The United States mining laws and mineral leasing laws, referred to in subsec. (c), are classified generally to Title 30, Mineral Lands and Mining.

The Migratory Bird Conservation Act, referred to in subsec. (d)(2), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (Sec. 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

The Migratory Bird Hunting Stamp Act, referred to in subsec. (d)(2), is act Mar. 16, 1934, ch. 71, 48 Stat. 451, as amended, which is classified generally to subchapter IV (Sec. 718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

The Refuge Recreation Act and the Act of September 28, 1962, referred to in subsecs. (d)(3)(A)(iii) and (i), is Pub. L. 87-714, Sept. 28, 1962, 76 Stat. 653, as amended, which is classified generally to subchapter LXVIII (Sec. 460k et seq.) of chapter 1 of this title.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (e)(1)(A), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (o), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is classified to the Appendix of Title 5, Government Organization and Employees.

Amendments

1998--Subsec. (c). Pub. L. 105-312, Sec. 206(1), struck out ``knowingly'' after ``No person shall'' in first sentence.

Subsec. (f). Pub. L. 105-312, Sec. 206(2), inserted subsec. heading, par. (1) designation and heading, and ``knowingly'' after ``Any person who'', and added par. (2).

1997--Subsec. (a)(1). Pub. L. 105-57, Sec. 3(b), substituted ``Secretary'' for ``Secretary of the Interior'' before ``for the conservation of fish and wildlife''.

Subsec. (a)(2). Pub. L. 105-57, Sec. 4(1), (3), added par. (2) and redesignated former par. (2) as (5).

Subsec. (a)(2)(A). Pub. L. 105-57, Sec. 3(b), substituted ``Secretary'' for ``Secretary of the Interior'' before ``determines with the approval''.

Subsec. (a)(3). Pub. L. 105-57, Secs. 4(1), 5(a), added par. (3) and redesignated former par. (3) as (6).

Subsec. (a)(4). Pub. L. 105-57, Sec. 5(a), added par. (4).

Subsec. (a)(5). Pub. L. 105-57, Sec. 4(1), redesignated par. (2) as (5).

Subsec. (a)(6). Pub. L. 105-57, Sec. 4(1), redesignated par. (3) as (6).

Subsec. (a)(6)(i). Pub. L. 105-57, Sec. 4(2), substituted ``paragraph (5)'' for ``paragraph (2)''.

Subsec. (b). Pub. L. 105-57, Sec. 5(b)(1), substituted ``authorized to take the following actions:'' for ``authorized--'' in introductory provisions.

Subsec. (b)(1). Pub. L. 105-57, Sec. 5(b)(2), substituted ``Enter'' for ``to enter''.

Subsec. (b)(2). Pub. L. 105-57, Sec. 5(b)(3), substituted ``Accept'' for ``to accept'' and substituted a period for `` , and'' at end.

Subsec. (b)(3). Pub. L. 105-57, Sec. 5(b)(4), substituted ``Acquire'' for ``to acquire''.

Subsec. (b)(4), (5). Pub. L. 105-57, Sec. 5(b)(5), added pars. (4) and (5).

Subsec. (c). Pub. L. 105-57, Sec. 8(b), struck out at end ``The provisions of this Act shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System.''

Subsec. (d)(2). Pub. L. 105-57, Sec. 3(b), substituted ``Secretary'' for ``Secretary of the Interior'' before ``may not grant to any Federal'' and before ``pursuant to this paragraph''.

Subsec. (d)(3), (4). Pub. L. 105-57, Sec. 6, added pars. (3) and (4).

Subsec. (e). Pub. L. 105-57, Sec. 7(a), added subsec. (e) and redesignated former subsec. (e) as (f).

Subsec. (f). Pub. L. 105-57, Sec. 7(a)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 105-57, Sec. 3(b), substituted ``Secretary'' for ``Secretary of the Interior'' before ``to enforce the provisions''.

Subsec. (g). Pub. L. 105-57, Sec. 7(a)(1), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 105-57, Sec. 7(a)(1), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Pub. L. 105-57, Sec. 3(b), substituted ``Secretary'' for ``Secretary of the Interior''.

Subsecs. (i), (j). Pub. L. 105-57, Sec. 7(a)(1), redesignated subsecs. (h) and (i) as (i) and (j), respectively.

Subsecs. (k) to (o). Pub. L. 105-57, Sec. 8(a), added subsecs. (k) to (o).

1988--Subsec. (e). Pub. L. 100-653 substituted ``thereunder shall be fined under title 18 or imprisoned for not more than 1 year, or both'' for ``thereunder shall be fined not more than \$500 or be imprisoned not more than six months, or both''.

1987--Subsec. (f). Pub. L. 100-226 inserted at end ``The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.''

