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§ 4401. Findings and statement of purpose

(a) Findings

The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems and associated habitats in Canada, as well as in the United States and Mexico;

(2) wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific, and aesthetic values;

(3) almost 35 per centum of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems;

(4) wetland ecosystems provide substantial flood and storm control values and can obviate the need for expensive manmade control measures;

(5) wetland ecosystems make a significant contribution to water availability and quality, recharging ground water, filtering surface runoff, and providing waste treatment;

(6) wetland ecosystems provide aquatic areas important for recreational and aesthetic purposes;

(7) more than 50 per centum of the original wetlands in the United States alone have been lost;

(8) wetlands destruction, loss of nesting cover, and degradation of migration and wintering habitat have contributed to long-term downward trends in populations of migratory bird species such as pintails, American bitterns, and black ducks;

(9) the migratory bird treaty obligations of the United States with Canada, Mexico, and other countries require protection of wetlands that are used by migratory birds for breeding, wintering, or migration and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] are necessary;

(11) protection of migratory birds and their habitats requires long-term planning and the close cooperation and coordination of management activities by Canada, Mexico, and the United States within the framework of the 1916 and 1936 Migratory Bird Conventions and

the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(12) the North American Waterfowl Management Plan, signed in 1986 by the Minister of Environment for Canada and the Secretary of the Interior for the United States and in 1994 by the Secretary of Sedesol for Mexico, provides a framework for maintaining and restoring an adequate habitat base to ensure perpetuation of populations of North American waterfowl and other migratory bird species;

(13) a tripartite agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service, provides for expanded cooperative efforts in Mexico to conserve wetlands for migratory birds that spend the winter there;

(14) the long-term conservation of migratory birds and habitat for these species will require the coordinated action of governments, private organizations, landowners, and other citizens; and

(15) the treaty obligations of the United States under the Convention on Wetlands of International Importance especially as waterfowl habitat requires promotion of conservation and wise use of wetlands.

(b) Purpose

The purposes of this chapter are to encourage partnership among public agencies and other interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and habitats associated with wetland ecosystems and other fish and wildlife in North America;

(2) to maintain current or improved distributions of wetland associated migratory bird populations; and

(3) to sustain an abundance of waterfowl and other wetland associated migratory birds consistent with the goals of the North American Waterfowl Management Plan, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans, and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

(Pub. L. 101-233, §2, Dec. 13, 1989, 103 Stat. 1968; Pub. L. 107-308, §§3, 8(a)(1), (2), Dec. 2, 2002, 116 Stat. 2446, 2447.)

Editorial Notes

REFERENCES IN TEXT

The Fish and Wildlife Conservation Act of 1980, referred to in subsec. (a)(10), is Pub. L. 96-366, Sept. 29, 1980, 94 Stat. 1322, which is classified generally to chapter 49 (§2901 et seq.) of this title. In 1988, section 2912 of that chapter was enacted and section 2910 of that chapter was amended by Pub. L. 100-653, title VIII, Nov. 14, 1988, 102 Stat. 3833. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of this title and Tables.

The Endangered Species Act of 1973, referred to in subsec. (a)(10), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat.

884, 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.

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 101-233, Dec. 13, 1989, 103 Stat. 1968, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107-308, §3(a), substituted “and associated habitats” for “and other habitats”.

Subsec. (a)(10). Pub. L. 107-308, §8(a)(1), inserted “of 1973” after “Endangered Species Act”.

Subsec. (a)(12). Pub. L. 107-308, §8(a)(2), inserted “and in 1994 by the Secretary of Sedesol for Mexico” after “United States”.

Subsec. (b)(1). Pub. L. 107-308, §3(b)(1), substituted “and habitats associated with wetland ecosystems” for “and other habitats for migratory birds”.

Subsec. (b)(2). Pub. L. 107-308, §3(b)(2), inserted “wetland associated” before “migratory bird”.

Subsec. (b)(3). Pub. L. 107-308, §3(b)(3), inserted “wetland associated” before “migratory birds” and “, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans,” after “North American Waterfowl Management Plan”.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-322, §1, Oct. 11, 2006, 120 Stat. 1756, provided that: “This Act [amending section 4406 of this title] may be cited as the ‘North American Wetlands Conservation Reauthorization Act of 2006’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-308, §1, Dec. 2, 2002, 116 Stat. 2446, provided that: “This Act [amending this section and sections 4402 to 4404, 4406, 4407, 4409, and 4413 of this title, enacting provisions set out as a note under section 4403 of this title, and amending provisions set out as a note under section 461 of this title] may be cited as the ‘North American Wetlands Conservation Reauthorization Act’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-312, title III, §301, Oct. 30, 1998, 112 Stat. 2958, provided that: “This title [amending sections 3744 and 4406 of this title and enacting provisions set out as a note under section 4403 of this title] may be cited as the ‘Wetlands and Wildlife Enhancement Act of 1998’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-375, §1, Oct. 19, 1994, 108 Stat. 3494, provided that: “This Act [enacting section 4414 of this title and amending sections 3742 to 3744, 3955, 4406, 4407, 4409, and 4410 of this title] may be cited as the ‘North American Wetlands Conservation Act Amendments of 1994’.”

SHORT TITLE

Pub. L. 101-233, §1, Dec. 13, 1989, 103 Stat. 1968, provided that: “This Act [enacting this chapter, amending sections 669b, 669c, 703, 715a, 2912, and 3931 of this title, enacting provisions set out as a note under section 669b of this title, and amending provisions set out as a note under section 668dd of this title] may be cited as the ‘North American Wetlands Conservation Act’.”

§ 4402. Definitions

For the purposes of this chapter:

(1) The term “Agreement” means the Tripartite Agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Di-

rector of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service.

(2) The term “appropriate Committees” means the Committee on Environment and Public Works of the United States Senate and the Committee on Resources of the House of Representatives.

(3) The term “flyway” means the four administrative units used by the United States Fish and Wildlife Service and the States in the management of waterfowl populations.

(4) The term “Migratory Bird Conservation Commission” means that commission established by section 715a of this title.

(5) The term “migratory birds” means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2912).

(6) The term “Plan” means the North American Waterfowl Management Plan signed by the Minister of the Environment for Canada and the Secretary of the Interior for the United States in May 1986, and by the Secretary of Sedesol for Mexico in 1994, and subsequent dates.

(7) The term “Secretary” means the Secretary of the Interior.

(8) The term “State” means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(9) The term “wetlands conservation project” means—

(A) the obtaining of a real property interest in lands or waters, including water rights, of a wetland ecosystem and associated habitat if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon;

(B) the restoration, management, or enhancement of wetland ecosystems and associated habitat for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon; and

(C) in the case of projects undertaken in Mexico, includes technical training and development of infrastructure necessary for the conservation and management of wetlands and studies on the sustainable use of wetland resources.