

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 at www.govinfo.gov.

§ 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 SPORT FISHING ON NATIONAL FISH HATCHERIES

Subpart A—General Provisions

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- 71.1 Opening of national fish hatcheries to hunting and sport fishing.
- 71.2 What are the requirements for hunting on areas of the National Fish Hatchery System?
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Subpart B—Hatchery-Specific Regulations for Hunting and Sport Fishing

- 71.11 National fish hatcheries open for hunting.
- 71.12 National fish hatcheries open for sport fishing.

AUTHORITY: Sec. 4, Pub. L. 73-121, 48 Stat. 402, as amended; sec. 4, Pub. L. 87-714, 76 Stat. 654; 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 1534.

SOURCE: 84 FR 47790, Sept. 10, 2019, unless otherwise noted.

Subpart A—General Provisions

§ 71.1 Opening of national fish hatcheries to hunting and sport fishing.

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

§ 71.2 What are the requirements for hunting on areas of the National Fish Hatchery System?

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

- (a) Each person must secure and possess the required State license.
- (b) Each person age 16 and older must obtain and possess a Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) while hunting migratory waterfowl.

(c) Each person must comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal migratory bird regulations at 50 CFR parts 20 and 21.

(d) Each person must comply with the applicable provisions of the laws and regulations of the State in which a hatchery is located unless further restricted by Federal law or regulation.

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

(f) The regulations contained in this part are prescribed for hunting and sport fishing of all National Fish Hatcheries and supplement the general National Wildlife Refuge System regulations found in 50 CFR chapter I, subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the National Fish Hatcheries except as supplemented by the regulations in this part. If the regulations in this part conflict with the general National Wildlife Refuge System regulations, comply with these regulations.

(g) Each person must 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, or species of fish which may be taken;
- (ii) Seasons;
- (iii) Bag/creel limits;
- (iv) Methods of hunting or fishing;
- (v) Description of areas open to hunting or fishing; or
- (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.

§ 71.3 Information collection requirements.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0140. The information is being collected to provide the refuge managers the information needed to decide whether or not to allow the requested use. A response is required in order to obtain a benefit. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of these information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Subpart B—Hatchery-Specific Regulations for Hunting and Fishing

§ 71.11 National fish hatcheries open for hunting.

The following hatcheries are open for hunting as governed by applicable Federal and State regulations, and are listed in alphabetical order with additional hatchery-specific regulations.

(a) *Iron River National Fish Hatchery*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the hatchery.

(2) *Upland game hunting*. We allow upland game hunting on designated areas of the hatchery.

(3) *Big game hunting*. We allow big game hunting on designated areas of the hatchery subject to the following conditions:

(i) You must label tree stands and ground blinds with the owner's State hunting license number. The label must be readable from the ground.

(ii) You may place tree stands and ground blinds on the refuge only from September 1 to December 31 annually.

(b) *Leadville National Fish Hatchery*—(1) *Migratory game bird hunting*. We allow migratory game bird hunting on designated areas of the hatchery.

(2) *Upland game hunting*. We allow upland game hunting on designated areas of the hatchery.

(3) *Big game hunting*. We allow big game hunting on designated areas of the hatchery subject to the following conditions:

(i) You must label tree stands and ground blinds with the owner's State hunting license number. The label must be readable from the ground.

(ii) You may place tree stands and ground blinds on the refuge only from September 1 to December 31 annually.

(4) *Sport fishing*. See § 71.12(g) for hatchery-specific fishing regulations for this hatchery.

(c) *Southwest Native Aquatic Resources and Recovery Center*—(1) *Migratory game bird hunting*. We allow the hunting of sandhill crane, light and dark goose, duck, merganser, coot, mourning and white-winged dove, and band-tailed pigeon on designated areas of the hatchery.

(2) *Upland game hunting*. We allow the hunting of Eurasian collared dove; dusky (blue) grouse; pheasant; scaled quail; and Abert's, red, gray, and fox squirrel on designated areas of the hatchery.

(3) [Reserved]

§ 71.12 National fish hatcheries open for sport fishing.

The following hatcheries are open for sport fishing as governed by applicable Federal and State regulations, and are listed in alphabetical order with additional hatchery-specific regulations.

(a) *Craig Brook National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We only allow fishing from legal sunrise to legal sunset.

(b) *Edenton National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following conditions:

(1) We allow fishing during open hatchery hours only.

(2) We prohibit the cleaning of fish on the hatchery.

(c) *Entiat National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery.

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(d) *Harrison Lake National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following conditions:

(1) We only allow fishing from ½ hour before legal sunrise until ½ hour after legal sunset.

(2) We prohibit the use of nets for the capture of fish in Herring Creek.

(3) We prohibit the use of gasoline motors greater than 5 horsepower on watercraft.

(e) *Hotchkiss National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We prohibit the cleaning of fish on the hatchery.

(f) *Inks Dam National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery.

(g) *Leadville National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We prohibit the cleaning of fish on the hatchery. See §71.11 for hatchery-specific hunting regulations for this hatchery.

(h) *Leavenworth National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery.

(i) *Little White Salmon National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We allow fishing after legal sunset, but the hatchery access road is closed from 11 p.m. to 4 a.m.

(j) *Orangeburg National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following conditions:

(1) We prohibit fishing after legal sunset.

(2) We prohibit the cleaning of fish on the hatchery.

(3) We prohibit motorized boats on the hatchery while fishing.

(k) *Spring Creek National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We only allow fishing from legal sunrise to legal sunset.

(l) *Tishomingo National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery.

(m) *Valley City National Fish Hatchery*. We allow sport fishing on designated areas of the hatchery subject to the following condition: We prohibit the cleaning of fish on the hatchery.