1978--Subsec. (d)(1)(A). Pub. L. 95-616, Sec. 6, authorized the Secretary to find that the taking of any species of migratory birds in more than 40 percent of the area would be beneficial to the species.

Subsec. (f). Pub. L. 95-616, Sec. 3(f), substituted ``disposed of by the Secretary, in accordance with law'' for ``disposed of by the court''.

1976--Subsec. (a). Pub. L. 94-223 designated existing first sentence as par. (1), provided for administration of the System by the Secretary of the Interior through the United States Fish and Wildlife Service and inserted provision respecting continuance of programs relating to management of resources in refuge lands in Alaska, subject to direct supervision of the United States Fish and Wildlife Service; struck out second sentence providing that ``Nothing in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest.''; designated existing third sentence as par. (2), redesignated as subpars. (A) and (B) former clauses (1) and (2), redesignated as subpar. (B)(i) and (ii) former cl. (2)(A) and (B), substituted in subpar. (A) ``with the approval of'' for ``after consultation with'', inserted in subpar. (B)(i) ``or fair market value, whichever is greater;' and reenacted as second sentence of par. (2) former last sentence of subsec. (a); and added par. (3).

Subsec. (b)(3). Pub. L. 94-215 substituted designations ``(A)'' and ``(B)'' for ``(a)'' and ``(b)'' , inserted in cl. (A) `` , or for interests in acquired or public lands,' before ``under his jurisdiction'' and substituted in cl. (B) ``he may prescribe'' for ``the Secretary may prescribe''.

1974--Subsec. (d). Pub. L. 93-509 designated existing provisions as par. (1)(A) and (B) and added par. (2).

1973--Subsec. (c). Pub. L. 93-205 inserted ``With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title'' before ``nothing in this Act shall be construed'' and struck out `` , including endangered species thereof,' before ``on lands not within the System'' in second sentence.

1968--Subsec. (a). Pub. L. 90-404 inserted provisions that no acquired lands which are or become a part of the National Wildlife Refuge System may be transferred or otherwise disposed of except under the specified conditions, and provisions that the Secretary pay into the migratory bird conservation fund the proceeds of any such transfer or disposal.

Effective Date of 1974 Amendment

Section 3 of Pub. L. 93-509 provided that: ``Section 4 (d)(2) of the Act of October 15, 1966 (as added by this Act) [subsec. (d)(2) of this section], shall apply with respect to any right-of-way, easement, or reservation granted by the Secretary of the Interior on or after the date of the enactment of this Act [Dec. 3, 1974], including any right-of-way, easement, or reservation granted on or after such date in connection with any use permitted by him pursuant to section 4(d)(2) of the Act of October 15, 1966 [now subsec. (d)(1)(B) of this section] (as in effect before the date of the enactment of this Act).''

Effective Date of 1973 Amendment

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

Effective Date of 1968 Amendment

Section 2 of Pub. L. 90-404 provided that: ``The amendments made by the first section of this Act [amending subsec. (a) of this section] shall apply only with respect to transfers and disposals of land initiated and completed after the date of their enactment [July 18, 1968].''

Short Title of 1998 Amendment

Pub. L. 105-312, title II, Sec. 201, Oct. 30, 1998, 112 Stat. 2957, provided that: ``This title [amending this section, sections 721 and 722 of this title, and section 564w-1 of Title 25, Indians, enacting provisions set out as a note under section 722 of this title, and amending provisions listed in a table of National Wildlife Refuges set out under this section] may be cited as the `National Wildlife Refuge System Improvement Act of 1998'.''

Short Title of 1997 Amendment

Section 1(a) of Pub. L. 105-57 provided that: ``This Act [amending this section and section 668ee of this title and enacting provisions set out as notes under this section] may be cited as the `National Wildlife Refuge System Improvement Act of 1997'.''

Short Title of 1974 Amendment

Section 1 of Pub. L. 93-509 provided: ``That this Act [amending this section and section 715s of this title, and enacting provisions set out as notes under this section] may be cited as the `National Wildlife Refuge System Administration Act Amendments of 1974'.''

Short Title

Section 12(f) of Pub. L. 91-135, Dec. 5, 1969, 83 Stat. 283, provided that: ``The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd-668ee), as amended, shall hereinafter be cited as the `National Wildlife Refuge System Administration Act of 1966'.''

Transfer of Functions

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with approval to cross national wildlife refuges under sections 668dd and 668ee of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

National Wildlife Refuge System Centennial

Pub. L. 106-408, title III, Nov. 1, 2000, 114 Stat. 1782, provided that:

``SEC. 301. SHORT TITLE.

``This title may be cited as the `National Wildlife Refuge System Centennial Act'.

``SEC. 302. FINDINGS AND PURPOSES.

