

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

National Wildlife Refuge System Administration Act

This Act, National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) -- This Act, derived from sections 4 and 5 of Public Law 89-669 (October 15, 1966; 80 Stat. 927), constitutes an "organic act" for the National Wildlife Refuge System. It was recently amended by P.L. 105-57, "The National Wildlife Refuge System Improvement Act of 1997."

On October 9, 1997, President Clinton signed the National Wildlife Refuge System Improvement Act of 1997 into law. This new law amends and builds upon the National Wildlife Refuge System Administration Act of 1966 to ensure that the National Wildlife Refuge System is managed as a national system of related lands, waters, and interests for the protection and conservation of our Nation's wildlife resources.

The 1966 Act provides guidelines and directives for administration and management of all areas in the system, including "wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas."

The Secretary is authorized to permit by regulations the use of any area within the system provided "such uses are compatible with the major purposes for which such areas were established."

Public Law 90-404, approved July 18, 1968, (82 Stat. 359) provides that proceeds from disposal of lands in the system acquired with "duck stamp" funds or by donation are to be paid into the Migratory Bird Conservation Fund, and that the Migratory Bird Conservation Commission must be consulted before disposal of any such acquired land.

A December 3, 1974, amendment entitled "National Wildlife Refuge System Administration Act Amendments of 1974" (P.L. 93-509; 88 Stat. 1603), requires payment of the fair market value for rights-of-way or other interests granted, with the proceeds deposited into the Migratory Bird Conservation Fund and made available for land acquisition.

Public Law 94-215, approved February 17, 1976, (90 Stat. 190) clarified that acquired lands or interests therein can be exchanged for acquired or public lands.

An amendment of February 27, 1976, (P.L. 94-223; 90 Stat. 199) commonly called the Game Range Act, directs that all areas in the system on or after January 1, 1975, "shall be administered by the Secretary through the United States Fish and Wildlife Service" and cannot be transferred

or disposed of unless otherwise directed by Acts of Congress. Exceptions are provided for areas administered as part of the system pursuant to cooperative agreements and for transfer or disposal and exchange of acquired lands.

Public Law 95-616, approved November 8, 1978, (92 Stat. 3110) amends the 1966 Act to permit the opening of more than 40 percent of an area acquired as a migratory bird sanctuary to hunting when it is determined to be beneficial to the species hunted. Contracts may be entered into for public accommodations and donations of funds may be accepted for land acquisition and management.

Public Law 100-653, approved November 14, 1988, (101 Stat. 3825) made violations of the Act or implementing regulations subject to fines under the provisions of Title 18 of the U.S. Code (sections 3571-3574), or one year's imprisonment, or both. This Act also authorized the Secretary to relinquish exclusive legislative jurisdiction over any Service lands to State or territorial authorities (16 U.S.C. 742m).

Public Law 105-57, approved October 9, 1997, (111 Stat. 1253) gives guidance to the Secretary of the Interior for the overall management of the Refuge System. The Act's main components include: a strong and singular wildlife conservation mission for the Refuge System; a requirement that the Secretary of the Interior maintain the biological integrity, diversity and environmental health of the Refuge System; a new process for determining compatible uses of refuges; a recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System; that these compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System; and a requirement for preparing comprehensive conservation plans.

Source: Fish and Wildlife Service. Available at <http://www.fws.gov/laws/lawsdigest/nwrsact.html>.