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Title 16 - CONSERVATION

CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

SUBCHAPTER LXVIII - NATIONAL CONSERVATION RECREATIONAL AREAS

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### SUBCHAPTER LXVIII—NATIONAL CONSERVATION RECREATIONAL AREAS

#### **§460k. Public recreation use of fish and wildlife conservation areas; compatibility with conservation purposes; appropriate incidental or secondary use; consistency with other Federal operations and primary objectives of particular areas; curtailment; forms of recreation not directly related to primary purposes of individual areas; repeal or amendment of provisions for particular areas**

In recognition of mounting public demands for recreational opportunities on areas within the National Wildlife Refuge System, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes; and in recognition also of the resulting imperative need, if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of, the primary purposes for which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use: *Provided*, That such public recreation use shall be permitted only to the extent that is practicable and not inconsistent with other previously authorized Federal operations or with the primary objectives for which each particular area is established: *Provided further*, That in order to insure accomplishment of such primary objectives, the Secretary, after consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, shall curtail public recreation use generally or certain types of public recreation use within individual areas or in portions thereof whenever he considers such action to be necessary: *And provided further*, That none of the aforesaid refuges, hatcheries, game ranges, and other conservation areas shall be used during any fiscal year for those forms of recreation that are not directly related to the primary purposes and functions of the individual areas until the Secretary shall have determined—

(a) that such recreational use will not interfere with the primary purposes for which the areas were established, and

(b) that funds are available for the development, operation, and maintenance of these permitted forms of recreation. This section shall not be construed to repeal or amend previous enactments relating to particular areas.

(Pub. L. 87–714, §1, Sept. 28, 1962, 76 Stat. 653; Pub. L. 89–669, §9, Oct. 15, 1966, 80 Stat. 930.)

#### AMENDMENTS

**1966**—Pub. L. 89–669 substituted "areas within the National Wildlife Refuge System" for "national wildlife refuges, game ranges" in introductory text.

#### SHORT TITLE

Pub. L. 87–714, which enacted this subchapter, is popularly known as the "Refuge Recreation Act".

### **§460k–1. Acquisition of lands for recreational development; funds**

The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

- (1) incidental fish and wildlife-oriented recreational development,
- (2) the protection of natural resources,
- (3) the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title, or
- (4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps.

Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent.

(Pub. L. 87–714, §2, Sept. 28, 1962, 76 Stat. 653; Pub. L. 92–534, Oct. 23, 1972, 86 Stat. 1063; Pub. L. 93–205, §13(d), Dec. 28, 1973, 87 Stat. 902.)

#### **AMENDMENTS**

**1973**—Pub. L. 93–205 inserted references to the acquisition of interest in land the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title.

**1972**—Pub. L. 92–534 substituted provisions authorizing the Secretary to acquire lands suitable for fish and wildlife oriented recreational development, or for the protection of natural resources and adjacent to conservation areas, for provisions authorizing the Secretary to acquire limited areas of land for recreational development adjacent to conservation areas in existence or approved by the Migratory Bird Conservation Commission as of September 28, 1962.

#### **EFFECTIVE DATE OF 1973 AMENDMENT**

Amendment by Pub. L. 93–205 effective Dec. 28, 1973, see section 16 of Pub. L. 93–205, set out as a note under section 1531 of this title.

### **§460k–2. Cooperation with agencies, organizations and individuals; acceptance of donations; restrictive covenants**

In furtherance of the purposes of this subchapter, the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife refuges, games ranges, fish hatcheries, and other fish and wildlife conservation areas.

(Pub. L. 87–714, §3, Sept. 28, 1962, 76 Stat. 653.)

### **§460k–3. Charges and fees; permits; regulations; penalties; enforcement**

The Secretary may establish reasonable charges and fees and issue permits for public use of national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Department of the Interior for fish and wildlife purposes. The Secretary may issue regulations to carry out the purposes of this subchapter. A violation of such regulations shall be

a misdemeanor with maximum penalties of imprisonment for not more than six months, or a fine of not more than \$500, or both. The provisions of this subchapter and any such regulation shall be enforced by any officer or employee of the United States Fish and Wildlife Service designated by the Secretary of the Interior.

(Pub. L. 87-714, §4, Sept. 28, 1962, 76 Stat. 654; Pub. L. 95-616, §3(e), Nov. 8, 1978, 92 Stat. 3111; Pub. L. 98-473, title II, §221, Oct. 12, 1984, 98 Stat. 2028.)

#### **AMENDMENTS**

**1984**—Pub. L. 98-473 substituted "misdemeanor" for "petty offense (18 U.S.C. 1)".

**1978**—Pub. L. 95-616 provided for designation of enforcement personnel.

#### **EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

### **§460k-4. Authorization of appropriations**

There is authorized to be appropriated such funds as may be necessary to carry out the purposes of this subchapter, including the construction and maintenance of public recreational facilities.

(Pub. L. 87-714, §5, Sept. 28, 1962, 76 Stat. 654.)