

## SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

### PART 70—NATIONAL FISH HATCHERIES

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AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664; 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668dd.

SOURCE: 45 FR 28723, Apr. 30, 1980, unless otherwise noted.

#### § 70.1 Purpose.

All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

#### § 70.2 Administrative provisions.

The provisions and regulations set forth in part 25 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.3 State cooperation in national fish hatchery area management.

State cooperation may be enlisted in management programs including public hunting, fishing, and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for that purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

#### § 70.4 Prohibited acts.

(a) The prohibited acts enumerated in part 27 of this chapter are equally

applicable to national fish hatchery areas.

(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of part 71 of this chapter.

(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of part 71 of this chapter.

(d) Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

#### § 70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.

The enforcement, penalty, and procedural requirement provisions set forth in part 28 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.6 Public entry and use.

The public entry and use provisions set forth in part 26 of this chapter are equally applicable to national fish hatchery areas.

EDITORIAL NOTE: For FEDERAL REGISTER citations to special regulations issued under § 70.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 70.7 Land-use management.

The land-use management provisions set forth in part 29 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.8 Range and feral animal management.

The range and feral animal management provisions set forth in part 30 of this chapter are equally applicable to national fish hatchery areas.

**§ 70.9 Wildlife species management.**

The wildlife species management provisions set forth in part 31 of this chapter are equally applicable to national fish hatchery areas, except § 31.15 relating to hunting and fishing, which are treated separately in this part.

**PART 71—HUNTING AND FISHING ON NATIONAL FISH HATCHERY AREAS**

**Subpart A—Hunting**

Sec.

71.1 Opening of national fish hatchery areas to hunting.

71.2 General provisions.

**Subpart B—Fishing**

71.11 Opening of national fish hatchery areas to fishing.

71.12 General provisions.

AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664, 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

SOURCE: 31 FR 16033, Dec. 15, 1966, unless otherwise noted.

**Subpart A—Hunting**

**§ 71.1 Opening of national fish hatchery areas to hunting.**

National fish hatchery areas may be opened to hunting wildlife when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

**§ 71.2 General provisions.**

The following provisions shall apply to public hunting on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal Migratory Bird regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein

any hatchery is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) Each person shall comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

(i) Wildlife species which may be hunted;

(ii) Seasons;

(iii) Bag limits;

(iv) Methods of hunting;

(v) Description of areas open to hunting;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

**Subpart B—Fishing**

**§ 71.11 Opening of national fish hatchery areas to fishing.**

National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.

**§ 71.12 General provisions.**

The following provisions shall apply to public sport fishing on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.