TITLE 16—CONSERVATION

Chap. ...Sec.
1. National Parks, Military Parks, Monuments, and Seashores ...1
  1A. Historic Sites, Buildings, Objects, and Antiquities ...461
  1B. Archaeological Resources Protection ...470aa
  1C. Paleontological Resources Preservation ...470aaa
2. National Forests ...471
3. Forests; Forest Service; Reforestation; Management ...551
  3A. Unemployment Relief Through Performance of Useful Public Work [Omitted or Repealed] ...584
  3B. Soil Conservation ...590a
  3C. Water Conservation ...590r
4. Protection of Timber, and Depredations ...591
5. Protection of Fur Seals and Other Fur-Bearing Animals ...631
  5A. Protection and Conservation of Wildlife ...661
  5B. Wildlife Restoration ...669
  5C. Conservation Programs on Government Lands ...670a
6. Game and Bird Preserves; Protection ...671
7. Protection of Migratory Game and Insectivorous Birds ...701
8. Upper Mississippi River National Wildlife and Fish Refuge ...721
9. Fish and Wildlife Service ...741
  9A. Preservation of Fishery Resources ...755
  9B. National Fish Hatchery System Enhancement ...760aa
10. Northern Pacific Halibut Fishing ...761
  10A. Sockeye or Pink Salmon Fishing [Repealed] ...776
  10B. Fish Restoration and Management Projects ...777
  10C. Fish Research and Experimentation Program ...778
  10D. State Commercial Fisheries Research and Development Projects [Repealed] ...779
11. Regulation of Landing, Curing, and Sale of Sponges Taken From Gulf of Mexico and Straits of Florida ...781
12. Federal Regulation and Development of Power ...791
  12A. Tennessee Valley Authority ...831
  12B. Bonneville Project ...832
  12C. Fort Peck Project ...833
  12D. Columbia Basin Project ...835
  12E. Niagara Power Project ...836
  12F. Pacific Northwest Consumer Power Preference; Reciprocal Priority in Other Regions ...837
  12G. Pacific Northwest Federal Transmission System ...838
  12H. Pacific Northwest Electric Power Planning and Conservation ...839
13. Regulation of Transportation in Interstate or Foreign Commerce of Black Bass and Other Fish [Repealed] ...851
14. Regulation of Whaling ...901
  14A. Whale Conservation and Protection ...917
15. Predatory Sea Lampreys in the Great Lakes [Omitted] ...921
  15A. Great Lakes Fisheries ...931
  15B. Great Lakes Fish and Wildlife Restoration ...941
  15C. Great Lakes Fish and Wildlife Tissue Bank ...943
16. Tuna Conventions ...951
  16A. Atlantic Tuna Convention ...971
  16B. Eastern Pacific Tuna Fishing ...972
  16C. South Pacific Tuna Fishing ...973
17. Northwest Atlantic Fisheries [Repealed] ...981
18. Watershed Protection and Flood Prevention ...1001
  18A. Cooperative Watershed Management Program ...1015
19. North Pacific Fisheries [Repealed or Transferred] ...1021
20. National Fisheries Center and Aquarium ...1051
21. Prohibition of Foreign Fishing Vessels in the Territorial Waters of the United States [Repealed] ...1081
  21A. Fisheries Zone Contiguous to Territorial Sea of the United States [Repealed] ...1091
  21B. Prohibition of Certain Foreign Fishing Vessels in United States Fisheries [Omitted] ...1100
21C. Offshore Shrimp Fisheries [Omitted] ...1100b
22. International Parks ...1101
23. National Wilderness Preservation System ...1131
24. Conservation and Protection of North Pacific Fur Seals ...1151
25. Jellyfish or Sea Nettles, Other Such Pests, and Seaweed in Coastal Waters: Control or Elimination ...1201
25A. Crown of Thorns Starfish ...1211
25B. Reefs for Marine Life Conservation ...1220
26. Estuarine Areas ...1221
27. National Trails System ...1241
27A. National Recreational Trails Fund ...1261
28. Wild and Scenic Rivers ...1271
29. Water Bank Program for Wetlands Preservation ...1301
30. Wild Horses and Burros: Protection, Management, and Control ...1331