``(a) Findings.--Congress finds that--

``(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

``(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

``(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

``(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

``(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

``(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

``(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

``(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105-242) [see Short Title of 1998 Amendments note under section 742a of this title], and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

``(8) as of the date of the enactment of this Act [Nov. 1, 2000], the System has an unacceptable backlog of critical operation and maintenance needs; and

``(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

``(b) Purposes.--The purposes of this title are--

``(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

``(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

``(3) to require an annual report on the needs of the System prepared in the context of--

``(A) the budget submission of the Department of the Interior to the President; and

``(B) the President's budget request to Congress; and

``(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

``SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

``(a) Establishment.--There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the 'Commission').

``(b) Members.--

``(1) In general.--The Commission shall be composed of--

``(A) the Director of the United States Fish and Wildlife Service;

``(B) up to 10 individuals appointed by the Secretary of the Interior;

``(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

``(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

``(2) Appointments.--

``(A) Deadline.--The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

``(B) Appointments by the secretary of the interior.--

``(i) In general.--The members of the Commission appointed by the Secretary of the Interior under paragraph

(1)(B)--

``(I) shall not be officers or employees of the Federal Government; and

``(II) shall, in the judgment of the Secretary--

``(aa) represent the diverse beneficiaries of the System; and

``(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

``(ii) Representation of views.--In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

``(3) Vacancies.--Any vacancy in the Commission--

``(A) shall not affect the power or duties of the Commission; and

``(B) shall be expeditiously filled in the same manner as the original appointment was made.

``(c) Chairperson.--The Secretary of the Interior shall appoint one of the members as the Chairperson of the Commission.

``(d) Compensation.--The members of the Commission shall receive no compensation for their service on the Commission.

``(e) Travel Expenses.--

``(1) Legislative branch members.--The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

``(2) Executive branch members.--The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

``(3) Other members and staff.--The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

``(f) Duties.--The Commission shall--

``(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

``(2) coordinate the activities of the partners under the plan; and

``(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

``(g) Staff.--Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

``(h) Donations.--

``(1) In general.--The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

``(2) Criteria.--The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would--

``(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

``(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

``(i) Administrative Support.--Upon the request of the Commission--

``(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

``(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

``(j) Reports.--

``(1) Annual reports.--Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

``(2) Final report.--Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

``(k) Termination.--

``(1) In general.--The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

``(2) Disposition of materials.--Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may--

``(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

``(ii) otherwise dispose of such materials; and

``(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

``(ii) treat such property as excess property.

``SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

``(a) Unified Long-Term Plan.--Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including--

``(1) priority staffing needs of the System; and
``(2) operation, maintenance, and construction needs as
identified in--
``(A) the Refuge Operating Needs System;
``(B) the Maintenance Management System;
``(C) the 5-year deferred maintenance list;
``(D) the 5-year construction list;
``(E) the United States Fish and Wildlife Service report
entitled 'Fulfilling the Promise of America's National Wildlife
Refuge System'; and
``(F) individual refuge comprehensive conservation plans.

``(b) Annual Submission.--Beginning with the submission to Congress
of the budget for fiscal year 2003, the Secretary of the Interior shall
prepare and submit to Congress, in the context of each annual budget
submission, a report that contains--

``(1) an assessment of expenditures in the prior, current, and
upcoming fiscal years to meet the operation and maintenance backlog
as identified in the long-term plan under subsection (a); and
``(2) a specification of transition costs, in the prior,
current, and upcoming fiscal years, as identified in the analysis of
newly acquired refuge land prepared by the Department of the
Interior, and a description of the method used to determine the
priority status of the transition costs.

``SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

``(a) Finding.--Congress finds that designation of the year 2003 as
the 'Year of the National Wildlife Refuge' would promote the goal of
increasing public appreciation of the importance of the National
Wildlife Refuge System.

``(b) Proclamation.--The President is requested to issue a
proclamation calling on the people of the United States to conduct
appropriate programs, ceremonies, and activities to accomplish the goal
of such a year.

``SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated to carry out the
activities of the Commission under this title--

``(1) \$100,000 for fiscal year 2001; and
``(2) \$250,000 for each of fiscal years 2002 through 2004.

``SEC. 307. EFFECTIVE DATE.

``This title takes effect on January 20, 2001.''

Congressional Findings

Section 2 of Pub. L. 105-57 provided that: ``The Congress finds the
following:

``(1) The National Wildlife Refuge System is comprised of over
92,000,000 acres of Federal lands that have been incorporated within
509 individual units located in all 50 States and the territories of
the United States.

``(2) The System was created to conserve fish, wildlife, and
plants and their habitats and this conservation mission has been
facilitated by providing Americans opportunities to participate in
compatible wildlife-dependent recreation, including fishing and
hunting, on System lands and to better appreciate the value of and
need for fish and wildlife conservation.

``(3) The System serves a pivotal role in the conservation of migratory birds, anadromous and interjurisdictional fish, marine mammals, endangered and threatened species, and the habitats on which these species depend.

