CHAPTER 49—FISH AND WILDLIFE CONSERVATION

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§ 2901. Congressional findings and declaration of purpose

(a) Findings

The Congress finds and declares the following:

(1) Fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the Nation.

(2) The improved conservation and management of fish and wildlife, particularly nongame fish and wildlife, will assist in restoring and maintaining fish and wildlife and in assuring a productive and more esthetically pleasing environment for all citizens.

(3) Many citizens, particularly those residing in urban areas, have insufficient opportunity to participate in recreational and other programs designed to foster human interaction with fish and wildlife and thereby are unable to have a greater appreciation and awareness of the environment.

(4) Historically, fish and wildlife conservation programs have been focused on the more recreationally and commercially important species within any particular ecosystem. As a consequence such programs have been largely financed by hunting and fishing license revenues or excise taxes on certain hunting and fishing equipment. These traditional financing mechanisms are neither adequate nor fully appropriate to meet the conservation needs of nongame fish and wildlife.

(5) Each State should be encouraged to develop, revise, and implement, in consultation with appropriate Federal, State, and local and regional agencies, a plan for the conservation of fish and wildlife, particularly those species which are indigenous to the State.

(b) Purpose

It is the purpose of this chapter—

(1) to provide financial and technical assistance to the States for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife; and

(2) to encourage all Federal departments and agencies to utilize their statutory and administrative authority, to the maximum extent practicable and consistent with each agency's statutory responsibilities, to conserve and to promote conservation of nongame fish and wildlife and their habitats, in furtherance of the provisions of this chapter.

(Pub. L. 96–366, § 2, Sept. 29, 1980, 94 Stat. 1322.)

SHORT TITLE

Section 1 of Pub. L. 96–366 provided: ''That this Act [enacting this chapter] may be cited as the 'Fish and Wildlife Conservation Act of 1980'.''

§ 2902. Definitions

As used in this chapter—

(1) The term ''approved conservation plan'' means the conservation plan of a State approved by the Secretary pursuant to section 2904(a) of this title.

(2) The term ''conservation plan'' means a plan developed by a State for the conservation of fish and wildlife which meets the requirements set forth in section 2903 of this title.

(3) The terms ''conserve'', ''conserving'', and ''conservation'' mean to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the ecological, educational, esthetic, cultural, recreational, and scientific enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(4) The term ''designated State agency'' means the commission, department, division, or other agency of a State which has primary legal authority for the conservation of fish and wildlife. If any State has placed such authority in more than one agency, such term means each such agency acting with respect to its assigned responsibilities but such agencies, for purposes of this chapter, shall submit a single conservation plan.

(5) The term ''fish and wildlife'' means wild vertebrate animals that are in an unconfined state, including, but not limited to, nongame fish and wildlife.

(6) The term ''nongame fish and wildlife'' means wild vertebrate animals that are in an unconfined state and that—

(A) are not ordinarily taken for sport, fur, or food, except that if under applicable State law, any of such animals may be taken for sport, fur, or food in some, but not all, areas of the State, any of such animals within any area of the State in which such taking is not permitted may be deemed to be nongame fish and wildlife;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); and

(C) are not marine mammals within the meaning of section 1362(5)[1] of this title.

[1] See References in Text note below.

Such term does not include any domesticated species that has reverted to a feral existence.

(7) The term ''Secretary'' means the Secretary of the Interior.

