

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-420 substituted provisions authorizing the appropriation of \$10,000,000 for each of the fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable the Secretary to carry out his functions, including data collection, research, planning, and conservation and rehabilitation programs, such funds to be in addition to those authorized for wildlife, range, soil and water management pursuant to section 1748 of title 43, for provisions authorizing the appropriation of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years to enable the Department of Interior to carry out its functions.

Subsec. (b). Pub. L. 95-420 substituted provisions authorizing the appropriation of \$12,000,000 for fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable the Secretary of Agriculture to carry out his functions, such funds to be in addition to those otherwise provided, and provisions relating to fish and wildlife program needs including those identified in State plans developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, for provisions authorizing the appropriation of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years to enable the Department of Agriculture to carry out its functions.

CHAPTER 6—GAME AND BIRD PRESERVES:
PROTECTION

Sec.
695j-1. Conformity of contracts with Federal law through negotiation of amendments [New].

§ 688. Repealed. Pub. L. 95-625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483

Section, acts July 3, 1926, ch. 744, § 6, 44 Stat. 821; June 25, 1948, ch. 645, § 13, 62 Stat. 861, related to designation of Sequoia National Game Refuge, now made available for purposes of management of Sequoia National Park as provided for in section 45f(b)(2) of this title.

EFFECTIVE DATE OF REPEAL

Section 314(g) of Pub. L. 95-625 provided in part for repeal of this section and section 45a-3 of this title effective upon the transfer of abolished Sequoia National Game Refuge by the Secretary of Agriculture to the administrative jurisdiction of the Secretary under section 45f(b)(2) of this title.

WILD ANIMAL PROTECTION

Section 314(g) of Pub. L. 95-625 provided in part that repeal of this section should not be construed to prohibit or prevent the Secretary from exercising any authority applicable to the national parks respecting protection of birds, game, or other wild animals.

§ 690e. Enforcement of laws and regulations; warrants and processes; jurisdiction of courts; forfeiture of property captured, injured, killed or removed

[See main edition for text of (a)]

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of sections 690 to 690i of this title or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were

captured, killed, taken, or removed contrary to the provisions of sections 690 to 690i of this title or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the Secretary of the Interior, in accordance with law.

(As amended Nov. 8, 1978, Pub. L. 95-616, § 3(g), Nov. 8, 1978, 92 Stat. 3111.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-616 substituted provision for disposition of forfeited property "as directed by the Secretary of the Interior, in accordance with law" for prior provision for disposition "as directed by the court having jurisdiction".

§ 694. Fish and game sanctuaries in national forests; establishment by President

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 694 to 694b of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees.

§ 694b. Rules and regulations for administration of sanctuaries in national forests; jurisdiction of States

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 694 to 694b of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees.

§ 695d. Development of water supplies for waterfowl management in California; reauthorization of Central Valley Project

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695i, 695j, 695j-1 of this title.

§ 695e. Construction, operation, and maintenance of water supply development works

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695f, 695g, 695h, 695i, 695j, 695j-1 of this title.

§ 695f. Construction, etc., authorized by section 695e as not reimbursable or returnable under reclamation laws

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695i, 695j, 695j-1 of this title.

§ 695g. Authorization of appropriations

There are hereby authorized to be appropriated such funds, not to exceed \$400,000, for construction of necessary works to supply water for State and federally owned and operated waterfowl management areas in the San Joaquin Valley to carry out the purposes of sections 695d to 695j-1 of this title.

(Aug. 27, 1954, ch. 1012, § 4, 68 Stat. 879.)

CODIFICATION

Section is set out in this supplement to include the reference to section 695j-1 of this title necessitated by the addition of section 8 to act Aug. 27, 1954, ch. 1012, by Pub. L. 95-616, § 10(b), Nov. 8, 1978, 92 Stat. 3115, which is classified to section 695j-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695i, 695j, 695j-1 of this title.

§ 695h. Ownership by State of California of works constructed

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695i, 695j, 695j-1 of this title.

§ 695i. Authorization of Secretary of the Interior to contract for water delivery; nonreimbursable or nonreturnable basis of delivery

The Secretary of the Interior is authorized to contract for the delivery of water to public organizations or agencies for use within the boundaries of such organizations or agencies for waterfowl purposes in the Grasslands area of the San Joaquin Valley. If and when available, such water shall be delivered from the Central Valley project to the contracting entity, and the cost of furnishing the water shall not be reimbursable or returnable under the Federal reclamation laws: *Provided*, That, in order for the delivery of such water to continue on a nonreimbursable or nonreturnable basis—

(a) Amount and time of water delivery to Service

the public organizations or agencies contracting with the Secretary of the Interior, excluding the State of California, shall deliver annually to the United States Fish and Wildlife Service (hereinafter referred to as the "Service"), at no cost to the United States, not less than three thousand five hundred acre-feet of water during the period October 1 through November 30, inclusive, and not less than four thousand acre-feet of water during the period May 1 through September 30, inclusive, if available: *Provided*, That such amounts of water and times of delivery may

be changed upon approval of the Secretary of the Interior;