``(4) The System assists in the fulfillment of important international treaty obligations of the United States with regard to fish, wildlife, and plants and their habitats.

``(5) The System includes lands purchased not only through the use of tax dollars but also through the proceeds from sales of Duck Stamps and national wildlife refuge entrance fees. It is a System that is financially supported by those benefiting from and utilizing it.

``(6) When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.

``(7) On March 25, 1996, the President issued Executive Order 12996 [set out below], which recognized `compatible wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority public uses of the Refuge System'.

``(8) Executive Order 12996 is a positive step and serves as the foundation for the permanent statutory changes made by this Act [see Short Title of 1997 Amendment note above].''

Statutory Construction With Respect to Alaska

Section 9 of Pub. L. 105-57 provided that:

``(a) In General.--Nothing in this Act [see Short Title of 1997 Amendment note above] is intended to affect--

``(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487) [see Short Title note set out under section 3101 of this title], including those in titles III [enacting provisions listed in a table of National Wildlife Refuges set out below and provisions set out as a note under section 3145 of this title] and VIII [16 U.S.C. 3111 et seq.] of that Act;

``(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3102], the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in Alaska in the Federal courts; and

``(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3120] is implemented in national wildlife refuges in Alaska.

``(b) Conflicts of Laws.--If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.''

Land Transfer and Conveyance, Pease Air Force Base, New Hampshire

Pub. L. 102-154, title III, Sec. 319, Nov. 13, 1991, 105 Stat. 1036, provided that:

``(a) Transfer by the Air Force.--Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: Provided, That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

``(b) Establishment of National Wildlife Refuge.--Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

``(c) Conveyance to State of New Hampshire.--

``(1) Conveyance.--Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

``(2) Condition of conveyance.--The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a State cemetery for veterans.

``(3) Reversion.--If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

``(4) Description of property.--The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

``(5) Additional terms and conditions.--The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

``(d) The purposes for which this national wildlife refuge is established are--

``(1) to encourage the natural diversity of plant, fish, and wildlife species within the refuge, and to provide for their conservation and management;

``(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

``(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

``(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.''

National Wildlife Refuges

Provisions relating to national wildlife refuges were contained in the following acts and executive documents:

Alaska Maritime National Wildlife Refuge, Alaska.--Pub. L. 96-487, title III, Sec. 303(1), Dec. 2, 1980, 94 Stat. 2389; Pub. L. 101-622, Nov. 21, 1990, 104 Stat. 3347; Pub. L. 102-489, Oct. 24, 1992, 106 Stat. 3138; Pub. L. 106-554, Sec. 1(a)(4) [div. A, Sec. 302], Dec. 21, 2000, 114 Stat. 2763, 2763A-180.

Alaska Peninsula National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(1), Dec. 2, 1980, 94 Stat. 2385.

Amagansett National Wildlife Refuge, New York.--Pub. L. 104-148, Sec. 1, May 24, 1996, 110 Stat. 1378.

Aransas National Wildlife Refuge, Myrtle Foester Whitmire Division, Texas.--Pub. L. 102-226, Sec. 1, Dec. 11, 1991, 105 Stat. 1685.

Arctic National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 303(2), Dec. 2, 1980, 94 Stat. 2390.

Arthur R. Marshall Loxahatchee National Wildlife Refuge, Florida.--Pub. L. 99-615, Nov. 6, 1986, 100 Stat. 3484.

Atchafalaya National Wildlife Refuge, Louisiana.--Pub. L. 98-548, title III, Oct. 26, 1984, 98 Stat. 2776; Pub. L. 99-625, Sec. 2, Nov. 7, 1986, 100 Stat. 3502.

Baca National Wildlife Refuge, Colorado.--Pub. L. 106-530, Sec. 6, Nov. 22, 2000, 114 Stat. 2530.

Bandon Marsh National Wildlife Refuge, Oregon.--Pub. L. 97-137, title I, Dec. 29, 1981, 95 Stat. 1709; Pub. L. 105-321, Sec. 5, Oct. 30, 1998, 112 Stat. 3025.

Bayou Cocodrie National Wildlife Refuge, Louisiana.--Pub. L. 101-593, title I, Sec. 108, Nov. 16, 1990, 104 Stat. 2956.

Bayou Sauvage Urban National Wildlife Refuge, Louisiana.--Pub. L. 99-645, title V, Sec. 502, Nov. 10, 1986, 100 Stat. 3590; Pub. L. 104-253, Sec. 2, Oct. 9, 1996, 110 Stat. 3167.

Becharof National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(2), Dec. 2, 1980, 94 Stat. 2385.

Bogue Chitto National Wildlife Refuge, Louisiana-Mississippi.--Pub. L. 96-288, June 28, 1980, 94 Stat. 603; Pub. L. 99-191, Sec. 3, Dec. 19, 1985, 99 Stat. 1327; Pub. L. 101-233, Sec. 17, Dec. 13, 1989, 103 Stat. 1978.