(8) The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 96–366, § 3, Sept. 29, 1980, 94 Stat. 1323.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (6)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

Section 1362(5) of this title, referred to in par. (6)(C), was redesignated section 1362(6), by Pub. L. 102–582, title IV, § 401(a), Nov. 2, 1992, 106 Stat. 4909.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2903. Conservation plans

The conservation plan for any State must—

(1) provide for the vesting in the designated State agency of the overall responsibility for the development and revision of the conservation plan;

(2) provide for an inventory of the nongame fish and wildlife, and such other fish and wildlife as the designated State agency deems appropriate, that are within the State and are valued for ecological, educational, esthetic, cultural, recreational, economic, or scientific benefits by the public;

(3) with respect to those species identified under paragraph (2) (hereinafter in this section referred to as ''plan species''), provide for—

(A) the determination of the size, range, and distribution of their populations, and

(B) the identification of the extent, condition, and location of their significant habitats;

(4) identify the significant problems which may adversely affect the plan species and their significant habitats;

(5) determine those actions which should be taken to conserve the plan species and their significant habitats;

(6) establish priorities for implementing the conservation actions determined under paragraph (5);

(7) provide for the monitoring, on a regular basis, of the plan species and the effectiveness of the conservation actions determined under paragraph (5);

(8) provide for plan review and revision, if appropriate, at intervals of not more than 3 years;

(9) ensure that the public be given opportunity to make its views known and considered during the development, revision, and implementation of the plan; and

(10) provide that the designated State agency consult, as appropriate, with Federal agencies, and other State agencies during the development, revision, and implementation of the plan, in order to minimize duplication of efforts and to ensure that the best information is available to all such agencies.

(Pub. L. 96–366, § 4, Sept. 29, 1980, 94 Stat. 1323.)

§ 2904. Approval of conservation plans and certain nongame fish and wildlife conservation actions

(a) Approval by Secretary of plans

(1) Any State may apply to the Secretary for approval of a conservation plan.

(2) Applications for the approval of conservation plans shall be made and reviewed by the Secretary in such manner as the Secretary shall by regulation prescribe.

(3) As soon as practicable, but no later than 180 days, after the date on which a State submits (or resubmits in the case of prior disapproval) an application for the approval of a conservation plan the Secretary shall—

(A) approve the conservation plan, and designate it as an approved conservation plan, if he determines that the plan—

(i) meets the requirements set forth in section 2903 of this title, and

(ii) is substantial in character and design; or

(B) disapprove the conservation plan if he determines that—

(i) the plan does not meet the requirements set forth in section 2903 of this title, or

(ii) to implement any part of the plan on the basis of the specifications, determinations, identifications, or priorities therein would threaten the natural stability and continued viability of any of the plan species concerned.

If the Secretary disapproves a plan, he shall give the State concerned a written statement of the reasons for disapproval and provide the State opportunity for consultation with respect to deficiencies in the plan and the modifications required for approval.

(b) Effect of approval of plans

If the Secretary approves the conservation plan of any State under subsection (a) of this section—

(1) that portion of such plan that pertains to wildlife conservation shall be deemed to be an approved plan for purposes of section 6(a)(1) of the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.]; and

(2) that portion of such plan that pertains to fish conservation shall be deemed to be an approved plan for the purposes of section 6(a)(1) of the Act of August 9, 1950 [16 U.S.C. 777e(a)(1)] commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.].

(c) Conservation actions

If the Secretary approves the conservation plan of any State under subsection (a) of this

section, those conservation actions set forth in the plan which pertain to nongame fish and wildlife shall be deemed to be eligible as nongame fish and wildlife projects for which reimbursement is available under section 2905 of this title.

(d) Nongame conservation actions in the absence of an approved plan

In the absence of an approved conservation plan, and on a showing of need by the State, the Secretary may deem certain conservation actions to be nongame fish and wildlife projects for which reimbursement is available under section section 2905(a)(3) of this title if they—

(1) are consistent with such of the requirements set forth in section 2903 of this title as may be appropriate, including, but not limited to, the requirements in paragraphs (3), (4), (5), and (7) of such section; and

(2) are substantial in character and design.

(Pub. L. 96–366, § 5, Sept. 29, 1980, 94 Stat. 1324.)

REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsec. (b)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§ 669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsec. (b)(2), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§ 777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

§ 2905. Reimbursement of State costs for developing, revising, and implementing conservation plans and implementing certain nongame fish and wildlife conservation actions

(a) In general

Any State may apply to the Secretary for reimbursement under this section for costs incurred by the State for the following:

(1) The development of a conservation plan.