31. Marine Mammal Protection ...1361
32. Marine Sanctuaries ...1431
32A. Regional Marine Research Programs ...1447
33. Coastal Zone Management ...1451
34. Rural Environmental Conservation Program [Repealed] ...1501
35. Endangered Species ...1531
36. Forest and Rangeland Renewable Resources Planning ...1600
37. Youth Conservation Corps and Public Lands Corps ...1701
38. Fishery Conservation and Management ...1801
39. Mining Activity Within National Park System Areas ...1901
40. Soil and Water Resources Conservation ...2001
41. Cooperative Forestry Assistance ...2101
42. Emergency Conservation Program ...2201
43. Public Transportation Programs for National Park System Areas ...2301
44. Antarctic Conservation ...2401
44A. Antarctic Marine Living Resources Convention ...2431
44B. Antarctic Mineral Resources Protection ...2461
45. Urban Park and Recreation Recovery Program ...2501
46. Public Utility Regulatory Policies ...2601
47. Small Hydroelectric Power Projects ...2701
48. National Aquaculture Policy, Planning, and Development ...2801
49. Fish and Wildlife Conservation ...2901
50. Chesapeake Bay Research Coordination [Omitted] ...3001
51. Alaska National Interest Lands Conservation ...3101
52. Salmon and Steelhead Conservation and Enhancement ...3301
53. Control of Illegally Taken Fish and Wildlife ...3371
54. Resource Conservation ...3401
55. Coastal Barrier Resources ...3501
56. North Atlantic Salmon Fishing ...3601
56A. Pacific Salmon Fishing ...3631
57. National Fish and Wildlife Foundation ...3701
57A. Partnerships for Wildlife ...3741
57B. Partners for Fish and Wildlife ...3771
58. Erodible Land and Wetland Conservation and Reserve Program ...3801
59. Wetlands Resources ...3901
59A. Wetlands ...3951
60. Fish and Seafood Promotion ...4001
61. Interjurisdictional Fisheries ...4101
62. African Elephant Conservation ...4201
62A. Asian Elephant Conservation ...4261
63. Federal Cave Resources Protection ...4301
64. North American Wetlands Conservation ...4401
65. International Forestry Cooperation ...4501
66. Take Pride in America Program ...4601
67. Aquatic Nuisance Prevention and Control ...4701
68. Pacific Yew Conservation and Management [Omitted or Repealed] ...4801
69. Wild Exotic Bird Conservation ...4901
70. North Pacific Anadromous Stocks Convention ...5001
71. Atlantic Coastal Fisheries Cooperative Management ...5101
71A. Atlantic Striped Bass Conservation ...5151
72. Recreational Hunting Safety ...5201
73. Rhinoceros and Tiger Conservation ...5301
74. National Maritime Heritage ...5401
75. High Seas Fishing Compliance ...5501
76. Northwest Atlantic Fisheries Convention ...5601
77. Yukon River Salmon ...5701
78. National Natural Resources Conservation Foundation ...5801
79. National Park Service Management ...5901
80. Neotropical Migratory Bird Conservation ...6101
81. User Fees Under Forest System Recreation Residence Program ...6201
81A. National Forest Organizational Camp Fee Improvement ...6231
82. Great Ape Conservation ...6301
83. Coral Reef Conservation ...6401
84. Healthy Forest Restoration ...6501
85. Marine Turtle Conservation ...6601
86. Southwest Forest Health and Wildfire Prevention ...6701
87. Federal Lands Recreation Enhancement ...6801
88. Western and Central Pacific Fisheries Convention ...6901
89. Pacific Whiting ...7001
90. Secure Rural Schools and Community Self-Determination ...7101
91. National Landscape Conservation System ...7201
92. Forest Landscape Restoration ...7301
CHAPTER 77—YUKON RIVER SALMON

SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

Sec.
5701. Purposes.
5702. Definitions.
5703. Panel.
5704. Advisory Committee.
5705. Exemption.
5706. Authority and responsibility.
5707. Continuation of Agreement.
5708. Administrative matters.
5709. Authorization of appropriations.

