

# **Appendix C: Laws and Orders**



## Appendix C: Laws and Orders

Numerous Congressional Acts, Executive Orders signed by the President, and regulations grant authority and govern the administration of the Refuge. The following laws and executive orders provide substantive and procedural requirements to be satisfied in the development and implementation of the CCP.

### Public Law 80-361

(Approved August 5, 1947; 61 Stat. 770) This Act established Crab Orchard National Wildlife Refuge by directing the transfer of certain lands in Illinois to the Department of the Interior for wildlife conservation, and agricultural, recreational, industrial development and related purposes. The full text is presented in Appendix G.

### Public Law 90-339

(Approved June 15, 1968; 82 Stat. 177) This Act provides for adjustment of legislative jurisdiction of the United States on the Refuge.

### Public Law 95-616

(Approved November 8, 1978; 92 Stat. 3114) This Act provided that revenue generated on the Refuge will be subject to the Refuge Revenue Sharing Act rather than being deposited in the Treasury as general receipts.

### Public Law 99-662

(Approved November 17, 1986; 100 Stat. 4257) This Act directed the Secretary to sell surplus water which may be available from Devils Kitchen Lake on the Refuge to the City of Marion, Illinois.

### National Wildlife Refuge System Administration Act of 1966

(Derived from sections 4 and 5 of Public Law 89-669, approved October 15, 1966; 80 Stat. 927; 16 USC 668dd et seq.) This Act serves as the “organic act” for the National Wildlife Refuge System. The Act, as amended (National Wildlife Refuge System Improvement Act, Public Law 105-57, October 9, 1997), consolidated the various categories of lands administered by the Secretary of the Interior (Secretary) through the Service into a single National Wildlife Refuge System.

The Act establishes a unifying mission for the Refuge System, a process for determining compatible uses of refuges, and a requirement for preparing comprehensive conservation plans. The Act states first and foremost that the mission of the National Wildlife Refuge System be focused singularly on wildlife conservation.

The Act identifies six priority wildlife-dependent recreation uses, clarified the Secretary’s authority to accept donations of money for land acquisition and placed restrictions on the transfer, exchange or other disposal of lands within the Refuge System.

Most importantly, this Act reinforces and expands the “compatibility standard” of the Refuge Recreation Act. The Refuge Administration Act authorizes the Secretary, under such regulations as he may prescribe, to “permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established.”

It 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) This law 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).

This Act, Refuge Revenue Sharing Act (16 U.S.C. 715s) – Section 401 of the Act of June 15, 1935, (49 Stat. 383) provided for payments to counties in lieu of taxes, using revenues derived from the sale of products from refuges.

#### **Public Law 88-523**

(Approved August 30, 1964, (78 Stat. 701) made major revisions by requiring that all revenues received from refuge products, such as animals,

timber and minerals, or from leases or other privileges, be deposited in a special Treasury account and net receipts distributed to counties for public schools and roads.

#### **Public Law 93-509**

(Approved December 3, 1974, (88 Stat. 1603) required that moneys remaining in the fund after payments be transferred to the Migratory Bird Conservation Fund for land acquisition under provisions of the Migratory Bird Conservation Act.

#### **Public Law 95-469**

(Approved October 17, 1978, (92 Stat. 1319) expanded the revenue sharing system to include National Fish Hatcheries and Service research stations. It also included in the Refuge Revenue Sharing Fund receipts from the sale of salmonid carcasses. Payments to counties were established as:

# on acquired land, the greatest amount calculated on the basis of 75 cents per acre, three-fourths of one percent of the appraised value, or 25 percent of the net receipts produced from the land; and

# on land withdrawn from the public domain, 25 percent of net receipts and basic payments under Public Law 94-565 (31 U.S.C. 1601-1607, 90 Stat. 2662), payment in lieu of taxes on public lands.

This amendment also authorized appropriations to make up any difference between the amount in the Fund and the amount scheduled for payment in any year. The stipulation that payments be used for schools and roads was removed, but counties were required to pass payments along to other units of local government within the county which suffer losses in revenues due to the establishment of Service areas.

#### **Refuge Trespass Act (18 U.S.C. 41)**

The Act of June 25, 1948, (62 Stat. 686) consolidated penalty provisions of various Acts from 1905 through 1934 establishing and protecting fish and wildlife areas, and restated the intent of Congress to protect all wildlife within Federal sanctuaries, refuges, fish hatcheries and breeding grounds.

Except as provided by rules and regulations promulgated under authority of law, the Act provides that anyone who hunts, traps or willfully disturbs any wildlife on such areas, or willfully injures, molests or destroys any property of the United States on such lands or waters, shall be fined not more than \$500, imprisoned not more than six months, or both.

### Public Law 100-653

(Approved November 14, 1988, (102 Stat. 3825) provided that any violation of the Refuge System Administration Act (16 U.S.C. 668dd et seq), or regulations issued under its authority, would be fined in accordance with uniform sentencing provisions established in Public Law 98-473, approved October 12, 1984, (98 Stat. 2028, 2031; 18 U.S.C. 3551 to 3586) or imprisoned not more than one year, or both. This largely supersedes the provisions of the Trespass Act, although the Act was not repealed.

### Migratory Bird Treaty Act of 1918 (MBTA)

(16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 as amended. This Act designates the protection of migratory birds as a Federal responsibility. The Act enables the setting of seasons, and other regulations including the closing of areas, Federal or non-Federal, to the hunting of migratory birds.