(2) The revision of an approved conservation plan.

(3) The implementation of nongame fish and wildlife conservation actions approved under section 2904(c) and (d) of this title.

(4) The implementation of conservation actions specified in an approved conservation plan.

(5) The coordination, consolidation, or implementation of the conservation plan or conservation, actions approved under this chapter with other related plans or actions developed pursuant to the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.] and the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.].

(b) Applications

Application for reimbursement under this section shall be made in such manner as the Secretary shall by regulation prescribe and shall contain such information as is necessary to enable the Secretary to determine whether the State meets the eligibility requirements set forth in subsection (c) of this section.

(c) Eligibility

No State is eligible for reimbursement under this section unless the Secretary finds that the costs, for which reimbursement is sought, have been incurred by the State as follows:

(1) If reimbursement is sought under subsection (a)(1) of this section, such costs have been incurred in developing a conservation plan that meets the requirements set forth in section 2903 of this title.

(2) If reimbursement is sought under subsection (a)(2) of this section, such costs have been incurred in revising the plan in a manner consistent with such requirements.

(3) If reimbursement is sought under subsection (a)(3) of this section, such costs have been incurred in implementing the conservation actions as approved by the Secretary.

(4) If reimbursement is sought under subsection (a)(4) of this section, such costs have been incurred in implementing conservation actions specified in, and in a manner consistent with, the approved conservation plan.

(5) If reimbursement is sought under subsection (a)(5) of this section, such costs have been incurred in consolidating, coordinating or implementing conservation plans and actions approved under this chapter with approved plans and actions under the Act of August 9, 1950 (16 U.S.C. 777c(a)(1)), commonly referred to as the Dingell-Johnson Sport Fish Restoration Act [16 U.S.C. 777 et seq.] and the Act of September 2, 1937 (16 U.S.C. 669e(a)(1)), commonly referred to as the Pittman-Robertson Wildlife Restoration Act [16 U.S.C. 669 et seq.] in a manner consistent with sections 2901 and 2903 of this title.

(d) Reimbursement

Subject to the limitations in subsection (c) and the terms and conditions imposed under section 2906 of this title, and to the availability of funds appropriated under section 2910 of this title, the Secretary shall reimburse each State which the Secretary finds to be eligible therefor under subsection (c) of this section.

(e) Limitations

(1) The total amount of the reimbursement paid to any State under this section with respect to any fiscal year may not exceed the allocation available to the State under section 2907 of this title for such year.

(2) No reimbursement may be paid under this section to any State for any cost incurred by the State during any fiscal year—

(A) after September 30, 1991, in developing a conservation plan;

(B) after September 30, 1986, for costs incurred in implementing certain nongame fish and wildlife actions approved under section 2904(d) of this title;

(C) in which less than 80 percent of the costs to be reimbursed are for the principal benefit of nongame fish and wildlife or the users of nongame fish and wildlife;

(D) in implementing an approved conservation plan, unless the cost was incurred in implementing actions approved under section 2904(c) or (d) of this title;

(E) in implementing an approved conservation plan covering only nongame fish and wildlife, or any nongame fish and wildlife conservation action approved under section 2904(c) or (d) of this title, to the extent that more than 10 percent of such costs are paid for with moneys collected during such year by the State—

(i) from the sale of hunting, fishing, and trapping licenses, and

(ii) as penalties (including forfeitures) for violations of the hunting, fishing, and trapping laws of the State; or

(F) in implementing an approved conservation plan or any nongame fish and wildlife conservation action approved under section 2904(c) or (d) of this title, to the extent that—

(i) more than 10 percent of such costs are applied for purposes of conservation law enforcement under any such plan or action, and

(ii) more than 10 percent of such costs in any such year are accounted for by personal service or other inkind contributions.

