

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

(1) In accordance with the various migratory bird treaties and conventions with Canada, Japan, Mexico, and the Union of Soviet Socialist Republics, the Secretary of the Interior is authorized to issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.

(2) The Secretary of the Interior is authorized to issue such regulations as may be necessary to implement the provisions of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, the convention between the United States and the Government of Japan for the protection of migratory birds in danger of extinction, and their environment concluded March 4, 1972, and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environment concluded November 19, 1976.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715

§ 715. Short title

This subchapter shall be known by the short title of "Migratory Bird Conservation Act."

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715a

§ 715a. Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental

A commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of the Interior, as chairman, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of the Interior for purchase or rental under this subchapter, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this subchapter, of areas in his State. For purposes of this subchapter, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715c

§ 715c. Areas recommended for approval; character

The Secretary of the Interior may not recommend any area for purchase or rental under the terms of this subchapter unless the Secretary of the Interior—

- (1) has determined that such area is necessary for the conservation of migratory birds; and
- (2) has consulted with the county or other unit of local government in which such area is located and with the Governor of the State concerned or the appropriate State agency.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715d

§ 715d. Purchase or rental of approved areas or interests therein; gifts and devises; United States lands

The Secretary of the Interior may—

(1) purchase or rent such areas or interests therein as have been approved for purchase or rental by the Commission at the price or prices fixed by the Commission; and

(2) acquire, by gift or devise, any area or interests therein;

which he determines to be suitable for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. The Secretary may pay, when deemed necessary by him and from moneys authorized to be appropriated for the purposes of this subchapter

(A) the purchase or rental price of any such area or interest therein, and

(B) the expenses incident to the location, examination, survey, and acquisition of title (including options) of any such area or interest therein. No lands acquired, held, or used by the United States for military purposes shall be subject to any provisions of this subchapter.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > §§ 715d-1, 715d-2

§§ 715d-1, 715d-2. Repealed. Pub. L. 89-669, § 8(a), Oct. 15, 1966, 80 Stat. 930

Sections, act June 15, 1935, ch. 261, title III, §§ 302, 303, 49 Stat. 382, provided for acceptance of land in exchange for other land or timber, etc. rights and for acceptance of land in exchange for patent to nonmineral public land. See section 668dd (b)(3) of this title.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715e

§ 715e. Examination of title; easements and reservations

The Secretary of the Interior may do all things and make

all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this subchapter, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General or his designee, but the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of the Interior in no manner interfere with the use of the areas so encumbered for the purposes of this subchapter, but such rights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this subchapter or any other Act for the acquisition by the Secretary of the Interior of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of the Interior for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of the Interior, to such rules and regulations as may be prescribed by him from time to time.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715f

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§ 715f. Consent of State to conveyance in fee

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No deed or instrument of conveyance in fee shall be accepted by the Secretary of the Interior under this subchapter unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715g

§ 715g. Jurisdiction of State over areas acquired

The jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this subchapter shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird

reservations, except so far as the punishment of offenses against the United States is concerned.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715h

§ 715h. Operation of State game laws

Nothing in this subchapter is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715i

§ 715i. Administration

(a) Treaty obligations; rules and regulations  
Areas of lands, waters, or interests therein acquired or reserved pursuant to this subchapter shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico, Canada, Japan, and the Union of Soviet Socialist Republics, and other species of wildlife found thereon, including species that are listed pursuant to section 1533 of this title as endangered species or threatened species, and to restore or develop adequate wildlife habitat.

(b) Management and public and private agency agreements authorization  
In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715j

§ 715j. "Migratory birds" defined

For the purposes of this subchapter and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936 (50 Stat. 1311), the Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment concluded March 4, 1972, and the Convention between the United States and the Union of Soviet Socialist Republics for the Conservation of Migratory Birds and their Environment concluded November 19, 1976.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715k

§ 715k. Authorization of appropriations for purposes of subchapter; disposal; reservation protectors

For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory birds and under the administration of the Secretary of the Interior, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this subchapter, there are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, \$200,000 for the fiscal year ending June 30, 1940, and for each fiscal year thereafter. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States protector, except reservation protectors for the administration, maintenance and protection of such

reservations and the birds thereon: Provided, That reservation protectors appointed under the provisions of this subchapter, shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of the Interior is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715k-1

§ 715k-1. Expenditures for personal services

In the execution of this Act, the Secretary of the Interior is authorized to make such expenditures for personal services in the District of Columbia and elsewhere as he shall deem necessary.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715k-3

§ 715k-3. Authorization of appropriations for the preservation of wetlands and other waterfowl habitat

In order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is authorized to be appropriated for the period beginning on July 1, 1961, and ending when all amounts authorized to be appropriated have been expended, not to exceed \$200,000,000.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715k-4

§ 715k-4. Accounting and use of appropriations

Funds appropriated each fiscal year pursuant to sections 715k-3 to 715k-5 of this title shall be accounted for, added to, and used for purposes of the migratory bird conservation fund established pursuant to section 718d of

this title.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715k-5

§ 715k-5. Acquisition of lands

No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > §§ 715l, 715m

§§ 715l, 715m. Repealed. Pub. L. 89-669, § 7(d), Oct. 15, 1966, 80 Stat. 930

Sections, act Feb. 18, 1929, ch. 257, §§ 13, 14, 45 Stat. 1225, related to: execution of provisions, powers and duties of United States judges, commissioners and employees of Department of the Interior; and penalty for violation of provisions. See section 668dd (f) and (e) of this title, respectively.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715n

§ 715n. "Take" defined

For the purposes of this subchapter the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715o

§ 715o. National forest and power sites; use for migratory bird reservations

Nothing in this subchapter shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of the Interior, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this subchapter, except by and with the consent of the legislature of the State wherein such forest or power site is located.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715p

§ 715p. Cooperation of State in enforcement of provisions

When any State shall, by suitable legislation, make provision adequately to enforce the provisions of this subchapter and all regulations promulgated thereunder, the Secretary of the Interior may so certify, and then and thereafter said State may cooperate with the Secretary of the Interior in the enforcement of this subchapter and the regulations thereunder.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715q

§ 715q. Expenses of commission; authorization of appropriations

A sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$7,500, is authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715r

§ 715r. Partial invalidity; validity of remainder

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid the validity of the remainder of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE 16 > CHAPTER 7 > SUBCHAPTER III > § 715s

§ 715s. Participation of local governments in revenue from areas administered by the United States Fish and Wildlife Service

**(a)** Separate fund in the United States Treasury; availability of funds until expended; "National Wildlife Refuge System" defined  
Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, salmonoid carcasses,[1] timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System, National Fish Hatcheries, or other areas, that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "system") includes those lands and waters administered by the Secretary as wildlife refuges, lands acquired or reserved for the protection and conservation of fish and wildlife that are listed pursuant to section 1533 of this title as endangered species or threatened species, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive, or public land order.

**(b)** Deduction of expenses

The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing and revenue-sharing measures.

**(c)** Payment to counties

**(1)** The Secretary shall pay out the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979, to each county in which is situated any fee area whichever of the following amounts is greater:

**(A)** An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county.

**(B)** An amount equal to three-fourths of 1 per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county.

**(C)** An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the