

lic participation in preparation of management plans and amendments for provisions requiring the Secretaries to review the existing Plan and report to the Commission and Committees of Congress on its adequacy.

§ 5158. Protection of striped bass in the exclusive economic zone

(a) Regulation of fishing in exclusive economic zone

The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

- (1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);
- (2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;
- (3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and
- (4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

(b) Consultation; periodic review of regulations

In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

(c) Applicability of Magnuson Act provisions

The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.

(Pub. L. 98-613, § 9, as added Pub. L. 105-146, § 2, Dec. 16, 1997, 111 Stat. 2676.)

Editorial Notes

PRIOR PROVISIONS

A prior section 9 of Pub. L. 98-613, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 99-432, § 5, Oct. 1, 1986, 100 Stat. 990; Pub. L. 100-589, § 2, Nov. 3, 1988, 102 Stat. 2984; Pub. L. 102-130, § 2(c), Oct. 17, 1991, 105 Stat. 626, related to the period of effectiveness of sections 1 to 8 of Pub. L. 98-613, prior to repeal by Pub. L. 103-206, title VIII, § 812, formerly § 810, Dec. 20, 1993, 107 Stat. 2453, renumbered § 812, Pub. L. 104-297, title IV, § 404(c), Oct. 11, 1996, 110 Stat. 3619. Section 812 of Pub. L. 103-206 was itself repealed by Pub. L. 106-555, title I, § 122(b)(1)(B), (2), Dec. 21, 2000, 114 Stat. 2766.

CHAPTER 72—RECREATIONAL HUNTING SAFETY

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§ 5201. Obstruction of a lawful hunt

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

(Pub. L. 103-322, title XXXII, § 320802, Sept. 13, 1994, 108 Stat. 2121.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 103-322, title XXXII, § 320801, Sept. 13, 1994, 108 Stat. 2121, provided that: "This subtitle [subtitle H (§§ 320801-320808) of title XXXII of Pub. L. 103-322, enacting this chapter] may be cited as the 'Recreational Hunting Safety and Preservation Act of 1994'."

§ 5202. Civil penalties

(a) In general

A person who violates section 5201 of this title shall be assessed a civil penalty in an amount computed under subsection (b).

(b) Computation of penalty

The penalty shall be—

- (1) not more than \$10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and
- (2) not more than \$5,000 for any other violation.

(c) Relationship to other penalties

The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 5201 of this title.

(d) Procedure

Upon receipt of—

- (1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 5201 of this title; or
- (2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 5201 of this title has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty under this section.

(e) Use of penalty money collected

After deduction of costs attributable to collection, money collected from penalties shall be—

- (1) deposited into the trust fund established pursuant to the Act entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September 2, 1937