(3) The amount of the reimbursement paid to any State under this section with respect to any fiscal year—

(A) may not exceed 75 percent for the development of a conservation plan except that during fiscal years 1982, 1983, and 1984 such amount shall not exceed 90 percent;

(B) for the implementation of nongame fish and wildlife conservation actions approved under section 2904(c) or (d) of this title, may not exceed 75 percent of the cost of implementing the action during such fiscal year, except that if such action is undertaken by two or more States such amount shall not exceed 90 percent;

(C) during and after the fiscal year in which the conservation plan of the State is approved under section 2904(a) of this title, may not exceed 75 percent of the cost of implementing and revising the conservation plan during such fiscal year, or if two or more States cooperate in implementing or revising such plan, such cost shall not exceed 90 percent, and

(D) after September 30, 1991, may not exceed—

(i) 50 percent of the cost of implementing and revising the plan during the fiscal year, if the approved conservation plan of the State covers only nongame fish and wildlife, or

(ii) 75 percent of the cost of implementing and revising the plan during such fiscal year, if the approved conservation plan of the State coordinates and consolidates planning for fish and wildlife.

(4)(A) In computing the costs incurred by any State during any fiscal year in developing or revising conservation plans, in implementing approved conservation plans, or in implementing nongame fish and wildlife conservation actions approved under section 2904(c) or (d) of this title, for which reimbursement may be available under this section, the Secretary shall—

(i) take into account, in addition to each outlay, the value of inkind contributions and real and personal property received and applied during such year by the State for such purposes; and

(ii) not include any other Federal moneys received by such State and applied by it, directly or indirectly, for such purposes.

(B) For purposes of subparagraph (A), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies regarding fish and wildlife. The Secretary shall by regulation establish (i) the training experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and (ii) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of subparagraph (A).

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be final and conclusive.

(Pub. L. 96–366, § 6, Sept. 29, 1980, 94 Stat. 1325.)

REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsecs. (a)(5) and (c)(5), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§ 669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsecs. (a)(5) and (c)(5), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§ 777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

16 U.S.C 777c(a)(1), referred to in subsecs. (a)(5) and (c)(5), probably is a reference to section 6(a)(1) of act Aug. 9, 1950, ch. 658, 64 Stat. 432, which is classified to section 777e(a)(1) of this title.

§ 2906. Terms and conditions of reimbursement

Reimbursements made to the States under section 2905 of this title shall be subject to such terms and conditions as the Secretary shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States. Such terms and conditions shall include, but not be limited to, the following:

(1) Each State and each designated State agency shall keep such records as the Secretary shall require as being necessary or appropriate for fully disclosing the amount and purposes of costs incurred by the State for which reimbursement under section 2905 of this title is, or may be, sought. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to such records.

(2) Upon a finding by the Secretary, after notice and opportunity for an agency hearing on the record, that any State has received reimbursement under section 2905 of this title for

which it is not eligible, or has violated any term or condition imposed under this section, the State shall thereafter be ineligible to receive reimbursement under such section until restitution satisfactory to the Secretary is made, such violation ceases, or adverse effects resulting from such violation are remedied.

(Pub. L. 96–366, § 7, Sept. 29, 1980, 94 Stat. 1327.)

§ 2907. Allocation of funds for administration and reimbursement of States

(a) In general

The total amount appropriated pursuant to section 2910 of this title for any fiscal year shall be available for administration and for allocation among the States as provided in this section.

(b) Allocation formula

Of the total amount appropriated for any fiscal year pursuant to section 2910 of this title—

(1) the Secretary shall deduct so much, but not to exceed 8 percent thereof, as may be necessary for administering during such fiscal year the provisions of this chapter relating to the purposes for which so appropriated;

(2) less the deduction under paragraph (1), the Secretary shall allocate—

(A) for the District of Columbia and the Commonwealth of Puerto Rico each a sum equal to not more than one-half of 1 percent of such amount; and

(B) for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands each a sum equal to not more than one-sixth of 1 percent of such amount; and

(3) less the deduction under paragraph (1) and the sums allocated under paragraph (2), the Secretary shall allocate for each of the States (other than those provided for in paragraph (2)) a sum—

(A) one-third of which is based on the ratio to which the area of such State bears to the total area of all such States, and

(B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

except all sums allocated under this paragraph shall be adjusted equitably so that no State shall be allocated a sum which is less than one-half of 1 percent of the amount available for allocation under this paragraph for any fiscal year or more than 5 percent of such amount.