Bon Secour National Wildlife Refuge, Alabama.--Pub. L. 96-267, June 9, 1980, 94 Stat. 483; Pub. L. 99-191, Sec. 1, Dec. 19, 1985, 99 Stat. 1327.

Cache River National Wildlife Refuge, Arkansas.--Pub. L. 102-584, Secs. 1-5, Nov. 2, 1992, 106 Stat. 4937-4941.

Cahaba River National Wildlife Refuge, Alabama.--Pub. L. 106-331, Oct. 19, 2000, 114 Stat. 1303; Pub. L. 106-369, Sec. 9(b), Oct. 27, 2000, 114 Stat. 1419.

Cape Romain National Wildlife Refuge, South Carolina.--Pub. L. 107-63, title I, Sec. 129, Nov. 5, 2001, 115 Stat. 442.

Cat Island National Wildlife Refuge, Louisiana.--Pub. L. 106-369, Secs. 1-7, Oct. 27, 2000, 114 Stat. 1417-1419.

Charles M. Russell National Wildlife Refuge, Montana.--Pub. L. 106-541, title VIII, Dec. 11, 2000, 114 Stat. 2699.

Clarks River National Wildlife Refuge, Kentucky.--Pub. L. 104-208, div. A, title I, Sec. 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-185.

Columbia National Wildlife Refuge, Washington.--Pub. L. 106-291, title I, Sec. 138, Oct. 11, 2000, 114 Stat. 949.

Cossatot National Wildlife Refuge, Arkansas.--Pub. L. 104-333, div. I, title III, Sec. 305(h), Nov. 12, 1996, 110 Stat. 4130.

Detroit River International Wildlife Refuge (former Wyandotte National Wildlife Refuge), Michigan.--Pub. L. 87-119, Aug. 3, 1961, 75 Stat. 243; Pub. L. 107-91, Dec. 21, 2001, 115 Stat. 894.

Don Edwards San Francisco Bay National Wildlife Refuge, California.--Pub. L. 92-326, June 30, 1972, 86 Stat. 391; Pub. L. 96-290, Sec. 1, June 28, 1980, 94 Stat. 607; Pub. L. 100-556, title II, Oct. 28, 1988, 102 Stat. 2780; Pub. L. 104-78, Sec. 1, Dec. 28, 1995, 109 Stat. 790.

Edwin B. Forsythe National Wildlife Refuge, New Jersey.--Pub. L. 98-293, May 22, 1984, 98 Stat. 207.

Egmont Key National Wildlife Refuge, Florida.--Pub. L. 93-341, July 10, 1974, 88 Stat. 295.

Flattery Rocks National Wildlife Refuge, Washington.--Ex. Ord. No. 703, Oct. 23, 1907; Proc. No. 2416, July 25, 1940, 54 Stat. 2717; Pub. L. 100-226, Sec. 3, Dec. 31, 1987, 101 Stat. 1550.

Grays Harbor National Wildlife Refuge, Washington.--Pub. L. 100-406, Aug. 19, 1988, 102 Stat. 1041.

Great Dismal Swamp National Wildlife Refuge, Virginia and North Carolina.--Pub. L. 93-402, Aug. 30, 1974, 88 Stat. 801.

Hart Mountain National Antelope Refuge, Oregon.--Pub. L. 105-321, Sec. 4(a)-(d), Oct. 30, 1998, 112 Stat. 3023.

Humboldt Bay National Wildlife Refuge, California.--Pub. L. 96-290, Sec. 2, June 28, 1980, 94 Stat. 607; Pub. L. 107-130, Jan. 16, 2002, 115 Stat. 2409.

Innoko National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(3), Dec. 2, 1980, 94 Stat. 2386.

Izembek National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 303(3), Dec. 2, 1980, 94 Stat. 2390.

John H. Chafee National Wildlife Refuge (former Pettaquamscutt Cove National Wildlife Refuge), Rhode Island.--Pub. L. 100-610, title II, Nov. 5, 1988, 102 Stat. 3176; Pub. L. 102-212, title II, Sec. 202, Dec. 11, 1991, 105 Stat. 1660; Pub. L. 104-212, title II, Oct. 1, 1996, 110 Stat. 3014; Pub. L. 106-53, title V, Sec. 565(c), Aug. 17, 1999, 113 Stat. 367.

John Heinz National Wildlife Refuge at Tinicum (former Tinicum National Environmental Center), Pennsylvania.--Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 995; Pub. L. 103-340, Sec. 7, formerly Sec. 6, Oct. 6, 1994, 108 Stat. 3120, renumbered Sec. 7, Pub. L. 106-369, Sec. 9(a), Oct. 27, 2000, 114 Stat. 1419.

