

NATIONAL WILDLIFE REFUGES—CONTINUED

Yukon Delta National Wildlife Refuge, Alaska.—Pub. L. 96-498, title III, §303(7), Dec. 2, 1980, 94 Stat. 2392; Pub. L. 108-129, Nov. 17, 2003, 117 Stat. 1358.

Yukon Flats National Wildlife Refuge, Alaska.—Pub. L. 96-498, title III, §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, §10(c), (d), Oct. 31, 1984, 98 Stat. 3191; Pub. L. 105-146, §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 [et seq.]), 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.

§ 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 sub-unit.

(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, § 5, Oct. 15, 1966, 80 Stat. 929; Pub. L. 105-57, § 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 (§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.”

§§ 668ff to 668jj. Omitted

Sections, Pub. L. 92-330, June 30, 1972, 86 Stat. 399, which established San Francisco Bay National Wildlife Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The San Francisco Bay National Wildlife Refuge [now Don Edwards San Francisco Bay National Wildlife Refuge] has been set out in the table of National Wildlife Refuges under section 668dd of this title.

§§ 668kk to 668ss. Omitted

Sections, Pub. L. 94-466, Oct. 8, 1976, 90 Stat. 1992, which established Minnesota Valley National Wildlife Refuge to be administered by Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted because of the limited scope of the subject matter. The Minnesota National Wildlife Refuge has been set out in the table of National Wildlife Refuges under section 668dd of this title.

CHAPTER 5B—WILDLIFE RESTORATION

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