SUBCHAPTER II—CONSERVATION AND MANAGEMENT

5721. Yukon River Salmon Panel.
5722. Advisory committee.
5723. Exemption.
5724. Authority and responsibility.
5725. Administrative matters.
5726. Yukon River salmon stock restoration and enhancement projects.
5727. Authorization of appropriations.
SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

§ 5701. Purposes

It is the purpose of this subchapter—

(1) to implement the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995;

(2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and

(3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.


§ 5702. Definitions

As used in this subchapter—

(1) The term “Agreement” means the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995.

(2) The term “Panel” means the Yukon River Panel established by the Agreement.


§ 5703. Panel

(a) Representation

The United States shall be represented on the Panel by six individuals, of whom—

(1) one shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one shall be an official of the State of Alaska with expertise in salmon conservation and management; and

(3) four shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) Appointments

Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) of this section shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) of this section shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) of this section shall be appointed by the Secretary of State from a list of at least 3 individuals nominated for each position by the Governor of Alaska. The Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries. The Governor of Alaska may make appropriate nominations to allow for, and the Secretary of State shall appoint, at least one member under subsection (a)(3) of this section who is qualified to represent the interests of Lower Yukon River fishing districts, and at least one member who is qualified to represent the interests of Upper Yukon River fishing districts. At least one of the Panel members under subsection (a)(3) of this section shall be an Alaska Native.

(c) Alternates

The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under subsections 1 (b)(1) and (3) of this section, who meets the same qualifications, to serve in the absence of the Panel member. The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(2) of this section, who meets the same qualifications, to serve in the absence of that Panel member.

(d) Term length

Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(e) Reappointment

Panel members and alternate Panel members shall be eligible for reappointment.

(f) Decisions

Decisions by the United States section of the Panel shall be made by the consensus of the Panel members appointed under paragraphs (2) and (3) of subsection (a) of this section.

(g) Consultation

In carrying out their functions under the Agreement, Panel members may consult with such other interested parties as they consider appropriate.

Footnotes

1 So in original. Probably should be “subsection”.


§ 5704. Advisory Committee

(a) Appointments

The Governor of Alaska may appoint an Advisory Committee of not less than eight, but not more than twelve, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least 2 of the Advisory Committee members shall be Alaska Natives. Members of the Advisory Committee may attend all meetings of the United States section of the Panel, and shall
be given the opportunity to examine and be heard on any matter under consideration by the United States section of the Panel.

(b) Compensation

The members of such Advisory Committee shall receive no compensation for their services.

(c) Term length

Advisory Committee members shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) Reappointment

Advisory Committee members shall be eligible for reappointment.


§ 5705. Exemption

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel, the Yukon River Joint Technical Committee, or the Advisory Committee created under section 5704 of this title.


References in Text

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 5706. Authority and responsibility

(a) Responsible management entity

The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of the Agreement.

(b) Effect of designation

The designation under subsection (a) of this section shall not be considered to expand, diminish, or change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) Recommendations of Panel

In addition to recommendations made by the Panel to the responsible management entities in accordance with the Agreement, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, Department of Commerce, Department of State, North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.


§ 5707. Continuation of Agreement

In the event that the Treaty between Canada and the United States of America concerning Pacific Salmon, signed at Ottawa, January 28, 1985, terminates prior to the termination of the Agreement, and the functions of the Panel are assumed by the “Yukon River Salmon Commission” referenced in the Agreement, the provisions of this subchapter which apply to the Panel shall thereafter apply
to the Yukon River Salmon Commission, and the other provisions of this subchapter shall remain
in effect.


§ 5708. Administrative matters

(a) Compensation of Panel members

Panel members and alternate Panel members who are not State or Federal employees shall receive
compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual
performance of duties.

(b) Travel and other expenses

Travel and other necessary expenses shall be paid for all Panel members, alternate Panel members,
United States members of the Joint Technical Committee, and members of the Advisory Committee
when engaged in the actual performance of duties.

(c) Status as Federal employees

Except for officials of the United States Government, individuals described in subsection (b) of this
section shall not be considered to be Federal employees while engaged in the actual performance of
duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81
of title 5 and chapter 71 of title 28.

Footnotes

1 So in original. Probably should be chapter “171”.


References in Text

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization
and Employees.

§ 5709. Authorization of appropriations

There are authorized to be appropriated $4,000,000 for each fiscal year for carrying out the purposes
and provisions of the Agreement and this subchapter including—

(1) necessary travel expenses of Panel members, alternate Panel members, United States members of
the Joint Technical Committee, and members of the Advisory Committee in accordance with Federal
Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5;

(2) the United States share of the joint expenses of the Panel and the Joint Technical Committee:
Provided, That Panel members and alternate Panel members shall not, with respect to commitments
concerning the United States share of the joint expenses, be subject to section 262 (b) of title 22,
insofar as it limits the authority of United States representatives to international organizations with
respect to such commitments;

(3) not more than $3,000,000 for each fiscal year to the Department of the Interior and to the
Department of Commerce for survey, restoration, and enhancement activities related to Yukon River
salmon; and

(4) $400,000 in each of fiscal years 1996, 1997, 1998, and 1999 to be contributed to the Yukon River
Restoration and Enhancement Fund and used in accordance with the Agreement.
Footnotes

1 So in original. Probably should be section “262b”.

§ 5721. Yukon River Salmon Panel

(a) Establishment

(1) In general

There shall be a Yukon River Salmon Panel (in this subchapter referred to as the “Panel”).

(2) Functions

The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this subchapter or any other title.\(^1\)

(3) Designation as United States representatives on bilateral body

The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) Membership

(1) In general

The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) Appointees from Alaska

(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) Alternates
(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B) of this section, who meets the same qualifications, to serve in the absence of that Panel member.

c) Term length

Panel members and alternate Panel members shall serve 4-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

d) Reappointment

Panel members and alternate Panel members shall be eligible for reappointment.

e) Decisions

Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1) of this section.

f) Consultation

In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

Footnotes

1 See References in Text note below.


References in Text

This subchapter or any other title, referred to in subsec. (a)(2)(C), was in the original “this or any other title”. The reference to “any other title” probably was intended to mean a reference to any other act.

Short Title

For short title of this subchapter as the “Yukon River Salmon Act of 2000”, see section 201 of Pub. L. 106–450, set out as a note under section 5701 of this title.

§ 5722. Advisory committee

(a) Appointments

The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) Compensation

The members of such advisory committee shall receive no compensation for their services.

(c) Term length

Members of such advisory committee shall serve 2-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) Reappointment

Members of such advisory committee shall be eligible for reappointment.
§ 5723. Exemption

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 5722 of this title.


References in Text

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 5724. Authority and responsibility

(a) Responsible management entity

The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) Effect of designation

The designation under subsection (a) of this section shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) Recommendations of Panel

In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.


§ 5725. Administrative matters

(a) Compensation

Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) Travel and other necessary expenses

Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 5722 of this title when engaged in the actual performance of duties.

(c) Treatment as Federal employees

Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 5722 of this title shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes
of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 71 of title 28.

Footnotes

1 So in original. Probably should be “171”.


References in Text


§ 5726. Yukon River salmon stock restoration and enhancement projects

(a) In general

The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) Cooperation with Canada

If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.


§ 5727. Authorization of appropriations

There are authorized to be appropriated to the Secretary of the Interior to carry out this subchapter $4,000,000 for each of fiscal years 2007 through 2011 of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 5722 of this title, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 5726 (b) of this title; and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.


Amendments

2007—Pub. L. 109–479 substituted “$4,000,000 for each of fiscal years 2007 through 2011” for “$4,000,000 for each of fiscal years 2004 through 2008.”.