Kanuti National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(4), Dec. 2, 1980, 94 Stat. 2386.

Kenai National Wildlife Refuge, Alaska.--Pub. L. 96-487, title III, Sec. 303(4), Dec. 2, 1980, 94 Stat. 2391; Pub. L. 104-333, div. I, title III, Sec. 311(d)(3), Nov. 12, 1996, 110 Stat. 4142.

Klamath Marsh National Wildlife Refuge, Oregon.--Act Aug. 13, 1954, ch. 732, Sec. 28, as added Pub. L. 85-731, Sec. 1, Aug. 23, 1958, 72 Stat. 816; amended Pub. L. 86-247, Sept. 9, 1959, 73 Stat. 477; Pub. L. 105-312, title II, Sec. 205, Oct. 30, 1998, 112 Stat. 2957; Pub. L. 105-321, Sec. 4(e), Oct. 30, 1998, 112 Stat. 3025.

Kodiak National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 303(5), Dec. 2, 1980, 94 Stat. 2391.

Koyukuk National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(5), Dec. 2, 1980, 94 Stat. 2386.

Mason Neck National Wildlife Refuge, Virginia.--Pub. L. 106-291, title I, Sec. 120, Oct. 11, 2000, 114 Stat. 944.

McNary National Wildlife Refuge, Washington.--Pub. L. 106-53, title V, Sec. 563(1), Aug. 17, 1999, 113 Stat. 365.

Midway Atoll National Wildlife Refuge, Midway Islands.--Ex. Ord. No. 13022, Sec. 3(a), Oct. 31, 1996, 61 F.R. 56875.

Minnesota Valley National Wildlife Refuge, Minnesota.--Pub. L. 94-466, Oct. 8, 1976, 90 Stat. 1992.

Neal Smith National Wildlife Refuge, Iowa.--Pub. L. 105-83, title III, Sec. 341, Nov. 14, 1997, 111 Stat. 1604.

Ninigret National Wildlife Refuge, Rhode Island.--Pub. L. 105-178, title I, Sec. 1214(g), (i), June 9, 1998, 112 Stat. 206, 207; Pub. L. 105-206, title IX, Sec. 9006(d), July 22, 1998, 112 Stat. 849.

North Platte National Wildlife Refuge, Nebraska.--Pub. L. 104-212, title I, Sec. 101, Oct. 1, 1996, 110 Stat. 3014.

Nowitna National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(6), Dec. 2, 1980, 94 Stat. 2387.

Oahu National Wildlife Refuge Complex, Hawaii.--Pub. L. 104-209, Sec. 1, Oct. 1, 1996, 110 Stat. 3010.

Oxbow National Wildlife Refuge, Massachusetts.--Pub. L. 103-337, div. B, title XXVIII, Sec. 2846, Oct. 5, 1994, 108 Stat. 3071; Pub. L. 104-106, div. B, title XXVIII, Sec. 2853, Feb. 10, 1996, 110 Stat. 567.

Pettaquamscutt Cove National Wildlife Refuge, Rhode Island (see John H. Chafee National Wildlife Refuge).

Pocosin Lakes National Wildlife Refuge, North Carolina.--Pub. L. 103-232, title III, Apr. 11, 1994, 108 Stat. 339.

Protection Island National Wildlife Refuge, Washington.--Pub. L. 97-333, Oct. 15, 1982, 96 Stat. 1623.

Quillayute Needles National Wildlife Refuge, Washington.--Ex. Ord. No. 705, Oct. 23, 1907; Proc. No. 2416, July 25, 1940, 54 Stat. 2717; Pub. L. 100-226, Sec. 3, Dec. 31, 1987, 101 Stat. 1550.

Red River National Wildlife Refuge, Louisiana.--Pub. L. 106-300, Oct. 13, 2000, 114 Stat. 1055; Pub. L. 106-369, Sec. 9(c), Oct. 27, 2000, 114 Stat. 1419.

Rhode Island National Wildlife Refuge, Rhode Island.--Pub. L. 105-178, title I, Sec. 1214(j), June 9, 1998, 112 Stat. 207.

Ridgefield National Wildlife Refuge, Washington.--Pub. L. 102-570, Sec. 1, Oct. 29, 1992, 106 Stat. 4489.

Rocky Flats National Wildlife Refuge, Colorado.--Pub. L. 107-107, div. C, title XXXI, Dec. 28, 2001, 115 Stat. 1379.

Rocky Mountain Arsenal National Wildlife Refuge, Colorado.--Pub. L. 102-402, Oct. 9, 1992, 106 Stat. 1961; Pub. L. 105-85, div. B, title XXVIII, Sec. 2840, Nov. 18, 1997, 111 Stat. 2007.

