

§ 38.1

SOURCE: 63 FR 11626, Mar. 10, 1998, unless otherwise noted.

Subpart A—General

§ 38.1 Applicability.

(a) The regulations of this part apply to the Midway Atoll National Wildlife Refuge. For the purpose of this part, the Midway Atoll National Wildlife Refuge includes the Midway Islands, Hawaiian Group, between the parallels of 28 deg. 5' and 28 deg. 25' North latitude, and their territorial seas located approximately between the meridians of 177 deg. 10' and 177 deg. 30' West longitude, as were placed under the jurisdiction and control of the Interior Department by the provisions of Executive Order No. 13022 of October 31, 1996 (3 CFR, 1996 Comp., p. 224).

(b) Administration of Midway Atoll National Wildlife Refuge is governed by the regulations of this part and parts 25-32 of title 50, Code of Federal Regulations; the general principles of common law; the provisions of the criminal laws of the United States in their entirety including the provisions of 18 U.S.C. 13 and those provisions that were not specifically applied to unincorporated possessions; the laws applicable under the special maritime jurisdiction contained in 48 U.S.C. 644a; and the provisions of the criminal laws of the State of Hawaii to the extent the criminal laws of the State of Hawaii do not conflict with the criminal laws of the United States.

§ 38.2 Scope.

The provisions of this part are in addition to the regulations of 50 CFR parts 25-32 which also apply to Midway Atoll National Wildlife Refuge.

Subpart B—Executive Authority; Authorized Powers; Emergency Authority

§ 38.3 Executive authority; duration.

The executive authority of the Secretary of the Interior over the Midway Islands will be exercised by the Service Regional Director. The executive authority of the Service Regional Director may be redelegated to the Refuge

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§ 38.4 Authorized functions, powers, and duties.

The executive authority of the Regional Director concerning the Midway Islands includes:

(a) Issuance of citations for violations of this part and 50 CFR parts 25-32;

(b) Abatement of any public nuisance upon the failure of the person concerned to comply with a removal notice;

(c) Seizure of evidence;

(d) Investigation of accidents and offenses;

(e) Custody and disposal of lost or abandoned property;

(f) Regulation of aircraft and boat traffic and safety;

(g) Imposition of quarantines;

(h) Evacuation of hazardous areas;

(i) Lawful restraint, detention, confinement, and care of persons prior to their prompt transfer to the custody of the United States District Court for the District of Hawaii;

(j) Lawful removal of person from the Midway Atoll National Wildlife Refuge for cause;

(k) Regulation of vehicle traffic and safety;

(l) Performance of other lawful acts necessary for protecting the health and safety of persons and property on Midway Atoll National Wildlife Refuge; and

(m) Issuance of lawful notices and orders necessary to the exercise of executive authority under this section.

§ 38.5 Emergency authority.

During the imminence and duration of any emergency, the Regional Director may perform any lawful acts necessary to protect life and property on Midway Atoll National Wildlife Refuge.

Subpart C—Prohibitions

§ 38.6 General.

In addition to any act prohibited by this part or 50 CFR part 27, any act committed on the Midway Atoll National Wildlife Refuge that would be a violation of the criminal laws of the United States or of the State of Hawaii