

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 670f of this title.

§ 670f. Appropriations and expenditures

- (a) Expenditures exclusively under cooperative plans; availability of funds until expended

The Secretary of Defense shall expend such funds as may be collected in accordance with the cooperative plans agreed to under sections 670a and 670b of this title and cooperative agreements agreed to under section 670c-1 of this title and for no other purpose. All funds that are so collected shall remain available until expended.

- (b) Authorization of appropriations to Secretary of Defense

There are authorized to be appropriated to the Secretary of Defense not to exceed \$1,500,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, to carry out this subchapter, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities, and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 670c-1 of this title. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

[See main edition for text of (c) and (d)]

(As amended Pub. L. 101-189, div. B, title XXVIII, § 2845(b), Nov. 29, 1989, 103 Stat. 1664.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189, § 2845(b)(1), inserted “and cooperative agreements agreed to under section 670c-1 of this title” after “sections 670a and 670b of this title”.

Subsec. (b). Pub. L. 101-189, § 2845(b)(2), inserted “, and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 670c-1 of this title” before period at end of first sentence.

SUBCHAPTER II—CONSERVATION PROGRAMS ON PUBLIC LANDS

§ 670j. Enforcement provisions

[See main edition for text of (a)]

- (b) Designation of enforcement personnel powers; issuance of arrest warrants; trial and sentencing by United States magistrate judges

[See main edition for text of (1)]

(2) Upon the sworn information by a competent person, any United States magistrate judge or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may

be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

[See main edition for text of (c) and (d)]

(As amended Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (b)(2), (3) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 6—GAME AND BIRD PRESERVES; PROTECTION

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

- (a) Arrests and warrants

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of sections 690 to 690i of this title (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of sections 690 to 690i of this title or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

[See main edition for text of (b)]

(As amended Dec. 1, 1990, Pub. L. 101-650, title III, § 321, 104 Stat. 5117.)

CHANGE OF NAME

"United States magistrate judge" substituted for "United States magistrate" in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 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 transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of 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. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

§ 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 transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of 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. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

§ 698. Big Thicket National Preserve

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 698a. Acquisition of property for Big Thicket Preserve

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on

Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 698g. Acquisition of lands for Big Cypress Preserve

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 698q. Little River Canyon National Preserve; establishment

(a) In general

In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources, there is established the Little River Canyon National Preserve (referred to in sections 698q to 698t of this title as the "Preserve").

(b) Area included

The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary map entitled "Little River Canyon National Preserve", numbered NA-LRNP-80,001C, and dated March 1992.

(c) Map

The map referred to in subsection (b) of this section shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

(d) Publication of description

Not later than 6 months after October 21, 1992, the Secretary of the Interior (referred to in sections 698q to 698t of this title as the "Secretary") shall publish in the Federal Register a detailed description of the boundaries of the Preserve.

(Pub. L. 102-427, § 2, Oct. 21, 1992, 106 Stat. 2179.)

SHORT TITLE

Section 1 of Pub. L. 102-427 provided that: "This Act [enacting this section and sections 698r to 698t of this title] may be cited as the 'Little River Canyon National Preserve Act of 1992'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698r, 698s, 698t of this title.

§ 698r. Administration

(a) In general

The Preserve shall be administered by the Secretary in accordance with sections 698q to 698t of this title and in accordance with the laws generally applicable to units of the National Park System, including—

- (1) sections 1 and 2 to 4 of this title; and
- (2) sections 461 to 467 of this title.

(b) Hunting and fishing**(1) In general**

Subject to paragraphs (2) and (3), the Secretary shall permit hunting, trapping, and fishing on lands and waters under the jurisdiction of the Secretary within the Preserve in accordance with applicable Federal and State laws.

(2) Time and place restrictions

Subject to such terms and conditions as the Secretary considers necessary in furtherance of sections 698q to 698t of this title, and after consultation with the Department of Conservation and Natural Resources of the State of Alabama and owners of lands adjacent to the Preserve, the Secretary may designate zones where, and establish periods when, the activities described in paragraph (1) will not be permitted within the Preserve for reasons of public safety, administration, fish and wildlife habitat, or public use and enjoyment.

(3) Restrictions in boundary areas

After consultation with the Department of Conservation and Natural Resources of the State of Alabama and with the owners of lands adjacent to the Preserve, the Secretary may restrict hunting in areas within the Preserve that are adjacent to the boundaries of the Preserve where the restriction is necessary or appropriate to protect public safety.

(4) Congressional intent

Nothing in sections 698q to 698t of this title is intended to affect the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife.

