

shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, (3) control of off-road vehicle traffic, and (4) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided*, That the Commanding Officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides. Cooperative plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.”

1982—Pub. L. 97-396, §1(1), added cl. (4).

Pub. L. 97-396, §1(2), inserted provision that cooperative plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.

1974—Pub. L. 93-452, §§1(1), 3(2), inserted provisions requiring the cooperative plan to provide for fish and wildlife habitat improvements, range rehabilitation, and off-road vehicle traffic control.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title III, §311(c)(2), Nov. 24, 2003, 117 Stat. 1429, provided that: “Section 101(g) of the Sikes Act, as added by paragraph (1), [subsec. (g) of this section] shall apply—

“(A) to any integrated natural resources management plan prepared for a military installation in Guam under section 101(a)(1) of such Act on or after the date of the enactment of this Act [Nov. 24, 2003]; and

“(B) effective March 1, 2004, to any integrated natural resources management plan prepared for a military installation in Guam under such section before the date of the enactment of this Act.”

REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS

Pub. L. 105-85, div. B, title XXIX, §2905, Nov. 18, 1997, 111 Stat. 2019, provided that:

“(a) DEFINITIONS.—In this section, the terms ‘military installation’ and ‘United States’ have the meanings provided in section 100 of the Sikes Act [16 U.S.C. 670] (as added by section 2911).

“(b) REVIEW OF MILITARY INSTALLATIONS.—

“(1) REVIEW.—Not later than 270 days after the date of enactment of this Act [Nov. 18, 1997], the Secretary of each military department shall—

“(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act [16 U.S.C. 670a] (as amended by this title) is appropriate; and

“(B) submit to the Secretary of Defense a report on the determinations.

“(2) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary

of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

“(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

“(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

“(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than three years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

“(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act [16 U.S.C. 670a(a)] (as amended by this title); or

“(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act [Nov. 18, 1997], complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this title.

“(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

“(1) integrated natural resources management plans proposed under subsection (c)(1); and

“(2) changes to cooperative plans proposed under subsection (c)(2).”

APPLICABILITY OF 1986 AMENDMENTS TO EXISTING CONTRACTS

Pub. L. 99-561, §3(a)(2), Oct. 27, 1986, 100 Stat. 3151, provided that: “Subsection (d)(1) of such section 101 (as added by paragraph (1) [16 U.S.C. 670a(d)(1)]) shall not affect any contract entered into before the date of the enactment of this Act [October 27, 1986] for the provision of services to implement or enforce a cooperative plan under this Act [enacting section 670a-1 of this title and amending this section and sections 670f and 670o of this title and section 2665 of Title 10, Armed Forces] on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.”

§ 670a-1. Repealed. Pub. L. 105-85, div. B, title XXIX, § 2912, Nov. 18, 1997, 111 Stat. 2022

Section, Pub. L. 99-561, §2, Oct. 27, 1986, 100 Stat. 3149, related to natural resources and fish and wildlife management on military reservations and required report on military expenditures for fish and wildlife management.

§ 670b. Migratory game birds; hunting permits

(a) Integrated natural resources management plan

The Secretary of Defense in cooperation with the Secretary of the Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military installations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with an integrated natural resources management plan mutually agreed upon by the Secretary of Defense, the

Secretary of the Interior and the appropriate State agency.

(b) Applicability of other laws

Possession of a special permit for hunting migratory game birds issued pursuant to this subchapter shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended [16 U.S.C. 718 et seq.] nor of the requirements pertaining to State law set forth in Public Law 85-337.

(Pub. L. 86-797, title I, §102, formerly §2, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, §102, and amended Pub. L. 93-452, §3(1), (3), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105-85, div. B, title XXIX, §§2904(b)(5), 2913(5), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 112-81, div. A, title III, §312(b)(2), Dec. 31, 2011, 125 Stat. 1353.)

Editorial Notes

REFERENCES IN TEXT

The Migratory Bird Hunting Stamp Act, referred to in subsec. (b), subsequently renamed the Migratory Bird Hunting and Conservation Stamp Act, is act Mar. 16, 1934, ch. 71, 48 Stat. 452, which is classified generally to subchapter IV (§718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

Public Law 85-337, referred to in subsec. (b), is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces, section 472 of former Title 40, Public Buildings, Property, and Works [now 40 U.S.C. 102], and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2011—Pub. L. 112-81 inserted section catchline and subsec. (a) designation and heading, and substituted “agency.”, subsec. (b) designation and heading, and “Possession” for “agency: Provided, That possession”.

1997—Pub. L. 105-85 substituted “military installations” for “military reservations” and “an integrated natural resources management plan” for “a cooperative plan”.

1974—Pub. L. 93-452, §3(3), substituted “title” for “Act” which for purposes of codification was translated as “subchapter”.

§ 670c. Program for public outdoor recreation

(a) Program authorized

The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military installations in accordance with an integrated natural resources management plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which the installations are located.

(b) Access for disabled veterans, military dependents with disabilities, and other persons with disabilities

(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportuni-

ties (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

(2) Persons referred to in paragraph (1) are the following:

(A) Disabled veterans.

(B) Military dependents with disabilities.

(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

(c) Acceptance of donations

In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

(1) the voluntary services of individuals and organizations; and

(2) donations of property, whether real or personal.

(d) Treatment of volunteers

A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

(1) for the purposes of the tort claims provisions of chapter 171 of title 28, the volunteer shall be considered to be a Federal employee; and

(2) for the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, and the provisions of such subchapter shall apply.

(Pub. L. 86-797, title I, §103, formerly §3, Sept. 15, 1960, 74 Stat. 1053; Pub. L. 90-465, §1, Aug. 8, 1968, 82 Stat. 661; renumbered title I, §103, Pub. L. 93-452, §3(1), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105-85, div. B, title XXIX, §§2904(b)(6), 2913(6), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 105-261, div. B, title XXVIII, §2813, Oct. 17, 1998, 112 Stat. 2206.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-261 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsecs. (b) to (d).

1997—Pub. L. 105-85 substituted “military installations” for “military reservations”, “an integrated natural resources management plan” for “a cooperative plan”, and “the installations” for “such reservations”.

1968—Pub. L. 90-465 authorized the carrying out of a public outdoor recreation resources program under a