



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART 036 FW 1	SUBJECT Delegations Law Enforcement Authority	RELEASE NUMBER 372
FOR FURTHER INFORMATION CONTACT Division of Law Enforcement Operations		DATE July 26, 2001

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter includes statutes passed since 1971 that are specifically enforced by the Service. Allows Service officers to properly and effectively enforce all Federal wildlife laws under the Service's responsibility.

ACTING DEPUTY DIRECTOR

FILING INSTRUCTIONS:

Remove:
036 FW1, FWM 071, 03/04/93 (1 sheet)

Insert:
036 FW1, FWM 372, 07/26/01 (1 sheet)

**FISH AND WILDLIFE SERVICE
DELEGATIONS**

Delegations

Part 036 Other Specific Delegations

Chapter 1 Law Enforcement Authority

036 FW 1

1.1 What is the purpose of this chapter? This chapter sets forth the law enforcement authority of certain Service employees as it relates to statutory authorities of the Fish and Wildlife Service.

1.2 Which employees have enforcement authority?

Special agents, wildlife inspectors, refuge officers, and other specifically designated Service employees may exercise all of the following authorities, unless limited by their position descriptions, commissions, policy, or by memorandum. These employees are authorized to enforce any or all of the following Federal fish and wildlife laws, as amended, and any regulation in Title 50, Code of Federal Regulations, issued pursuant to these laws, including the authority to require and receive information concerning violations of such laws and regulations:

- A. Lacey Act and Lacey Act Amendments of 1981 (16 U.S.C. 42, 16 U.S.C. 3371-3378).
- B. Migratory Bird Treaty Act (16 U.S.C. 703-711).
- C. Upper Mississippi River Wildlife and Fish Refuge Act (16 U.S.C. 721-731).
- D. Bear River Migratory Bird Refuge Act (16 U.S.C. 690-690i).
- E. Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718-718h and 718j).
- F. Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).
- G. Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742d and 742e-j-2) (includes airborne hunting prohibitions).
- H. Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712).
- I. Fish and Wildlife Recreation Act (16 U.S.C. 460k-460k-3).
- J. National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee).
- K. Endangered Species Act (16 U.S.C. 1531-1544).
- L. Marine Mammal Protection Act (16 U.S.C. 1361-1384, 1401-1407).
- M. Antarctic Conservation Act of 1978 (16 U.S.C. 2401; 2412).
- N. Archaeological Resources Protection Act (16 U.S.C. 470aa-11).

O. The Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1331-1340) may be enforced only by special agents, and must be done in cooperation with the Bureau of Land Management.

P. African Elephant Conservation Act (16 U.S.C. 4201-4244).

Q. Wild Bird Conservation Act (16 U.S.C. 4901-4916).

R. Rhinoceros and Tiger Conservation Act (16 U.S.C. 5301-5306).

1.3 Can certain Service employees administer or take oaths, affirmations, or affidavits?

Special agents, wildlife inspectors, refuge officers, and other specifically designated Service employees may administer to or take from any person an oath, affirmation, or affidavit for use in prosecutions and proceedings under any of the fish and wildlife laws in 1.2 and any regulation in Title 50, Code of Federal Regulations, issued by authority of these laws, pursuant to the authority of the Act of January 31, 1925, as amended (43 Stat. 803; 7 U.S.C. 2217, 2218).

1.4 Are there limitations on further delegation of these authorities?

The authority granted in 1.2 and 1.3 may not be further delegated.