(h) Construction, operation, and maintenance of water conveyance facilities

the public organizations or agencies, excluding the State of California, shall construct, operate, and maintain any water conveyance facilities necessary to deliver the water referred to in subsection (a) of this section to a point or points within the boundaries of such public organization or agency as designated by the Service, or to such points as may be mutually agreed upon by the public organization or agency and the Service. The Service shall be responsible for delivering the water from such point or points to appropriate locations within lands under its jurisdiction;

(c) Reversionary rights of Secretary

any contract entered into by the Secretary of the Interior and any public organization or agency pursuant to sections 695d to 695j-1 this title shall provide that in the event the public organization or agency for any reason fails to carry out the obligations imposed upon it by said contract or by sections 695d to 695j-1 this title, the rights of use of any facilities referred to in subsection (b) of this section, and the rights to all water contracted for by the organization or agency pursuant to sections 695d to 695j-1 this title shall revert to the Secretary of the Interior for migratory waterfowl purposes in accordance with the laws of the State of California; and

(d) Restrictive covenants

in accordance with existing or future contracts, the use of lands located within the boundaries of the public organizations or agencies shall be restricted by covenants requiring that such lands be used only for the purpose of waterfowl and wildlife habitat conservation or other uses as may be mutually agreed upon by the public organizations or agencies and the Service.

(As amended Nov. 8, 1978, Pub. L. 95-616, § 10(a), 92 Stat. 3115.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in Introductory text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

AMENDMENTS

1978—Pub. L. 95-616 added second sentence, including pars. (a) to (d), and struck out prior second sentence reading "If and when available, such water shall be delivered from the Central Valley project at a charge not to exceed the prevailing charge for class 2 water."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695j, 695j-1 of this title.

§ 695j. Conformity of water use with California laws; construction of sections 695d to 695j-1

The use of all water furnished by the Secretary of the Interior under sections 695e and 695i of this title shall be subject to and not inconsistent with the laws of the State of California relating to priorities of deliveries and use of water. Nothing contained in sections 695d to 695j-1 of this title shall be construed as an allocation of water.

(Aug. 27, 1954, ch. 1012, § 7, 68 Stat. 880.)

CODIFICATION

Section is set out in this supplement to include the reference to section 695j-1 of this title necessitated by the addition of section 8 to act Aug. 27, 1954, ch. 1012, by Pub. L. 95-616, § 10(b), Nov. 8, 1978, 92 Stat. 3115, which is classified to section 695j-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695i, 695g, 695j-1 of this title.

§ 695j-1. Conformity of contracts with Federal law through negotiation of amendments

The Secretary is hereby authorized to negotiate amendments to existing contracts to conform said contracts to the provisions of sections 695d to 695j-1 of this title.

(Aug. 27, 1954, ch. 1012, § 8, as added Nov. 8, 1978, Pub. L. 95-616, § 10(b), 92 Stat. 3115.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695i, 695j of this title.

§ 698m. Authorization of appropriations for Big Cypress Preserve

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698f to 698m of this title, but not to exceed \$156,700,000 for the acquisition of lands and interests in lands and not to exceed \$900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

(As amended Pub. L. 95-625, title II, § 201(1), Nov. 10, 1978, 92 Stat. 3473.)

AMENDMENTS

1978—Pub. L. 95-625 increased land acquisition appropriations authorization to \$156,700,000 from \$116,000,000.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER II—MIGRATORY BIRD TREATY

Sec.

712.

Treaty and convention implementing regulations; seasonal taking of migratory birds for essential needs of indigenous Alaskans to preserve and maintain stocks of the birds; protection and conservation of the birds [New].

SUBCHAPTER I—GENERALLY

§ 701. Game and wild birds; preservation

REFERENCES IN TEXT

"This Act", referred to in text, is act May 25, 1900, section 1 of which is classified to this section. Sections 2 to 4 of the Act were repealed and restated by sections 241 to 244 of the Criminal Code of 1909 (approved Mar. 4, 1909, ch. 321) which were classified to sections 391 to 394 of former Title 18. Such sections are now covered by sections 42 to 44 of Title 18, Crimes and Criminal Procedure. Section 5 of the Act which was classified to section 667e of this title was repealed by Pub. L. 97-79, § 9(b)(2), Nov. 16, 1981, 95 Stat. 1079.

SUBCHAPTER II—MIGRATORY BIRD TREATY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 459a-1, 668d, 695b, 695p, 715j, 718, 718f, 2404, 2407, 2408, 3125 of this title.

§ 706. Arrests; search warrants

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter shall have power, without warrant, to arrest any person committing a violation of this subchapter in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, sold or offered for sale, bartered or offered for barter, purchased, shipped, transported, carried, imported, exported, or possessed contrary to the provisions of this subchapter or of any regulation prescribed thereunder shall, when found, be seized and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, sold or offered for sale, bartered or offered for barter, purchased, shipped, transported, carried, imported, exported, or possessed contrary to the provisions of this subchapter or of any regulation prescribed thereunder, shall be forfeited to the United States