(c) Treatment of amounts allocated but not used for any fiscal year

(1) That portion of any amount deducted by the Secretary under subsection (b)(1) of this section for administrative purposes for any fiscal year and not expended during such fiscal year shall remain available for administrative purposes until the close of the next succeeding fiscal year and if not obligated or expended by the close of such succeeding fiscal year shall be available for disbursement by the Secretary without regard to subsection (b) of this section, to the States to carry out the purposes of this chapter.

(2) That portion of any amount allocated to any State under subsection (b)(2) or (3) of this section for any fiscal year and not disbursed to the State for such fiscal years under section 2905 of this title shall remain available for disbursement to the State under such section for the next succeeding fiscal year and if not disbursed for such succeeding fiscal year shall be available for disbursement by the Secretary, without regard to subsection (b) of this section, to the States to carry out the purposes of this chapter.

(Pub. L. 96–366, § 8, Sept. 29, 1980, 94 Stat. 1328.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2908. Other Federal assistance and actions

The Secretary and the chief executive officer of any other appropriate Federal department or agency may loan to any State such personnel and equipment of the department or agency, share such scientific or other appropriate information, and provide such other assistance as the Secretary or officer determines appropriate for purposes of assisting any State to develop or revise conservation plans.

(Pub. L. 96–366, § 9, Sept. 29, 1980, 94 Stat. 1329.)

§ 2909. Disclaimers

Nothing in this chapter shall be construed as affecting—

(1) the authority, jurisdiction, or responsibility of the States to manage, control, or regulate fish and resident wildlife under State law;

(2) any requirement under State law that lands, waters, and interests therein may only be acquired for conservation purposes if the owner thereof is a willing seller; and

(3) the authority of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468–1469, 7 U.S.C. 426–426b).

(Pub. L. 96–366, § 10, Sept. 29, 1980, 94 Stat. 1329.)

REFERENCES IN TEXT

Act of March 2, 1931, referred to in par. (3), is act Mar. 2, 1931, ch. 370, 46 Stat. 1468, which is classified to sections 426 to 426b of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

§ 2910. Authorization of appropriations

There are authorized to be appropriated for purposes of making reimbursements under section 2905 of this title to States for the development and implementation of conservation plans and for administration of this chapter under section 2907 of this title not to exceed $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 96–366, § 11, Sept. 29, 1980, 94 Stat. 1329; Pub. L. 99–375, Aug. 7, 1986, 100 Stat. 803; Pub. L. 100–653, title VIII, § 801, Nov. 14, 1988, 102 Stat. 3833; Pub. L. 101–593, title I, § 106, Nov. 16, 1990, 104 Stat. 2955; Pub. L. 102–440, title III, § 301, Oct. 23, 1992, 106 Stat. 2234.)

AMENDMENTS

1992—Pub. L. 102–440 substituted ''fiscal years 1992, 1993, 1994, 1995, 1996, and 1997'' for ''fiscal years 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, and 1992''.

1990—Pub. L. 101–593 substituted ''1990, 1991, and 1992'' for ''and 1990''.

1988—Pub. L. 100–653 substituted ''1988, 1989, and 1990'' for ''and 1988''.

1986—Pub. L. 99–375 substituted ''1985, 1986, 1987, and 1988'' for ''and 1985''.

