

## SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

### PART 70—NATIONAL FISH HATCHERIES

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AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664; 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668dd.

SOURCE: 45 FR 28723, Apr. 30, 1980, unless otherwise noted.

#### § 70.1 Purpose.

All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

#### § 70.2 Administrative provisions.

The provisions and regulations set forth in part 25 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.3 State cooperation in national fish hatchery area management.

State cooperation may be enlisted in management programs including public hunting, fishing, and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for that purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

#### § 70.4 Prohibited acts.

(a) The prohibited acts enumerated in part 27 of this chapter are equally

applicable to national fish hatchery areas.

(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of part 71 of this chapter.

(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of part 71 of this chapter.

(d) Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

#### § 70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.

The enforcement, penalty, and procedural requirement provisions set forth in part 28 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.6 Public entry and use.

The public entry and use provisions set forth in part 26 of this chapter are equally applicable to national fish hatchery areas.

EDITORIAL NOTE: For FEDERAL REGISTER citations to special regulations issued under § 70.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

#### § 70.7 Land-use management.

The land-use management provisions set forth in part 29 of this chapter are equally applicable to national fish hatchery areas.

#### § 70.8 Range and feral animal management.

The range and feral animal management provisions set forth in part 30 of this chapter are equally applicable to national fish hatchery areas.

**§ 70.9 Wildlife species management.**

The wildlife species management provisions set forth in part 31 of this chapter are equally applicable to national fish hatchery areas, except § 31.15 relating to hunting and fishing, which are treated separately in this part.

**PART 71—HUNTING AND SPORT FISHING ON NATIONAL FISH HATCHERIES**

**Subpart A—General Provisions**

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- 71.11 National fish hatcheries open for hunting.
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AUTHORITY: Sec. 4, Pub. L. 73–121, 48 Stat. 402, as amended; sec. 4, Pub. L. 87–714, 76 Stat. 654; 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 1534.

SOURCE: 84 FR 47790, Sept. 10, 2019, unless otherwise noted.

**Subpart A—General Provisions**

**§ 71.1 Opening of national fish hatcheries to hunting and sport fishing.**

National fish hatchery areas may be opened to hunting or sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

**§ 71.2 What are the requirements for hunting on areas of the National Fish Hatchery System?**

The following provisions apply to public hunting and sport fishing on a national fish hatchery area:

- (a) Each person must secure and possess the required State license.
- (b) Each person age 16 and older must obtain and possess a Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) while hunting migratory waterfowl.

(c) Each person must comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal migratory bird regulations at 50 CFR parts 20 and 21.

(d) Each person must comply with the applicable provisions of the laws and regulations of the State in which a hatchery is located unless further restricted by Federal law or regulation.

(e) Each person must comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) The regulations contained in this part are prescribed for hunting and sport fishing of all National Fish Hatcheries and supplement the general National Wildlife Refuge System regulations found in 50 CFR chapter I, subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the National Fish Hatcheries except as supplemented by the regulations in this part. If the regulations in this part conflict with the general National Wildlife Refuge System regulations, comply with these regulations.

(g) Each person must comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

- (i) Wildlife species which may be hunted, or species of fish which may be taken;
- (ii) Seasons;
- (iii) Bag/creel limits;
- (iv) Methods of hunting or fishing;
- (v) Description of areas open to hunting or fishing; or
- (vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.