Sachuest Point National Wildlife Refuge, Rhode Island.--Pub. L. 105-178, title I, Sec. 1214(f), (h), June 9, 1998, 112 Stat. 206, 207.

Sailors' Snug Harbor National Wildlife Refuge, New York.--Pub. L. 96-315, Sec. 2, July 25, 1980, 94 Stat. 957.

San Diego National Wildlife Refuge, California.--Pub. L. 106-398, Sec. 1 [div. B, title XXVIII, Sec. 2848], Oct. 30, 2000, 114 Stat. 1654, 1654A-426.

Seal Beach National Wildlife Refuge, California.--Pub. L. 92-408, Aug. 29, 1972, 86 Stat. 633.

Selawik National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(7), Dec. 2, 1980, 94 Stat. 2387.

Silvio Conte National Fish and Wildlife Refuge, Connecticut, Massachusetts, New Hampshire, and Vermont.--Pub. L. 102-212, title I, Dec. 11, 1991, 105 Stat. 1655.

Sonny Bono Salton Sea National Wildlife Refuge, California.--Pub. L. 105-372, title I, Sec. 103, Nov. 12, 1998, 112 Stat. 3380.

Stewart B. McKinney National Wildlife Refuge, Connecticut.--Pub. L. 98-548, title II, Oct. 26, 1984, 98 Stat. 2774; Pub. L. 100-38, May 13, 1987, 101 Stat. 306; Pub. L. 101-443, Sec. 2, Oct. 19, 1990, 104 Stat. 1028.

Stillwater National Wildlife Refuge, Nevada.--Pub. L. 101-618, title II, Sec. 206(b), Nov. 16, 1990, 104 Stat. 3309.

Tensas River National Wildlife Refuge, Louisiana.--Pub. L. 96-285, June 28, 1980, 94 Stat. 595; Pub. L. 99-191, Sec. 2, Dec. 19, 1985, 99 Stat. 1327; Pub. L. 104-253, Sec. 1, Oct. 9, 1996, 110 Stat. 3167.

Tetlin National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(8), Dec. 2, 1980, 94 Stat. 2388.

Togiak National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 303(6), Dec. 2, 1980, 94 Stat. 2392.

Waccamaw National Wildlife Refuge, South Carolina.--Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 420.

Wallkill River National Wildlife Refuge, New Jersey.--Pub. L. 101-593, title I, Sec. 107, Nov. 16, 1990, 104 Stat. 2955.

Wertheim National Wildlife Refuge, New York.--Pub. L. 106-113, div. B, Sec. 1000(a)(5) [title II, Sec. 222], Nov. 29, 1999, 113 Stat. 1536, 1501A-299.

White River National Wildlife Refuge, Arkansas.--Pub. L. 102-584, Secs. 1-5, Nov. 2, 1992, 106 Stat. 4937-4941.

Wyandotte National Wildlife Refuge, Michigan (see Detroit River International Wildlife Refuge).

Yukon Delta National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 303(7), Dec. 2, 1980, 94 Stat. 2392.

Yukon Flats National Wildlife Refuge, Alaska.--Pub. L. 96-498, title III, Sec. 302(9), Dec. 2, 1980, 94 Stat. 2388.

National Wildlife Conservation Area

Falls of the Ohio National Wildlife Conservation Area, Kentucky.--Pub. L. 97-137, title II, Dec. 29, 1981, 95 Stat. 1710; Pub. L. 98-613, Sec. 10(c), (d), Oct. 31, 1984, 98 Stat. 3191; Pub. L. 105-146, Sec. 2, Dec. 16, 1997, 111 Stat. 2672.

National Environmental Centers

Tinicum National Environmental Center, Pennsylvania.--Pub. L. 92-326, June 30, 1972, 86 Stat. 391; renamed John Heinz National Wildlife Refuge at Tinicum, Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 995.

Ex. Ord. No. 12996. Management and General Public Use of National
Wildlife Refuge System

Ex. Ord. No. 12996, Mar. 25, 1996, 61 F.R. 13647, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a [et seq.]), the Fish and Wildlife Coordination Act (16 U.S.C. 661 [et seq.]), the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd [, 668ee]), the Refuge Recreation Act (16 U.S.C. 460k [et seq.]), the Endangered Species Act of 1973 (16 U.S.C. 1531 [et seq.]), the Emergency Wetlands Resources Act (16 U.S.C. 3901 [et seq.]), the North American Wetlands Conservation Act (16 U.S.C. 4401 [et seq.]), the National Environmental Policy Act (42 U.S.C. 4321 [et seq.]), and other pertinent statutes, and in order to conserve fish and wildlife and their habitat, it is ordered as follows:

Section 1. The Mission of the National Wildlife Refuge System. The mission of the National Wildlife Refuge System ('`Refuge System'') is to preserve a national network of lands and waters for the conservation and management of fish, wildlife, and plant resources of the United States for the benefit of present and future generations.