§ 2911. Study on most equitable and effective mechanism for funding State conservation plans; report to Congressional committees

The Director of the United States Fish and Wildlife Service, in consultation with affected parties, shall conduct a comprehensive study to determine the most equitable and effective mechanism for funding State conservation plans and actions under this chapter, including, but not limited to, funding by means of an excise tax on appropriate items. On or before December 31, 1984, the Director shall report to the Committee on Environment and Public Works of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representative the results of such study, together with his recommendations with respect thereto.

(Pub. L. 96–366, § 12, Sept. 29, 1980, 94 Stat. 1330; Pub. L. 97–396, § 6, Dec. 31, 1982, 96 Stat. 2006.)

AMENDMENTS

1982—Pub. L. 97–396 struck out '', out of funds available for the administration of this chapter'' after ''shall conduct'', and substituted ''December 31, 1984'' for ''the expiration of the 30-month period following the date of enactment of this Act [Sept. 29, 1980]'' after ''On or before''.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2912. Federal conservation of migratory nongame birds

(a) Conservation activities

The Secretary shall undertake the following research and conservation activities, in coordination with other Federal, State, international and private organizations, to assist in fulfilling his responsibilities to conserve migratory nongame birds under existing authorities provided by the Migratory Bird Treaty Act and Migratory Bird Conservation Act (16 U.S.C. 701–715) and section 8A(e) of the Endangered Species Act [16 U.S.C. 1537a(e)] implementing the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere:

(1) monitor and assess population trends and status of species, subspecies, and populations of all migratory nongame birds;

(2) identify the effects of environmental changes and human activities on species, subspecies, and populations of all migratory nongame birds;

(3) identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543);

(4) identify conservation actions to assure that species, subspecies, and populations of migratory nongame birds identified under paragraph (3) do not reach the point at which the measures provided pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543) become necessary; and

(5) identify lands and waters in the United States and other nations in the Western Hemisphere whose protection, management, or acquisition will foster the conservation of species, subspecies, and populations of migratory nongame birds, including those identified in paragraph (3).

(b) Reports

Within one year after November 14, 1988, and at five-year intervals thereafter, the Secretary shall prepare a report that presents the results of the activities taken pursuant to subsection (a) of this section and that describes any efforts to carry out those conservation actions identified pursuant to paragraph (4) of subsection (a) of this section. Such reports shall be submitted to the Committee on Environment and Public Works of the United States Senate and to the Committee on Merchant Marine and Fisheries of the United States House of Representatives.

(Pub. L. 96–366, § 13, as added Pub. L. 100–653, title VIII, § 802, Nov. 14, 1988, 102 Stat. 3833; amended Pub. L. 101–233, § 16(b), Dec. 13, 1989, 103 Stat. 1977.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in subsec. (a), is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 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 Endangered Species Act of 1973, referred to in subsec. (a)(3), (4), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

CODIFICATION

November 14, 1988, referred to in subsec. (b), was in the original ''the date of enactment of this Act'' which was translated as meaning the date of enactment of Pub. L. 100–653, which enacted this section, to reflect the probable intent of Congress.

AMENDMENTS

1989—Subsec. (a)(5). Pub. L. 101–233 added par. (5).

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

CHAPTER 50—CHESAPEAKE BAY RESEARCH COORDINATION

§§ 3001 to 3007. Omitted

CODIFICATION

Sections 3001 to 3007 were omitted pursuant to section 3007 which provided that this chapter terminated Sept. 30, 1984.

Section 3001, Pub. L. 96–460, §2, Oct. 15, 1980, 94 Stat. 2044, stated the Congressional findings and purposes for this chapter.

Section 3002, Pub. L. 96–460, §3, Oct. 15, 1980, 94 Stat. 2045, defined terms for the purposes of this chapter.

Section 3003, Pub. L. 96–460, §4, Oct. 15, 1980, 94 Stat. 2045, required the Secretary of Commerce to establish in the Department of Commerce an office for Chesapeake Bay Research Coordination.

Section 3004, Pub. L. 96–460, §5, Oct. 15, 1980, 94 Stat. 2046, established the Chesapeake Bay Research Board.