The original 1918 statute implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Specific provisions in the statute included:

- # Establishment of a Federal prohibition, unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner; any migratory bird, included in the terms of this Convention... for the protection of migratory birds... or any part, nest, or egg of any such bird.” (16 U.S.C. 703) This prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union.
- # Authority for the Secretary of the Interior to determine, periodically, when, consistent with the Conventions, “hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any... bird, or any part, nest or egg” could be undertaken and to adopt regulations for this purpose. These determinations are to be made based on “due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times of migratory flight.” (16 U.S.C. 704)
- # A decree that domestic interstate and international transportation of migratory birds which are taken in violation of this law is unlawful, as well as importation of any migratory birds which are taken in violation of Canadian laws. (16 U.S.C. 705)
- # Authority for Interior officials to enforce the provisions of this law, including seizure of birds illegally taken which can be forfeited to the U.S. and disposed of as directed by the courts. (16 U.S.C. 706)
- # Establishment of fines for violation of this law, including misdemeanor charges. (16 U.S.C. 707)
- # Authority for States to enact and implement laws or regulations to allow for greater protection of migratory birds, provided that such laws are consistent with the respective Conventions and that open seasons do not extend beyond those established at the national level. (16 U.S.C. 708)
- # Authority to take migratory birds exclusively for scientific or propagation purposes, pending the development of Federal regulations, provided that the take does not violate State or local laws. (16 U.S.C. 709)
- # A repeal of all laws inconsistent with the provisions of this Act.
- # Authority for the continued breeding and sale of migratory game birds on farms and preserves for the purpose of increasing the food supply. (16 U.S.C. 711)

The 1936 statute implemented the Convention between the U.S. and Mexico for the Protection of Migratory Birds and Game Mammals. Migratory bird import and export restrictions between Mexico and the U.S. were also authorized, and in issuing any regulations to implement this section, the Secretary of Agriculture was required to consider U.S. laws forbidding importation of certain mammals injurious to agricultural and horticultural interests. Monies for the Secretary of Agriculture to implement these provisions were also authorized.

The 1960 statute (PL. 86-732) amended the MBTA by altering earlier penalty provisions. The new provisions stipulated that violations of this Act would constitute a misdemeanor and conviction would result in a fine of not more than \$500 or imprisonment of not more than six months. Activities aimed at selling migratory birds in violation of this law would be subject to fine of not more than \$2000 and imprisonment could not exceed two years. Guilty offenses would constitute a felony. Equipment used for sale purchases was authorized to be seized and held, by the Secretary of the Interior, pending prosecution, and, upon conviction, be treated as a penalty.

Section 10 of the 1969 amendments to the Lacey Act (PL. 91-135) repealed the provisions of the MBTA prohibiting the shipment of wild game mammals or parts to and from the U.S. or Mexico unless permitted by the Secretary of the Interior. The definition of "wildlife" under these amendments does not include migratory birds, however, which are protected under the MBTA.

The 1974 statute (PL. 93-300) amended the MBTA to include the provisions of the 1972 Convention between the U.S. and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction. This law also amended the title of the MBTA to read: "An Act to give effect to the conventions between the U.S. and other nations for the protection of migratory birds, birds in danger of extinction, game mammals, and their environment."

Section 3(h) of the Fish and Wildlife Improvement Act of 1978 (P.L. 95-616) amended the MBTA to authorize forfeiture to the U.S. of birds and their parts illegally taken, for disposal by the Secretary of the Interior as he deems appropriate. These amendments also authorized the Sec-

retary to issue regulations to permit Alaskan natives to take migratory birds for their subsistence needs during established seasons. The Secretary was required to consider the related migratory bird conventions with Great Britain, Mexico, Japan, and the Soviet Union in establishing these regulations and to establish seasons to provide for the preservation and maintenance of migratory bird stocks.

Public Law 95-616 also ratified a treaty with the Soviet Union specifying that both nations will take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations. (See entry for the Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment; T.I.A.S. 9073; signed on November 19, 1976, and approved by the Senate on July 12, 1978; 92 Stat. 3110.)

The most recent amendment was part of the 1986 Emergency Wetlands Resources Act (PL. 99-645), and amended the Act to require that felony violations under the MBTA must be "knowingly" committed.

### **Bald Eagle Protection Act of 1940**

(16 U.S.C. 668-668d, 54 Stat. 250, approved June 8, 1940, and amended by P.L. 86-70 (73 Stat. 143) June 25, 1959; P.L. 87-884 (76 Stat. 1346) October 24, 1962; P.L. 92-535 (86 Stat. 1064) October 23, 1972; and P.L. 95-616 (92 Stat. 3114) November 8, 1978. This Act provides for the protection of the bald eagle (the national emblem) and the golden eagle on and off Federal lands by prohibiting, except under certain specified conditions, the taking, possession and commerce of such birds.

The 1972 amendments increased penalties for violating provisions of the Act or regulations issued pursuant thereto and strengthened other enforcement measures. Rewards are provided for information leading to arrest and conviction for violation of the Act. The 1978 amendment authorizes the Secretary of the Interior to permit the taking of golden eagle nests that interfere with resource development or recovery operations.

**Migratory Bird Conservation Act of 1929**

(16 U.S.C. 715-715d, 715e, 715f-715r approved February 18, 1929; 45 Stat. 1222) This Act established a Migratory Bird Conservation Commission to approve areas recommended by the Secretary of the Interior for acquisition with Migratory Bird Conservation Funds. The Commission consists of the Secretary of the Interior (as chairman), the Secretaries of Transportation and Agriculture, two members of the Senate and two of the House of Representatives, and an ex-officio member from each State in which acquisition is being considered.