Sec. 2. Guiding Principles. To help ensure a bright future for its treasured national heritage, I hereby affirm the following four guiding principles for the management and general public use of the Refuge System:

(a) Public Use. The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

(b) Habitat. Fish and wildlife will not prosper without high-quality habitat, and without fish and wildlife, traditional uses of refuges cannot be sustained. The Refuge System will continue to conserve and enhance the quality and diversity of fish and wildlife habitat within refuges.

(c) Partnerships. America's sportsmen and women were the first partners who insisted on protecting valuable wildlife habitat within wildlife refuges. Conservation partnerships with other Federal agencies, State agencies, Tribes, organizations, industry, and the general public can make significant contributions to the growth and management of the Refuge System.

(d) Public Involvement. The public should be given a full and open opportunity to participate in decisions regarding acquisition and management of our National Wildlife Refuges.

Sec. 3. Directives to the Secretary of the Interior. To the extent consistent with existing laws and interagency agreements, the Secretary of the Interior, in carrying out his trustee and stewardship responsibilities for the Refuge System, is directed to:

(a) recognize compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;

(b) provide expanded opportunities for these priority public uses within the Refuge System when they are compatible and consistent with sound principles of fish and wildlife management, and are otherwise in the public interest;

(c) ensure that such priority public uses receive enhanced attention in planning and management within the Refuge System;

(d) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

(e) ensure that the biological integrity and environmental health of the Refuge System is maintained for the benefit of present and future generations of Americans;

(f) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the Refuge System by other Federal agencies, including those necessary to facilitate military preparedness;

(g) plan and direct the continued growth of the Refuge System in a manner that is best designed to accomplish the mission of the Refuge System, to contribute to the conservation of the ecosystems of the United States, and to increase support for the Refuge System and participation from conservation partners and the public;

(h) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing National Wildlife Refuges;

(i) ensure appropriate public involvement opportunities will be provided in conjunction with refuge planning and management activities; and

(j) identify, prior to acquisition, existing compatible wildlife-dependent uses of new refuge lands that shall be permitted to continue on an interim basis pending completion of comprehensive planning.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

William J. Clinton.

Section Referred to in Other Sections

This section is referred to in sections 410hhh-4, 459j-4, 668ee, 742f, 3125, 3212, 5207 of this title; title 23 section 204; title 43 section 1714.

TITLE 16--CONSERVATION

CHAPTER 5A--PROTECTION AND CONSERVATION OF WILDLIFE

SUBCHAPTER III--ENDANGERED SPECIES OF FISH AND WILDLIFE

Sec. 668ee. Definitions

For purposes of this Act:

(1) The term ``compatible use'' means a wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

(2) The terms ``wildlife-dependent recreation'' and ``wildlife-dependent recreational use'' mean a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

(3) The term ``sound professional judgment'' means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of this Act and other applicable laws.

(4) The terms ``conserving'', ``conservation'', ``manage'', ``managing'', and ``management'', mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of this Act, protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

(5) The term ``Coordination Area'' means a wildlife management area that is made available to a State--

(A) by cooperative agreement between the United States Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 664 of this title; or

(B) by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

(6) The term ``Director'' means the Director of the United States Fish and Wildlife Service or a designee of that Director.

(7) The terms ``fish'', ``wildlife'', and ``fish and wildlife'' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

(8) The term ``person'' means any individual, partnership, corporation, or association.

(9) The term ``plant'' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

(10) The terms ``purposes of the refuge'' and ``purposes of each refuge'' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

(11) The term ``refuge'' means a designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.

(12) The term ``Secretary'' means the Secretary of the Interior.

(13) The terms ``State'' and ``United States'' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

(14) The term ``System'' means the National Wildlife Refuge System designated under section 668dd(a)(1) of this title.

(15) The terms ``take'', ``taking'', and ``taken'' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.

(Pub. L. 89-669, Sec. 5, Oct. 15, 1966, 80 Stat. 929; Pub. L. 105-57, Sec. 3(a), Oct. 9, 1997, 111 Stat. 1253.)

References in Text

This Act, referred to in text, means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, as amended, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715l, 715m of this title. For complete classification of this Act to the Code, see Tables.

The Bankhead-Jones Farm Tenant Act, referred to in par. (5)(B), is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Act is classified generally to subchapter III (Sec. 1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables.

Amendments

1997--Pub. L. 105-57 inserted section catchline and amended text generally. Prior to amendment, text read as follows:

``(a) The term `person' as used in this Act means any individual, partnership, corporation, or association.

``(b) The terms `take' or `taking' or `taken' as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

``(c) The terms `State' and the `United States' as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.''

Section Referred to in Other Sections

This section is referred to in sections 410hhh-4, 459j-4, 742f, 3125, 3212 of this title; title 23 section 204.