

§ 698w. Special management requirements for Federal lands recently added to Craters of the Moon National Monument, Idaho

(a) Redesignation

The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after August 21, 2002, be known as the “Craters of the Moon National Preserve”.

(b) Administration

(1) In general

Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906,¹ (commonly referred to as the “Antiquities Act”); 34 Stat. 225; 16 U.S.C. 431);² and

(C) the laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.).²

(2) Hunting

The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area’s resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

(Pub. L. 107–213, §1, Aug. 21, 2002, 116 Stat. 1052.)

REFERENCES IN TEXT

Presidential Proclamation 7373, referred to in subsecs. (a) and (b)(1)(A), appears in the item for Craters of the Moon National Monument, Idaho, in the table under the heading “National Monuments Established Under Presidential Proclamation”, set out as a note under section 320301 of Title 54, National Park Service and Related Programs.

Act of June 8, 1906, (commonly referred to as the “Antiquities Act”); 34 Stat. 225; 16 U.S.C. 431, referred to in subsec. (b)(1)(B), is act June 8, 1906, ch. 3060, 34 Stat. 225, which was classified generally to sections 431, 432, and 433 of this title. The Act was repealed and restated as section 1866(b) of Title 18, Crimes and Criminal Procedure, and sections 320301(a) to (c), 320302, and 320303 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August

25, 1916 (16 U.S.C. 1 et seq.), referred to in subsec. (b)(1)(C), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

CODIFICATION

Section is comprised of section 1 of Pub. L. 107–213. Section 1 also enacted provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER I—GENERALLY

Sec.	
701.	Game and wild birds; preservation.
702.	Importation of eggs of game birds for propagation.

SUBCHAPTER II—MIGRATORY BIRD TREATY

703.	Taking, killing, or possessing migratory birds unlawful.
704.	Determination as to when and how migratory birds may be taken, killed, or possessed.
705.	Transportation or importation of migratory birds; when unlawful.
706.	Arrests; search warrants.
707.	Violations and penalties; forfeitures.
708.	State or Territorial laws or regulations.
709.	Omitted.
709a.	Authorization of appropriations.
710.	Partial invalidity; short title.
711.	Breeding and sale for food supply.
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.

SUBCHAPTER III—MIGRATORY BIRD CONSERVATION

715.	Short title.
715a.	Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental.
715b.	Annual report.
715c.	Areas recommended for approval; character.
715d.	Purchase or rental of approved areas or interests therein; gifts and devises; United States lands.
715–1 to 715d–3.	Repealed or Omitted.
715e.	Examination of title; easements and reservations.
715e–1.	Omitted.
715f.	Consent of State to conveyance in fee.
715g.	Jurisdiction of State over areas acquired.
715h.	Operation of State game laws.
715i.	Administration.
715j.	“Migratory birds” defined.
715k.	Authorization of appropriations for purposes of subchapter; disposal; reservation protectors.
715k–1.	Expenditures for personal services.
715k–2.	Omitted.

¹ So in original. The comma probably should not appear.

² See References in Text note below.

- Sec.
715k-3. Authorization of appropriations for the preservation of wetlands and other waterfowl habitat.
715k-4. Accounting and use of appropriations.
715k-5. Acquisition of lands.
715l, 715m. Repealed.
715n. "Take" defined.
715o. National forest and power sites; use for migratory bird reservations.
715p. Cooperation of State in enforcement of provisions.
715q. Expenses of commission; authorization of appropriations.
715r. Partial invalidity; validity of remainder.
715s. Participation of local governments in revenue from areas administered by the United States Fish and Wildlife Service.

SUBCHAPTER IV—HUNTING AND CONSERVATION STAMP TAX

718. Repealed.
718a. Prohibition on taking.
718b. Sales; fund disposition; unsold stamps.
718b-1. Disposition of unsold stamps.
718c. Authorization and exemption.
718d. Expenditure of funds.
718e. Loans and transfers, alteration, and reproduction of stamps.
718f. Enforcement.
718g. Violations.
718h. Cooperation.
718i. Use of contest fees.
718j. Definitions.
718k. Use of fees collected for Federal migratory bird permits.

SUBCHAPTER IV-A—PERMANENT ELECTRONIC DUCK STAMP

- 718o. Definitions.
718p. Authority to issue electronic duck stamps.
718q. State application.
718r. State obligations and authorities.
718s. Electronic stamp requirements; recognition of electronic stamp.
718t. Termination of State participation.

SUBCHAPTER V—JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM

719. Establishment of Program.
719a. Junior Duck Stamp.
719b. Acceptance of gifts, devises, and bequests.
719b-1. Definition of State.
719c. Authorization of appropriations.

SUBCHAPTER I—GENERALLY

§ 701. Game and wild birds; preservation

The duties and powers of the Department of the Interior include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of the Interior is authorized to adopt such measures as may be necessary to carry out the purposes of this Act, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of the Interior shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of the Interior shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.

(May 25, 1900, ch. 553, § 1, 31 Stat. 187; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

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 were subsequently repealed and reenacted as 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.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

EX. ORD. NO. 13186. RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS

Ex. Ord. No. 13186, Jan. 10, 2001, 66 F.R. 3853, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the migratory bird conventions, the Migratory Bird Treaty Act (16 U.S.C. 703-711), the Bald and Golden Eagle Protection Acts (16 U.S.C. 668-668d), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c [666c-1]), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and other pertinent statutes, it is hereby ordered as follows:

SECTION 1. *Policy.* Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals-Mexico 1936, the Convention for the Protection of Birds and Their Environment-Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment-Union of Soviet Socialist Republics 1978.

These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

SEC. 2. *Definitions.* For purposes of this order:

- (a) "Take" means take as defined in 50 C.F.R. 10.12, and includes both "intentional" and "unintentional" take.
(b) "Intentional take" means take that is the purpose of the activity in question.
(c) "Unintentional take" means take that results from, but is not the purpose of, the activity in question.
(d) "Migratory bird" means any bird listed in 50 C.F.R. 10.13.