

**§ 3743. Definitions**

As used in this chapter—

(1) The terms “conserve” and “conservation” mean to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the educational, aesthetic, cultural, recreational, scientific, and ecological enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(2) The term “designated State agency” means the government agency, department, or division of any State that is empowered under the laws of the State to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(3) The term “fish and wildlife” means wild members of the animal kingdom that are in an unconfined state.

(4) The term “Fund” means the Wildlife Conservation and Appreciation Fund established under section 3744(g) of this title.

(5) The term “National Fish and Wildlife Foundation” means the charitable and non-profit corporation established under section 3701 of this title.

(6) The term “nonconsumptive activities” means fish and wildlife associated activities other than harvesting of fish and wildlife and includes, but is not limited to, photographing, observing, learning about, or associating with, fish and wildlife.

(7) The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) The term “State” means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, or American Samoa.

(9) The term “wildlife conservation and appreciation project” means a project which is directed toward nonconsumptive activities or toward the conservation of those species of fish and wildlife that—

(A) are not ordinarily taken for recreation, fur, or food; except that if under applicable State law, any fish and wildlife may be taken for recreation, fur, or food in some but not all, areas of the State, a wildlife conservation and appreciation project may be directed toward the conservation of any of such fish and wildlife within any area of the State in which such taking is not permitted;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543); and

(C) are not marine mammals within the meaning of section 1362(6) of this title.

(Pub. L. 102–587, title VII, §7104, Nov. 4, 1992, 106 Stat. 5096; Pub. L. 103–375, §6(2), (3), Oct. 19, 1994, 108 Stat. 3495.)

## REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (9)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

## AMENDMENTS

1994—Par. (2). Pub. L. 103–375, §6(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The term ‘designated State agency’ means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.”

Par. (4). Pub. L. 103–375, §6(2)(B), made technical amendment to reference to section 3744(g) of this title to correct reference to corresponding provision of original act.

Par. (8). Pub. L. 103–375, §6(3)(B), added par. (8). Former par. (8) redesignated (9).

Pub. L. 103–375, §6(2)(C), (D), substituted semicolon for period at end of subpar. (A) and “section 1362(6)” for “section 1362(5)” in subpar. (C).

Par. (9). Pub. L. 103–375, §6(3)(A), redesignated par. (8) as (9).

**§ 3744. Wildlife partnership program****(a) In general**

The Secretary shall provide the amounts available in the Fund to designated State agencies on a matching basis to assist in carrying out wildlife conservation and appreciation projects that are eligible under subsection (b) of this section.

**(b) Eligible projects**

The following wildlife conservation and appreciation projects shall be eligible for matching funds from the Fund:

(1) inventory of fish and wildlife species;

(2) determination and monitoring of the size, range and distribution of populations of fish and wildlife species;

(3) identification of the extent, condition, and location of the significant habitats of fish and wildlife species;

(4) identification of the significant problems that may adversely affect fish and wildlife species and their significant habitats;

(5) actions to conserve fish and wildlife species and their habitats; and

(6) actions of which the principal purpose is to provide opportunities for the public to use and enjoy fish and wildlife through nonconsumptive activities.

**(c) Project standards**

The Secretary shall not provide funding to carry out an eligible wildlife conservation and appreciation project unless the Secretary determines that such a project—

(1) is planned adequately to accomplish the stated objective or objectives;

(2) utilizes accepted fish and wildlife management principles, sound design and appropriate procedures;

(3) will yield benefits pertinent to the identified need at a level commensurate with project costs;