(c) Water resources projects

Subsection (a) of section 1278 of this title shall apply to that portion of the Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection. The application of such subsection to the Preserve shall not affect any determination of the value of the lands, waters, or interests in lands and waters within the boundaries of the Preserve.

(d) Cooperative agreements with State**(1) Law enforcement and fire prevention**

In administering the Preserve, the Secretary may enter into cooperative agreements with the State of Alabama, or any political subdivision of the State, for the rendering of—

(A) rescue, fire fighting, and law enforcement services; and

(B) cooperative assistance by law enforcement and fire preventive agencies located in the vicinity of the Preserve.

(2) Preparation of management plan

To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State of Alabama and directly affected political subdivisions of the State to provide professional assistance in the

preparation of the management plan for the Preserve.

(e) DeSoto State Park

If lands within DeSoto State Park are acquired by the Secretary, at the request of the Department of Conservation and Natural Resources of the State of Alabama, the Secretary shall enter into a cooperative agreement with the Department for the continued management by the Department of the lodge and other facilities that, as of October 21, 1992, are part of DeSoto State Park. The cooperative agreement shall provide for the management and operation of the lodge and facilities in a manner that, to the maximum extent practicable, is consistent with similar operations elsewhere in the National Park System.

(f) Public involvement**(1) Public awareness and participation program**

The Secretary shall develop and conduct a program to promote and encourage awareness of and participation in the development of the general management plan for the Preserve by persons owning property in the vicinity of the Preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. Prior to final approval of the plan, the Secretary shall hold public meetings in DeKalb and Cherokee Counties.

(2) Consideration of public comment

In preparing and implementing the plan described in paragraph (1), the Secretary shall give full consideration to the views and comments of the individuals, groups, and agencies described in paragraph (1).

(g) Green Pitcher Plant

Upon the transfer by Alabama Power Company to the United States of any lands within the boundaries of the Preserve that contain the Green Pitcher Plant (*Sarracenia oreophila*), all rights and obligations of Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and the Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80-C-1242-M), shall be extinguished.

(Pub. L. 102-427, § 3, Oct. 21, 1992, 106 Stat. 2179.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698q, 698s, 698t of this title.

§ 698s. Acquisition**(a) Authorization****(1) In general**

Subject to paragraphs (2) and (3), the Secretary is authorized to acquire lands, waters, and interests in lands and waters within the boundaries of the Preserve by donation, pur-

chase with donated or appropriated funds, or exchange.

(2) Consent of the owner

The Secretary may not acquire lands, waters, or interests in lands and waters for the Preserve without the consent of the owner.

(3) State lands

Lands, waters, and interests in lands and waters within the boundaries of the Preserve that are owned by the State of Alabama, or any political subdivision of the State, may be acquired only by donation or exchange.

(h) Negotiations for acquisition

(1) Commencement of negotiations

Immediately after publication of a description of the boundaries of the Preserve in accordance with section 698q(d) of this title, the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests in lands and waters within the boundaries of the Preserve.

(2) Report to Congress

Not later than 1 year after October 21, 1992, the Secretary shall submit, in writing, a detailed schedule of actions and a progress report regarding the acquisition to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Interior and Insular Affairs of the House of Representatives; and

(C) the Committees on Appropriations of Congress.

(3) Acquisition deadline

The Secretary shall substantially complete the acquisition of the lands, waters, and interests in lands and waters within the Preserve, in accordance with the purposes of sections 698q to 698t of this title, not later than 2 years after October 21, 1992, subject to the availability of funds.

(c) Environmental audits

(1) Availability to owner

Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for the purposes of sections 698q to 698t of this title, the Secretary shall make available to the owner of the property a copy of the audit.

(2) Inclusion in documents transferring title

Any audit described in paragraph (1), and any environmental audit performed by the owner of the property and submitted to the Secretary prior to the date of the acquisition, shall be included as part of the documents transferring title to the property to the United States.

(d) Future additions

No lands or interest in lands may be added to the Preserve after October 21, 1992, without specific authorization by Congress and the consent of the owner of the lands or interest.

(Pub. L. 102-427, § 4, Oct. 21, 1992, 106 Stat. 2181.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698q, 698r, 698t of this title.

§ 698t. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 698q to 698t of this title.

(Pub. L. 102-427, § 5, Oct. 21, 1992, 106 Stat. 2182.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698q, 698r, 698s of this title.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER II—MIGRATORY BIRD TREATY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 459a-1, 608d, 695b, 695p, 715j, 718, 718f, 2404, 2407, 2408, 2912, 3125, 4402 of this title.

§ 703. Taking, killing, or possessing migratory birds unlawful

Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972¹ and the con-

¹ So in original. Probably should be followed by a comma.