The Commission, through its chairman, is directed to report by the first Monday in December of each year to Congress on its activities during the preceding fiscal year. The Secretary of the Interior is authorized to cooperate with local authorities in wildlife conservation and to conduct investigations, to publish documents related to North American birds, and to maintain and develop refuges. The Act provides for cooperation with States in enforcement. It established procedures for acquisition by purchase, rental or gift of areas approved by the Commission.

**Public Law 94-215**

(Approved February 17, 1976) (90 Stat. 190) included in acquisition authority under the Act the purchase or rental of a partial interest in land or waters.

**Public Law 95-552**

(Approved October 30, 1978, (92 Stat. 2071) required that the Secretary of the Interior consult with the appropriate units of local government and with the Governor of the State concerned, or the appropriate State agency, before recommending an area for purchase or rental under the provisions of the Act. This provision was subsequently amended by P.L. 98-200, approved December 2, 1983 (97 Stat. 1378); P.L. 98-548, approved October 26, 1984 (98 Stat. 2774); and P.L. 99-645, approved November 10, 1986 (100 Stat. 3584) to require that either the Governor or the State agency approve each proposed acquisition.

**Public Law 95-616**

(Approved November 8, 1978, (92 Stat. 3110) authorized acquisition of areas for purposes other than inviolate sanctuary.

**Migratory Bird Hunting and Conservation Stamp Act of 1934**

(16 U.S.C. 718-718j, 48 Stat. 452) This Act authorized opening a certain portion of a national wildlife refuge to waterfowl hunting.

**North American Wetlands Conservation Act**

(Public Law 101-233, enacted December 13, 1989; 103 Stat. 1968; 16 U.S.C. 4401-4412) This Act provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between Canada, U.S. and Mexico.

The Act converts the Pittman-Robertson account into a trust fund, with the interest available without appropriation through the year 2006 to carry out the programs authorized by the Act, along with an authorization for annual appropriation of \$15 million plus an amount equal to the fines and forfeitures collected under the Migratory Bird Treaty Act.

Available funds may be expended, upon approval of the Migratory Bird Conservation Commission, for payment of not to exceed 50 percent of the United States share of the cost of wetlands conservation projects in Canada, Mexico, or the United States (or 100 percent of the cost of projects on Federal lands). At least 50 percent and no more than 70 percent of the funds received are to go to Canada and Mexico each year.

A North American Wetlands Conservation Council is created to recommend projects to be funded under the Act to the Migratory Bird Conservation Commission. The Council is to be composed of the Director of the Service, the Secretary of the National Fish and Wildlife Foundation, a State fish and game agency director from each Flyway, and three representatives of different non-profit organizations participating in projects under the Plan or the Act. The Chairman of the

Council and one other member serve ex officio on the Commission for consideration of the Council's recommendations.

The Commission must justify in writing to the Council and, annually, to Congress, any decisions not to accept Council recommendations.

### **Public Law 101-593**

(Approved November 16, 1990 (104 Stat. 2962) provided that the Director is the Federal official responsible for compliance with the National Environmental Policy Act (NEPA) with respect to Council actions, and that recommendation(s) from the Council to the Commission constitute agency action requiring the preparation of Environmental Assessments or Impact Statements. The Chairman of the Council is also required to take steps to ensure public notice of Council meetings.

This Act provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between Canada, Mexico and the U.S. It establishes a North American Wetlands Conservation Council, the purpose of which is to recommend wetlands conservation projects to the Migratory Bird Conservation Commission. Federal funds may be expended for payment of no more than half of the U.S. share of the cost of wetlands conservation projects in Canada, Mexico or the U.S. (or 100 percent of the cost of projects on federal lands). The Act directs the Secretary of the Interior to develop and implement a wetlands conservation strategy, and report to Congress on project implementation and assessment.

### **Clean Air Act of 1977, as amended.**

The primary objective of this Act is to establish Federal standards for various pollutants from both stationary and mobile sources and to provide for the regulation of polluting emissions via state implementation plans. In addition, and of special interest for Refuges, some amendments are designed to prevent significant deterioration in certain areas where air quality exceeds national standards, and to provide for improved air quality in areas which do not meet Federal standards (non-attainment areas). Part C of the 1977 amendments stipulates requirements to prevent significant deterioration of air quality and, in

particular, to preserve air quality in national parks, national wilderness areas, national monuments, and national seashores. The majority of the amendments to the Clean Air Act were enacted in 1977 and are known as the Clean Air Amendments of 1977 (P.L. 95-95; 91 Stat. 685). The primary objective of the Clean Air Act is to establish Federal standards for various pollutants from both stationary and mobile sources and to provide for the regulation of polluting emissions via state implementation plans. In addition, the amendments are designed to prevent significant deterioration in certain areas where air quality exceeds national standards, and to provide for improved air quality in areas which do not meet Federal standards ("nonattainment" areas).

Federal facilities are required to comply with air quality standards to the same extent as non-governmental entities (42 U.S.C. 7418). Part C of the 1977 amendments stipulates requirements to prevent significant deterioration of air quality and, in particular, to preserve air quality in national parks, national wilderness areas, national monuments and national seashores (42 U.S.C. 7470).

The amendments establish Class I, II and III areas, where emissions of particulate matter and sulfur dioxide are to be restricted. The restrictions are most severe in Class I areas and are progressively more lenient in Class II and III areas.

Mandatory Class I Federal lands include all national wilderness areas exceeding 500 acres. Such lands may not be redesignated (42 U.S.C. 7472). Additionally, national wildlife refuges which exceed 10,000 acres may only be redesignated by States as Class I or Class II areas (42 U.S.C. 7474).