Section 3005, Pub. L. 96–460, §6, Oct. 15, 1980, 94 Stat. 2047, authorized appropriations to carry out the purposes of this chapter.

Section 3006, Pub. L. 96–460, §7, Oct. 15, 1980, 94 Stat. 2047, established the relationship between this chapter and existing Federal, State, and local authority.

Section 3007, Pub. L. 96–460, §8, Oct. 15, 1980, 94 Stat. 2048, provided that this chapter and the authority conferred by it would terminate Sept. 30, 1984.

SHORT TITLE

Section 1 of Pub. L. 96–460 provided that this chapter may be cited as the ''Chesapeake Bay Research Coordination Act of 1980''.

CHAPTER 51—ALASKA NATIONAL INTEREST LANDS CONSERVATION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
3101. Congressional statement of purpose.
3102. Definitions.
3103. Maps.

SUBCHAPTER II—SUBSISTENCE MANAGEMENT AND USE

3111. Congressional declaration of findings.
3112. Congressional statement of policy.
3113. Definitions.
3114. Preference for subsistence uses.
3115. Local and regional participation.
3116. Federal monitoring; reports to State and Congressional committees.
3117. Judicial enforcement.
3118. Park and park monument subsistence resource commissions.
3119. Cooperative agreements.
3120. Subsistence and land use decisions.
3121. Rural residents engaged in subsistence uses.
3122. Research.
3123. Periodic reports.
3124. Regulations.
3125. Limitations and savings clauses.
3126. Closure to subsistence uses.

SUBCHAPTER III—FEDERAL NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING PROGRAM AND MINERAL ASSESSMENTS

3141. Overall study program.
3142. Arctic National Wildlife Refuge coastal plain resource assessment.
3143. Production of oil and gas from Arctic National Wildlife Refuge prohibited.
3144. Wilderness portion of study.
3145. Wildlife resources portion of study and impact of potential oil spills in Arctic Ocean.
3146. Transportation alternatives portion of study.
3147. Arctic research study.
3148. Oil and gas leasing program for non-North Slope Federal lands.
3149. Oil and gas lease applications.
3150. Alaska mineral resource assessment program.
3151. Omitted.

SUBCHAPTER IV—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS

3161. Congressional declaration of findings.
3162. Definitions.
3163. Effect on other laws.
3164. Procedural requirements.
3165. Standards for granting certain authorizations.
3166. Agency, Presidential, and Congressional actions.
3167. Rights-of-way terms and conditions.
3168. Injunctive relief.
3169. Valid existing right of access.
3170. Special access and access to inholdings.
3171. Temporary access.
3172. North Slope Haul Road.
3173. Stikine River region; Presidential study and report to Congress.

SUBCHAPTER V—FEDERAL-STATE COOPERATION

3181. Alaska Land Use Council.
3182. Federal Coordination Committee.
3183. Bristol Bay Cooperative Region.

SUBCHAPTER VI—ADMINISTRATIVE PROVISIONS

3191. Management plans.
3192. Land acquisition authority.
3192a. Restrictions on use of appropriated funds.
3193. Use of cabins and other sites of occupancy on conservation system units.
3194. Archeological and paleontological sites.
3195. Cooperative information and education centers.
3196. Administrative sites and visitor facilities.
3197. Revenue-producing visitor services.
3198. Local hire.
3199. Navigation aids and other facilities.
3200. Denali Scenic Highway study.
3201. Administration of national preserves.
3202. Taking of fish and wildlife.
3203. Wilderness management.
3204. Allowed uses.
3205. General wilderness review.
3206. Statewide cultural assistance program.
3207. Effect on existing rights; water resources.
3208. Authorization of appropriations; contract authority.
3209. Effect on prior withdrawals.
3210. Access by owner to nonfederally owned land.
3211. Yukon Flats National Wildlife Refuge agricultural use.
3212. Terror Lake Hydroelectric Project in Kodiak National Wildlife Refuge.