

U.S. Fish and Wildlife Serv., Interior

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3. We prohibit taking of mollusk, crustacean, reptile, and amphibian from the refuge.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 60 FR 62049, Dec. 4, 1995; 62 FR 47383, Sept. 9, 1997; 63 FR 2182, Jan. 14, 1998; 65 FR 30795, May 12, 2000; 67 FR 58952, Sept. 18, 2002; 69 FR 54362, 54473, Sept. 8, 2004]

§ 32.71 United States Unincorporated Pacific Insular Possessions.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

JOHNSTON ISLAND NATIONAL WILDLIFE REFUGE

- A. *Migratory Game Bird Hunting*. [Reserved]
- B. *Upland Game Hunting*. [Reserved]
- C. *Big Game Hunting*. [Reserved]
- D. *Sport Fishing*. [Reserved]

MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

- A. *Migratory Game Bird Hunting*. [Reserved]
- B. *Upland Game Hunting*. [Reserved]
- C. *Big Game Hunting*. [Reserved]
- D. *Sport Fishing*. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 61 FR 46399, Sept. 3, 1996; 63 FR 46922, Sept. 3, 1998; 65 FR 30795, May 12, 2000; 65 FR 56411, Sept. 18, 2000; 69 FR 54362, 54474, Sept. 8, 2004; 73 FR 33200, June 11, 2008]

§ 32.72 Guam.

We have opened the following refuge unit to hunting and/or fishing with applicable refuge-specific regulations.

GUAM NATIONAL WILDLIFE REFUGE

- A. *Migratory Game Bird Hunting*. [Reserved]
- B. *Upland Game Hunting*. [Reserved]
- C. *Big Game Hunting*. [Reserved]
- D. *Sport Fishing*. Anglers may fish and collect marine life on designated areas of the refuge only in accordance with refuge and Government of Guam laws and regulations. The leaflet is available at the refuge headquarters and anglers are subject to the following additional conditions:
 - 1. Anglers may be on the refuge from 8:30 a.m. until 5:00 p.m. daily, except Thanksgiving, Christmas, and New Year's Day.
 - 2. We prohibit overnight camping on the refuge.
 - 3. You may not possess surround or gill nets on the refuge.
 - 4. We prohibit the collection of corals, giant clams (*Tridacna* and *Hippopus* spp.), and coconut crabs (*Birgus latro*) on the refuge.

5. We prohibit use of Self Contained Underwater Breathing Apparatus (SCUBA) to take fish or invertebrates.

6. We prohibit anchoring boats on the refuge.

7. We prohibit sailboards or motorized personal watercraft on the refuge.

[65 FR 30795, May 12, 2000, as amended at 66 FR 46363, Sept. 4, 2001; 67 FR 58953, Sept. 18, 2002; 69 FR 54362, Sept. 8, 2004]

PART 34—REFUGE REVENUE SHARING WITH COUNTIES

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AUTHORITY: 16 U.S.C. 715s, as amended.

SOURCE: 44 FR 33073, June 8, 1979, unless otherwise noted.

§ 34.1 Purpose.

The purpose of the regulations contained in this part is to prescribe the procedures for making payments in lieu of taxes to counties for areas administered by the Secretary through the U.S. Fish and Wildlife Service in accordance with the Revenue Sharing Act.

§ 34.2 Authority.

(a) The Act of October 17, 1978, Pub. L. 95-469, amended the Act of June 15, 1935, as amended by the Act of August 30, 1964 (78 Stat. 701; 16 U.S.C. 715s), by revising the formula and extending the revenue sharing provisions to all fee and reserve areas that are administered solely or primarily by the Secretary through the U.S. Fish and Wildlife Service. Payments under this Act may be used for any governmental purpose.

(b) Pursuant to title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d), and the regulations issued pursuant thereto, which are contained in 43 CFR part 17, counties must file an assurance with the Department, comply with the terms of the assurances, and comply with regulations contained in 43 CFR part 17 in order to

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continue to receive this Federal financial assistance.

§ 34.3 Definitions.

(a) The term *fee area* means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

(b) The term *reserve area* means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service. For the purpose of these regulations, reserve areas also include lands in Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, which were initially administered by the United States through Act of Congress, Executive Order, Public Land Order or Proclamation of the President and administered, either solely or primarily, by the Secretary through the Service.

(c) The term *county* means any county, parish, organized or unorganized borough, township or municipality, or other unit of local government that is the primary collector for general purpose real property taxes where fee areas and/or reserve areas are located. For the purpose of sharing revenues, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

(d) The term *fund* means the revenues received by the Service from (1) the sale or disposition of animals, salmonoid carcasses and eggs, products of the soil (including, but not limited to, timber, hay, and grass), minerals, shells, sand, and gravel; (2) leases for public accommodations or facilities incidental to, but not in conflict with, the basic purpose of such areas; and (3) other privileges, including industrial leases at Crab Orchard National Wildlife Refuge, Illinois, as authorized by Section 8 of Pub. L. 95-616, approved October 27, 1978. The Service may pay from such fund any necessary expenses incurred in connection with the revenue producing and revenue sharing activity. The fund shall also include any appropriations authorized by the Act to make up any difference between the total amount of receipts after payments of expenses and the total amount of payments due the counties.

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(e) The term *net receipts* means the amount of revenue collected by the Service from an area (including fee land and/or reserve land) after the deduction of necessary expenses incurred in producing the particular revenues.

(f) The term *fair market value* means the amount in terms of money for which in all probability a property would be sold if exposed for sale in the open market by a seller who is willing but not obligated to sell, allowing a reasonable time to find a buyer who is willing but not obligated to buy, both parties having full knowledge of all the uses to which the property is adapted, and for which it is capable of being used.

§ 34.4 Eligibility of areas.

In order to receive payments under the Act, a county must qualify under the definition in § 34.3(c) of this part and there must be located within the county, areas of land owned in fee title by the United States and administered by the Secretary of the Interior through the Fish and Wildlife Service, including wildlife refuges, waterfowl production areas, wildlife ranges, wildlife management areas, fish hatcheries, research centers or stations, and administrative sites, and these areas must be solely or primarily administered by the Service. In addition to this Act, reserve areas administered solely or primarily by the Service are entitlement lands under section 6(a) of the Act of October 29, 1976 (Pub. L. 94-565, 31 U.S.C. 1601-1607), for which regulations are published in title 43, part 1880, Code of Federal Regulations.

§ 34.5 Distribution of revenues.

The Act provides that the Secretary, at the end of each fiscal year, shall pay to each county out of the fund:

(a) For reserve areas, an amount equal to 25 per centum of the net receipts, collected by the Secretary in connection with the operation and management of such area, provided that when any such area is situated in more than one county, the distributive share to each from the aforesaid receipts shall be proportional to its acreage of such reserve area.

(b) For fee areas, whichever of the following is greater: