

plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 5104(a)(2) of this title.

**(b) Application**

Subsection (a) of this section shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on December 16, 1997.

(Pub. L. 98-613, §8, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2676.)

AMENDMENTS

1997—Pub. L. 105-146 amended section catchline and text generally, substituting provisions relating to public participation in preparation of management plans and amendments for provisions requiring the Secretaries to review the existing Plan and report to the Commission and Committees of Congress on its adequacy.

**§ 5158. Protection of striped bass in the exclusive economic zone**

**(a) Regulation of fishing in exclusive economic zone**

The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

- (1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);
- (2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;
- (3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and
- (4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

**(b) Consultation; periodic review of regulations**

In preparing regulations under subsection (a) of this section, the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a) of this section, and if necessary to ensure their continued consistency with the requirements of subsection (a) of this section, shall amend those regulations.

**(c) Applicability of Magnuson Act provisions**

The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.

(Pub. L. 98-613, §9, as added Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2676.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 98-613, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 99-432, §5, Oct. 1, 1986, 100 Stat. 990;

Pub. L. 100-589, §2, Nov. 3, 1988, 102 Stat. 2984; Pub. L. 102-130, §2(c), Oct. 17, 1991, 105 Stat. 626, related to the period of effectiveness of sections 1 to 8 of Pub. L. 98-613, prior to repeal by Pub. L. 103-206, title VIII, §812, formerly §810, Dec. 20, 1993, 107 Stat. 2453, renumbered §812, Pub. L. 104-297, title IV, §404(c), Oct. 11, 1996, 110 Stat. 3619. Section 812 of Pub. L. 103-206 was itself repealed by Pub. L. 106-555, title I, §122(b)(1)(B), (2), Dec. 21, 2000, 114 Stat. 2766.

**CHAPTER 72—RECREATIONAL HUNTING SAFETY**

Sec.	
5201.	Obstruction of a lawful hunt.
5202.	Civil penalties.
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**§ 5201. Obstruction of a lawful hunt**

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

(Pub. L. 103-322, title XXXII, §320802, Sept. 13, 1994, 108 Stat. 2121.)

SHORT TITLE

Section 320801 of title XXXII of Pub. L. 103-322 provided that: "This subtitle [subtitle H (§§320801-320808) of title XXXII of Pub. L. 103-322, enacting this chapter] may be cited as the 'Recreational Hunting Safety and Preservation Act of 1994'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5202, 5203 of this title.

**§ 5202. Civil penalties**

**(a) In general**

A person who violates section 5201 of this title shall be assessed a civil penalty in an amount computed under subsection (b) of this section.

**(b) Computation of penalty**

The penalty shall be—

- (1) not more than \$10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and
- (2) not more than \$5,000 for any other violation.

**(c) Relationship to other penalties**

The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 5201 of this title.

**(d) Procedure**

Upon receipt of—

- (1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or

other Federal agency that a person violated section 5201 of this title; or

(2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 5201 of this title has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty under this section.

**(e) Use of penalty money collected**

After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled “An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes”, approved September 2, 1937 (16 U.S.C. 669) (commonly known as the “Pitman-Robertson Wildlife Restoration Act”), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

(Pub. L. 103-322, title XXXII, §320803, Sept. 13, 1994, 108 Stat. 2121.)

REFERENCES IN TEXT

The Pitman-Robertson Wildlife Restoration Act, referred to in subsec. (e)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

**§ 5203. Other relief**

Injunctive relief against a violation of section 5201 of this title may be sought by—

(1) the head of a State agency with jurisdiction over fish or wildlife management;

(2) the Attorney General of the United States; or

(3) any person who is or would be adversely affected by the violation.

(Pub. L. 103-322, title XXXII, §320804, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5204. Relationship to State and local law and civil actions**

This chapter does not preempt a State law or local ordinance that provides for civil or criminal penalties for conduct that violates this chapter.

(Pub. L. 103-322, title XXXII, §320805, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5205. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 103-322, title XXXII, §320806, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5206. Rule of construction**

Nothing in this chapter shall be construed to impair a right guaranteed to a person under the first article of amendment to the Constitution or limit any legal remedy for forceful interference with a person’s lawful participation in speech or peaceful assembly.

(Pub. L. 103-322, title XXXII, §320807, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5207. Definitions**

As used in this chapter:

**(1) Federal lands**

The term “Federal lands” means—

(A) national forests;

(B) public lands;

(C) national parks; and

(D) wildlife refuges.

**(2) Lawful hunt**

The term “lawful hunt” means the taking or harvesting (or attempted taking or harvesting) of wildlife or fish, on Federal lands, which—

(A) is lawful under the laws applicable in the place it occurs; and

(B) does not infringe upon a right of an owner of private property.

**(3) National forest**

The term “national forest” means lands included in the National Forest System (as defined in section 1609(a) of this title).

**(4) National park**

The term “national park” means lands and waters included in the National Park System (as defined in section 1c(a) of this title).

**(5) Public lands**

The term “public lands” has the same meaning as is provided in section 1702(e) of title 43.

**(6) Secretary**

The term “Secretary” means—

(A) the Secretary of Agriculture with respect to national forests; and

(B) the Secretary of the Interior with respect to—

(i) public lands;

(ii) national parks; and

(iii) wildlife refuges.

**(7) Wildlife refuge**

The term “wildlife refuge” means lands and waters included in the National Wildlife Refuge System (as established by section 668dd of this title).

**(8) Conduct**

The term “conduct” does not include speech protected by the first article of amendment to the Constitution.