

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

**(e) Acquisition of certain property on Santa Cruz Island**

(1) Notwithstanding any other provision of law, effective 90 days after November 12, 1996, all right, title, and interest in and to, and the right to immediate possession of, the real property on the eastern end of Santa Cruz Island which is known as the Gherini Ranch is hereby vested in the United States, except for the reserved rights of use and occupancy set forth in Instrument No. 90-027494 recorded in the Official Records of the County of Santa Barbara, California.

(2) The United States shall pay just compensation to the owners of any real property taken pursuant to this subsection, determined as of the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such real property plus interest or the valuation of such real property awarded by judgment plus interest. Interest shall accrue from the date of taking to the date of payment. Interest shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from November 12, 1996, to the last day of the month preceding the date on which payment is made.

(3) In the absence of a negotiated settlement, or an action by the owner, within 1 year after November 12, 1996, the Secretary shall initiate a proceeding, seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

(4) The Secretary shall not allow any unauthorized use of the lands to be acquired under this subsection, except that the Secretary shall permit the orderly termination of all current activities and the removal of any equipment, facilities, or personal property.

(Pub. L. 96-199, title II, §202, Mar. 5, 1980, 94 Stat. 74; Pub. L. 104-333, div. I, title VIII, §817, Nov. 12, 1996, 110 Stat. 4200.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 96-199, and was translated as "this subchapter", meaning title II of Pub. L. 96-199, to reflect the probable intent of Congress.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-333 added subsec. (e).

**§ 410ff-2. Natural resources study reports to Congress; cooperative agreements for enforcement of laws and regulations on State-owned land**

(a) The Secretary is directed to develop, in cooperation and consultation with the Secretary

of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park.

Such report shall be submitted within two complete fiscal years from March 5, 1980, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after March 5, 1980.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this subchapter shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

(Pub. L. 96-199, title II, §203, Mar. 5, 1980, 94 Stat. 75.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

**§ 410ff-3. Administration**

**(a) Authority of Secretary of the Interior; low-intensity, limited-entry basis for administration**

Subject to the provisions of section 410ff of this title, the Secretary shall administer the park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented. In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this subchapter. The park shall be administered on a low-intensity, limited-entry basis.

**(b) Limited visitor use; establishment of appropriate visitor carrying capacities**

In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

**(c) Comprehensive general management plan**

(1) Within three complete fiscal years from March 5, 1980, the Secretary, in consultation

with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the park, pursuant to criteria stated in the provisions of section 1a-7(b) of this title. Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

(Pub. L. 96-199, title II, §204, Mar. 5, 1980, 94 Stat. 76.)

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### § 410ff-4. Federal or federally assisted undertakings with respect to lands and waters within, adjacent to, or related to park

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

(Pub. L. 96-199, title II, §205, Mar. 5, 1980, 94 Stat. 76.)

#### § 410ff-5. Designation of wilderness areas

Within three complete fiscal years from March 5, 1980, the Secretary shall review the area within the park and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 96-199, title II, §206, Mar. 5, 1980, 94 Stat. 77.)

#### § 410ff-6. Entrance or admission fees prohibited

Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

(Pub. L. 96-199, title II, §207, Mar. 5, 1980, 94 Stat. 77.)

#### § 410ff-7. Expenditure of Federal funds for research, resources management, and visitor protection and use on private property; transfer of funds; authorization of appropriations

The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this subchapter, but not to exceed \$500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated \$30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

(Pub. L. 96-199, title II, §208, Mar. 5, 1980, 94 Stat. 77.)

#### SUBCHAPTER LIX-E—BISCAYNE NATIONAL PARK

#### § 410gg. Establishment; description of boundary; minor boundary revisions; publication in Federal Register

In order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, there is hereby established the Biscayne National Park (hereinafter referred to in this subchapter as the "park") in the State of Florida. The boundary of the park shall include the lands, waters, and interests therein as generally depicted on the map entitled "Boundary Map, Biscayne National Park", numbered 169-90,003, and dated April 1980, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register, not more than one year after June 28, 1980, a detailed description of the boundary established pursuant to this section. Following reasonable notice in writing to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary may make minor revisions in the boundary of the park by publication of a revised boundary map or other description in the Federal Register.