Federal land managers are charged with direct responsibility to protect the air quality and related values (including visibility) of Class I lands and to consider, in consultation with EPA, whether proposed industrial facilities will have an adverse impact on these values (42 U.S.C. 7475(c)). Federal land managers are also required to determine whether existing industrial sources of air pollution must be retrofitted to reduce impacts on Class I areas to acceptable levels.

The Secretary of the Interior, in consultation with other Federal land managers, is required to review all mandatory Class I Federal areas and to identify those where visibility is an important value of the area (42 U.S.C. 7491). Such identifications are to be revised periodically.

EPA is requested to report to Congress regarding methods for achieving greater visibility and to issue regulations towards that objective (42 U.S.C. 7491). Exemptions from such regulations are contingent upon the concurrence of the involved Federal land manager.

### **Data Quality Act**

The Data Quality Act (DQA) is an attempt by Congress to ensure that federal agencies use and disseminate accurate information. The DQA requires federal agencies to issue information quality guidelines ensuring the quality, utility, objectivity and integrity of information that it disseminates and provide mechanisms for affected persons to correct such information.

### **Federal Water Pollution Control Act, commonly known as the Clean Water Act**

(P.L. 92-500, enacted in 1972; amended by P.L. 95-217 in 1977, P.L. 97-117 in 1981, and P.L. 100-4 in 1987). This is the principal law governing pollution in the nation's streams, lakes, and estuaries. It consists of two major parts: regulatory provisions that impose progressively more stringent requirements on industries and cities to abate pollution and meet the statutory goal of zero discharge of pollutants; and provisions that authorize federal financial assistance for municipal wastewater treatment construction. Both parts are supported by research activities, plus permit and enforcement provisions. Programs at the federal level are administered by the Environmental Protection Agency (EPA); state and local governments have major responsibilities to implement those programs.

The objective declared in the 1972 Act is to restore and maintain the chemical, physical, and biological integrity of the nation's water. That objective was accompanied by statutory goals to eliminate the discharge of pollutants into navigable waters by 1985 and to attain, wherever possible, waters deemed "fishable and swimmable" by 1983. While those goals have not yet been achieved, considerable progress has been made,

especially in controlling conventional pollutants (suspended solids, bacteria, and oxygen-consuming materials) discharged by industries and municipal sewage treatment plants. Nearly 75% of assessed waters comply with standards for these pollutants. Progress has been mixed in controlling discharges of toxic pollutants (heavy metals, inorganic and organic chemicals), which are more numerous and can harm human health and the environment even when present in minute amounts-at the parts-per-billion level. Moreover, efforts to control pollution from diffuse sources (rainfall runoff, for example) have only recently begun. Overall, data reported by EPA and states indicate that 40% of waters surveyed by states fail to meet water quality standards. Forty-seven states now have some form of fish-consumption advisory in effect (including 100% of Great Lakes waters and a large portion of the nation's coastal waters), due to water pollution problems, and one-third of shellfishing beds are closed or restricted, due to toxic pollutant contamination.

### **Emergency Wetlands Resources Act of 1986**

(Public Law 99-645, approved November 10, 1986; 100 Stat. 3582) The purpose of this Act is: "To promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes." The Act authorized the purchase of wetlands from Land and Water Conservation Fund monies, removing a prior prohibition on such acquisitions. It required the Secretary to establish a National Wetlands Priority Conservation Plan, required the States to include wetlands in their Comprehensive Outdoor Recreation Plans, and transferred to the Migratory Bird Conservation Fund amounts equal to the import duties on arms and ammunition.

It extended the Wetlands Loan Act authorization through 1988, and forgave the previous advances under the Act. It also required the Secretary to report to Congress on wetlands loss, including an analysis of the role of Federal programs and policies in inducing such losses. In addition, it directed the Secretary, through the Service, to continue the National Wetlands Inventory; to complete by September 30, 1998, mapping of the contiguous United States; to produce, as soon as practicable, maps of Alaska and other noncontiguous portions of the United States; and to pro-

duce, by September 30, 1990, and at ten-year intervals thereafter; reports to update and improve in the September 1982 Status and Trends of Wetlands and Deepwater Habitat in the Conterminous United States, 1950s to 1970s.

Other provisions included: the establishment of entrance fees at National Wildlife Refuges, with fee receipts to be allocated 70 percent into the Migratory Bird Conservation Fund and 30 percent for operations and maintenance at the refuges; an increase in the price of duck stamps from \$7.50 to \$15.00, to be phased in through 1991; and the establishment of the Bayou Sauvage National Wildlife Refuge in Louisiana.

### **Fish and Wildlife Act of 1956**

This Act established a comprehensive national fish and wildlife policy and broadened the authority for acquisition and development of refuges.

### **Fish and Wildlife Coordination Act of 1958**

This Act allows the Fish and Wildlife Service to enter into agreements with private landowners for wildlife management purposes.

### **Fish and Wildlife Improvement Act of 1978**

(Public Law 95-616, approved November 8, 1978; 16 U.S.C. 7421; 92 Stat. 3110) This Act authorizes the Secretaries of the Interior and Commerce to establish, conduct, and assist with national training programs for State fish and wildlife law enforcement personnel. It also authorized funding for research and development of new or improved methods to support fish and wildlife law enforcement.

The law provides authority to the Secretaries to enter into law enforcement cooperative agreements with State or other Federal agencies, and authorizes the disposal of abandoned or forfeited items under the fish, wildlife, and plant jurisdictions of these Secretaries. It strengthened the law enforcement operational capability of the Service by authorizing the disbursement and use of funds to facilitate various types of investigative efforts.

The statute also contains amendments to: Bald Eagle Protection Act (16 USC 668-668d); Central Valley Project, California, Reauthorization Act of August 27, 1954 (16 USC 695d-695j); Cooperative

Research and Training Units Act (16 USC 7853a-753h); Fish and Wildlife Act of 1956 (16 USC 742a-742j); Migratory Bird Conservation Act (16 USC 715 et seq.); Migratory Bird Treaty Act (16 USC 703 et. seq.); National Wildlife Refuge System Administration Act of 1966 (16 USC 668dd-668ee); Refuge Recreation Act (16 USC 460k-460k-4); the Act of August 5, 1947, (16 USC 666g) establishing Crab Orchard National Wildlife Refuge; the Act of April 23, 1928, (16 USC 690e) establishing the Bear River Migratory Bird Refuge; and the Coastal Barrier Resources Act (16 USC 3503).

### **Land and Water Conservation Fund Act**

(Public Law 88-578, approved September 3, 1964; 78 Stat. 897; 16 USC 4601 - 4601-11) Since its inception on January 1, 1965, the LWCF has been the principal source of funds for acquiring new recreation lands. It was originally intended to be a revolving fund, and the initial legislation required it to repay advanced appropriations in the 10th year of operation. However, it has never operated as a revolving fund. The authority has been amended frequently, most notably to increase the authorized level of the fund, and to mandate that offshore oil and gas leasing revenues should make up any shortfall from other authorized financing sources. However, the fund's basic purpose has not been altered.

Most appropriations in recent years have been to the four major federal land management agencies-the Forest Service in the Department of Agriculture, and the National Park Service, Fish and Wildlife Service, and Bureau of Land Management in the Department of the Interior. These agencies have purchased or acquired through exchange about 4.5 million acres

This Act authorizes the use of receipts from the sale of surplus Federal land, outer continental shelf oil and gas sales, and other sources for land acquisition under several authorities. The Recreation Coordination and Development Act (Public Law 88-29, approved May 28, 1963, 77 Stat. 49) declared a Congressional policy that "present and future generations be assured adequate outdoor recreation resources" and that "all levels of government and private interests... take prompt and coordinated action... to conserve, develop, and utilize such [their] resources for the benefit and enjoyment of the American people." The Sec-

retary of the Interior was directed to inventory, evaluate and classify outdoor recreation facilities, and formulate and maintain a comprehensive nationwide outdoor recreation plan.

### **Public Law 88-578**

Approved September 3, 1964, (78 Stat. 897) created the Land and Water Conservation Fund, derived from various types of revenue (primarily Outer Continental Shelf oil monies) and authorizes appropriations from the fund for (1) matching grants to States for outdoor recreation projects and (2) land acquisition for various Federal agencies.

### **P.L. 94-422**

Approved September 28, 1976, (90 Stat. 1313) authorized funds for, among other things, the National Wildlife Refuge System for acquisition of: (1) habitat of endangered and threatened species of fish, wildlife and plants under section 5(a) of the Endangered Species Act; (2) areas authorized by section 2 of the Refuge Recreation Act; (3) areas under section 7(a)(5) of the Fish and Wildlife Act of 1956, except migratory waterfowl areas which are authorized by the Migratory Bird Conservation Act; and (4) any areas authorized by specific Acts of Congress.

### **P.L. 95-42**

Approved June 10, 1977, (91 Stat. 210) increased the authorizations for acquisition of certain previously authorized areas.

### **P.L. 98-369**

Approved July 18, 1984, (98 Stat. 1020) provided that up to \$1 million annually in excess motorboat fuels tax revenues shall be transferred to the Fund.

### **P.L. 100-17**

Approved April 2, 1987, (101 Stat. 132) extended the motorboat fuels tax component of the Fund through October 1993, and extended the authorization to pay funds received to the Land and Water Conservation Fund, and the Sport Fish Restoration Account through that date.

### **Public Law 100-203**

Approved December 22, 1987, (101 Stat. 1330) reauthorized the Fund without change through the

### **Lacey Act Amendments**

This Act replaces the Black Bass Act of 1926 and most of the original Lacey Act. The Lacey Act Amendments make it unlawful to import, export, transport, buy or sell fish, wildlife and plants taken or possessed in violation of federal, state or tribal law. Interstate or foreign commerce in fish and wildlife taken or possessed in violation of foreign law also is illegal. The Act requires that packages containing fish or wildlife be plainly marked. Enforcement measures include civil and criminal penalties, cancellation of hunting and fishing licenses, and forfeiture.

### **Timber Protection Act**

(Approved September 20, 1922; 16 U.S.C. 594; 42 Stat. 857) This Act authorizes the Secretary of the Interior to protect timber on lands under the Department's jurisdiction from fire, disease and insects, and to cooperate with other Federal agencies, States, or owners of timber.

### **Reciprocal Fire Protection Act**

(Approved May 27, 1955) as amended by the Wildfire Suppression Assistance Act of 1989 (69 Stat. 66, 67; 42 U.S.C. 1856a)(102 Stat. 1615) This Act authorizes reciprocal fire protection agreements with any fire organization for mutual aid with or without reimbursement and allows for emergency assistance in the vicinity of agency facilities in extinguishing fires when no agreement exists.

### **Wilderness Act of 1964**

(PL 88-577, 78 Stat. 890; 16 USC 1121 [note], 1131-1136), as amended. In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. or this purpose there is hereby established a National Wilderness Preservation

System to be composed of federally owned areas designated by Congress as “wilderness areas,” and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character; and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as “wilderness areas” except as provided for in this chapter or by a subsequent Act.

### **Public Law 94-577**

(Approved October 19, 1976 (90 Stat. 2633) Section 1(f) designated the Crab Orchard Wilderness and Section 6 addressed the administration and management of the area.

### **Endangered Species Act of 1973**

(16 U.S.C. 1531 et seq. as amended) This Act directs Federal agencies to take actions that would further the purposes of the Act and to ensure that actions they carry out, authorize or fund do not jeopardize endangered species or their critical habitat. The Act also provides authority for land acquisition. Conservation of threatened and endangered species has become a major objective of both land acquisition and Refuge management programs.

### **The Recreation Act**

(Public Law 87-714, approved September 28, 1962, 76 Stat. 653; as amended by Public Law 89-669, approved October 14, 1966, 80 Stat. 930; and Public Law 92-534, approved October 23, 1972, 86 Stat. 1063; 16 U.S.C. 460k-460k-4) This Act authorized the Secretary of the Interior to administer refuges, hatcheries and other conservation areas for recreational use, when such uses do not interfere with the area’s primary purposes. The Act requires that any recreational use on areas of the National Wildlife Refuge System be “compatible” with the primary purpose(s) for which the area was acquired or established. The Act also requires that sufficient funding be available for the development, operation and maintenance of recreational uses that are not directly related to the area’s primary purpose(s). The Act provided for public use fees and permits, and penalties for violation of regulations. It also

authorized the acceptance of donations of funds and real and personal property to assist in carrying out its purposes.

### **Public Law 93-205**

Approved December 28, 1973 (87 Stat. 902), authorized acquisition of lands and interests suitable for: 1) fish and wildlife-oriented recreation, 2) protection of natural resources, 3) conservation of endangered or threatened species, or 4) carrying out two or more of the above. Such lands were required to be adjacent to or within an existing conservation area. Acquisition was not permitted with “duck stamp” receipts for these purposes.

Enforcement provisions were amended by Public Law 95-616, approved November 8, 1978 (92 Stat. 3110), and were further revised by Public Law 98-473, approved October 12, 1984 (98 Stat. 2028, 2031), which made violations misdemeanors in accordance with the uniform sentencing provisions of that law (18 U.S.C. 3551-3586).

### **National Trails System Act**

(Public Law 90-543, approved October 2, 1968; 82 Stat. 919; 16 U.S.C. 1241-1249) This Act and its subsequent amendments authorized a national system of trails and defined four categories of trails.

### **Public Law 95-625**

Approved November 10, 1978, (92 Stat. 3511) amended the NTSA to create a new category of National Historic Trails, to closely follow original routes of national historic significance.

National Recreation Trails may be established by the Secretaries of Interior or Agriculture on land wholly or partly within their jurisdiction, with the consent of the involved State(s), and other land managing agencies, if any. National Scenic and National Historic Trails may only be designated by an Act of Congress. Connecting or Side Trails provide access to or among the other classes of trails.

As of 1998, the National Trails System included 20 trails (8 scenic, 12 historic), and of these, segments of 12 crossed units of the National Wildlife Refuge System.

Legislation is pending to add National Discovery Trails as a new category of long-distance trails and designate the American Discovery Trail as the first National Discovery Trail. The American Discovery Trail covers more than 6,000 miles from Delaware to California and crosses through the southern portion of Crab Orchard Refuge.

### **National Hunting and Fishing Day Statutes**

National Hunting and Fishing Day Statutes establishing the fourth Saturday in September of the year indicated as National Hunting and Fishing Day include:

# 1973 – Public Law 93-23, approved April 20, 1973 (87 Stat. 24)

# 1974 – Public Law 93-424, approved September 27, 1974 (88 Stat. 1166)

# 1975 – Public Law 94-96, approved September 18, 1975 (89 Stat. 478)

In addition, P.L. 99-217, approved April 1, 1986 (100 Stat. 81), and P.L. 100-22, approved April 10, 1987 (101 Stat. 267), established the first week of June of those years as National Fishing Week.

After 1975, private organizations have worked directly with the White House to secure Presidential proclamations for the designation. In 1979, former President Carter designated the third Saturday in October of that year, “and thereafter,” as National Hunting and Fishing Day, eliminating the need for annual proclamations. Since then, it has been the usual practice for the President to issue a statement each year commemorating the day.

### **Take Pride in America Program**

(Title XI of Public Law 101-628, signed November 28, 1990; 16 USC 4601 note; 104 Stat. 4502) This Act established the TPIA within the Department of the Interior. The purposes of the program include:

# Establishing and maintaining a public awareness campaign to instill in the public an appreciation for Federal, State, and local lands, facilities, and cultural and natural resources.

# Conducting a national awards program to honor individuals and entities that distinguish themselves in the appreciation, conservation, and stewardship of these resources.

# Administering the “Take Pride in America” slogan and logo.

### **Environmental Education Act of 1990**

(Public Law 101-619, signed November 16, 1990; 20 USC 5501-5510; 104 Stat. 3325) This Act established the Office of Environmental Education within the Environmental Protection Agency to develop and administer a Federal environmental education program.

Responsibilities of the Office include developing and supporting programs to improve understanding of the natural and developed environment, and the relationships between humans and their environment; supporting the dissemination of educational materials; developing and supporting training programs and environmental education seminars; managing a Federal grant program; and administering an environmental internship and fellowship program. The Office is required to develop and support environmental programs in consultation with other Federal natural resource management agencies, including the Fish and Wildlife Service.

The Act requires the Education Office Advisory Council to submit a report to Congress by November 16, 1992, regarding obstacles to improving environmental education programs, including those relating to national parks and wildlife refuges.

### **Antiquities Act of 1906 (16 U.S.C. 431-433)**

This Act authorizes the scientific investigation of antiquities on Federal land, subject to the stipulations outlined in permits issued to recognized educational, scientific, and other institutions for the purposes of systematically gathering data. The Act provides that objects taken or collected without a permit may result in a fine and imprisonment of the convicted person.

### **National Historic Preservation Act of 1966, as amended (16 U.S.C. 470-470t)**

This Act establishes as policy that the Federal Government is to provide leadership in the preservation of the Nation’s prehistoric and historic resources. Historic preservation is defined in the Act as the protection, rehabilitation, restoration, and reconstruction of sites, buildings, structures, and objects significant in American history, architecture, engineering, and archaeology. Sections

106 and 110 of the Act define the primary requirements for Federal agencies to follow in identifying, evaluating, and protecting significant cultural resources.

**Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469-469c)**

This Act directs the preservation of historic and archaeological data in Federal construction projects. The Act authorizes Federal agencies to seek future appropriations, to obligate available funding, or to reprogram existing appropriations to provide for the identification and preservation of data.

**Archaeological Resources Protection Act of 1979, as amended**

This Act protects materials of archaeological interest from unauthorized removal or destruction, and requires Federal managers to develop plans and schedules to locate archaeological resources.

**National Environmental Policy Act of 1969 (NEPA), as amended (42 USC 4321-4347; 40 CFR 1500).**

This Act requires Federal agencies to examine the impacts upon the environment that their actions might have, to incorporate the best available environmental information, and public participation in the planning and implementation of any major Federal action significantly affecting the quality of the human environment. All Federal agencies must integrate NEPA with other planning

**Executive Order 11593, Protection and Enhancement of the Cultural Environment (1971)**

This Executive Order directs the Service to consult with Federal and State Historic Preservation Officers when the Service proposes any development activities that would affect archaeological or historic sites to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.

**Executive Order 11644, Use of Off-road Vehicles on Public Lands**

(Signed February 8, 1972) This purpose of this Executive Order is to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be con-

trolled and directed so as to protect the resources of those lands, promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

**Executive Order 12962, Recreational Fisheries**

This Executive Order directs the Service to conserve, restore, and enhance aquatic ecosystems to provide for increased recreational fishing opportunities nationwide. Additionally, the Order directs the Service to provide access to, and promote awareness of, opportunities for public participation and enjoyment of U.S. recreational fishery resources.

**Executive Order 11988, Floodplain Management (signed May 24, 1977)**

This Executive Order states that each Federal agency shall, in the course of fulfilling their respective authorities, provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. The purpose of this Order is to prevent Federal agencies from contributing to the “adverse impacts associated with the occupancy and modification of floodplains” and the “direct or indirect support of floodplain development.”

Before proposing, conducting, supporting or allowing an action in a floodplain, each agency is to determine if planned activities will affect the floodplain and evaluate the potential effects of the intended actions on its functions. Agencies shall avoid siting development in a floodplain “to avoid adverse effects and incompatible development in the floodplains.”

**Executive Order 11990, Protection of Wetlands**

(Signed May 24, 1977) The purpose of this Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

### **Executive Order 12372, Intergovernmental Review of Federal Programs**

(Signed July 14, 1982) The purpose of this Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

### **Executive Order 12898, Environmental Justice in Minority Populations and Low-income Populations**

(Signed February 11, 1994; 59 FR 7629; February 16, 1994; Amends: EO 12250, November 2, 1980; Amended by: EO 12948, January 30, 1995)

### **Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System**

(Signed March 25, 1996; 61 FR 13647; March 28, 1996; See: EO 13022, October 31, 1996) This Executive Order states that the System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife viewing, and photography. The Order also directs the Service to recognize these compatible wildlife-dependent uses as priority general public uses of the System, and uses through which the American public can develop an appreciation for fish and wildlife.

### **Executive Order 13112, Management of Invasive Species**

(Signed February 3, 1999) The purpose of this Executive Order is to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. Each Federal agency whose actions may affect the status of invasive species is directed, to the extent practicable and permitted by law, to identify such actions; and, subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; conduct research on invasive species and develop technologies to prevent introduction and provide

for environmentally sound control of invasive species; and promote public education on invasive species and the means to address them; and not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species.

### **Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds**

(Signed January 10, 2001) This Executive Order directed each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service that promotes the conservation of migratory bird populations. A subsequent Director's Order (No. 172), developed in accordance with Executive Order 13186, provides guidance for Service programs relative to the management and conservation of migratory birds. Its purpose is to minimize the potential adverse effects of migratory bird take, with the goal of striving to eliminate take, while implementing our mission. The Director's Order includes guidelines for Migratory Birds and State Programs, National Wildlife Refuge System, Endangered Species, Fisheries and Habitat Conservation, Law Enforcement, International Affairs, and Business Management and Operations.

### **Federal Noxious Weed Act of 1974**

(Public Law 93-629, enacted January 3, 1975; 7 U.S.C. 2801 et. seq.; 88 Stat. 2148) This Act requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other Federal and State agencies.

The Secretary of Agriculture was given the authority to designate plants as noxious weeds by regulation, and the movement of all such weeds in interstate or foreign commerce was prohibited except under permit. The Secretary was also given authority to inspect, seize and destroy products, and to quarantine areas, if necessary to prevent the spread of such weeds. He was also authorized to cooperate with other Federal, State and local agencies, farmers associations and private individuals in measures to control, eradicate, or prevent or retard the spread of such weeds.

### **Section 1453 of P.L. 101-624, the 1990 Farm Bill**

Enacted November 28, 1990 (104 Stat 3611), amended the Act by requiring each Federal land-managing agency to:

- # Designate an office or person adequately trained in managing undesirable plant species to develop and coordinate a program to control such plants on the agency's land;
- # Establish and adequately fund this plant management program through the agency's budget process;
- # Complete and implement cooperative agreements (requirements for which are provided) with the States regarding undesirable plants on agency land; and
- # Establish integrated management systems (as defined in the section) to control or contain undesirable plants targeted under the cooperative agreements.

The law also requires that any environmental assessments or impact statements that may be required to implement plant control agreements must be completed within 1 year of the time the need for the document is established.

### **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

(26 U.S.C. 4611-4682; P.L. 96-510, December 11, 1980; 94 Stat. 2797). Major amendments were enacted in 1983 (42 U.S.C. 9601-9657; P.L. 98-802, August 23, 1983; 97 Stat. 485) and in 1986 (P.L. 99-499; October 17, 1986; 100 Stat. 1613). (The two sets of amendments reconstituted the 26 U.S.C. 4611-82 provisions into a new trust fund at 26 U.S.C. 9507 and operational provisions into the Title 42 sections.) This Act created the Superfund program to clean up hazardous waste sites that pose the greatest risk to public health in the United States and established the National Priorities List (NPL) to track them.

The 1980 statute authorized, through 1985, the collection of taxes on crude oil and petroleum products, certain chemicals, and hazardous wastes. It also established liability to the U.S. Government for damage to natural resources over which the U.S. has sovereign rights [42 U.S.C. 9607(f)(1)] and requires the President to designate Federal officials to act as trustees for natural resources. Use of Superfund monies to

conduct natural resource damage assessments was provided in section 11(c)(1) [42 U.S.C. 9611(c)(1)].

Subchapter I of the 1983 amendments established a comprehensive system to react to releases of hazardous substances and to determine liability and compensation for those affected (42 U.S.C. 9601-9626). The President is authorized to notify Federal and State natural resource trustees of potential damages to natural resources and to coordinate related assessments [42 U.S.C. 9604 (b)(2)]. Revisions to the national contingency plan for removal of oil and hazardous substances and to prioritize such releases were required by the 1983 amendments [42 U.S.C. 9605(a)].

Amendments enacted in 1986 (known as the Superfund Amendment and Reauthorization Act, or SARA):

- # listed conditions under which a facility or vessel owner may be authorized by the President to conduct remedial or removal actions for the release of hazardous substances (42 U.S.C. 9604);
- # added effects on natural resources as a criterion for determining facilities to be placed on the National Priorities List, and required the National Contingency Plan to be revised to incorporate a Hazard Ranking System (42 U.S.C. 9605);
- # mandated the designation of Federal officials to act as trustees for natural resources and to assess damages and injury to, as well as destruction of, or loss of, natural resources (42 U.S.C. 9607);
- # stipulated that Superfund monies may only be used for natural resource damage claims if all administrative and judicial remedies to recover costs from liable parties have been exhausted (42 U.S.C. 9611);
- # provided that claims cannot be made to recover for natural resource damages unless the claim is presented within three years after discovering the loss (42 U.S.C. 9612);
- # added a new section to clarify that Federal facilities are subject to the same cleanup requirements and liability standards as non-governmental entities (42 U.S.C. 9620);

# specified that no Federal permits are required for remedial action conducted entirely on-site when such actions comply with the cleanup standards (42 U.S.C. 9604);

# required that Federal trustees be notified of any settlement negotiations regarding damages to natural resources, and established circumstances under which Federal trustees may agree not to sue for natural resource damages (42 U.S.C. 9607); and

# eliminated the authorization for use of Superfund monies to conduct damage assessments - section 517 of SARA, codified at 26 U.S.C. 9507(c), and reinforced by section 531 of SARA.

The Department of the Interior is a trustee for natural resources, and the Service is responsible for the protection and restoration of trust resources injured by uncontrolled releases of hazardous materials. The Service is responsible for conducting assessments to establish injury and the dollar equivalent of that injury for collection of damages from parties responsible for releasing hazardous materials.

Director's policies, and steps down the Service's compliance with other requirements, such as statutes, Executive Orders, Departmental directives, and regulations of other agencies. The Fish and Wildlife Service Manual can be accessed on-line at <http://policy.fws.gov/manual.html>

3. Refuge Manual: Guidance found in the earlier Refuge Manual may be used when the specific chapter of the Fish and Wildlife Service Manual has not yet been published.

### **Rehabilitation Act of 1973**

This Act requires programmatic accessibility in addition to physical accessibility for all facilities and programs funded by the Federal government to ensure that anybody can participate in any program.

### **Architectural Barriers Act of 1968**

This Act requires federally owned, leased, or funded buildings and facilities to be accessible to persons with disabilities.

### **Americans With Disabilities Act of 1992**

This Act prohibits discrimination in public accommodations and services.

Bureau and agency legal and policy guidance is found in:

1. Departmental Manual: The Departmental Manual can be accessed on-line at <http://elips.doi.gov/tableofcontents1.cfm>
2. Fish and Wildlife Service Manual: The Fish and Wildlife Service Manual has regulatory force and effect within the Service. It implements the Service's authorities and the

