

## AMENDMENTS

1991—Pub. L. 102-118 substituted “615 acres” for “600 acres” in two places.

1976—Pub. L. 94-578 substituted “600 acres” for “465 acres” in two places.

1974—Pub. L. 93-477 substituted “465 acres” for “two hundred and eighty-one acres” in two places and inserted proviso relating to property known as the Cross estate.

## AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LANDS

Section 3 of Pub. L. 88-601, as amended by Pub. L. 93-477, title I, §101(8), Oct. 26, 1974, 88 Stat. 1445, provided that: “There are authorized to be appropriated such sums, but not more than \$2,111,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of this Act [sections 409g and 409h of this title].”

**§ 409h. Administration of additional lands**

Lands acquired pursuant to this section and section 409g of this title, unless exchanged pursuant to section 409g of this title, shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park.

(Pub. L. 88-601, §2, Sept. 18, 1964, 78 Stat. 957.)

## CODIFICATION

Section was not enacted as part of act Mar. 2, 1933, ch. 182, 47 Stat. 1421, as amended, which comprises this subchapter.

**§ 409i. Acquisition of Warren Property for Morristown National Historical Park**

(a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of section 409 of this title, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, §8, as added Pub. L. 105-355, title V, §508, Nov. 6, 1998, 112 Stat. 3264.)

## SUBCHAPTER LIV—EVERGLADES NATIONAL PARK

**§ 410. Establishment; acquisition of land**

When title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443), shall have been vested in the United States, said lands shall be, and are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be

known as the Everglades National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 30, 1934, ch. 371, §1, 48 Stat. 816.)

## REFERENCES IN TEXT

Act of March 1, 1929 (45 Stat. 1443), referred to in text, is act Mar. 1, 1929, ch. 446, 45 Stat. 1443, which is not classified to the Code.

## MICCOSUKEE RESERVED AREA

Pub. L. 105-313, Oct. 30, 1998, 112 Stat. 2964, provided that:

## “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Miccosukee Reserved Area Act’.

## “SEC. 2. FINDINGS.

“Congress finds the following:

“(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

“(2) Since the commencement of the Tribe’s permitted use and occupancy of the Special Use Permit Area, the Tribe’s membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

“(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

“(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

“(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

“(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

“(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

## “SEC. 3. PURPOSES.

“The purposes of this Act are as follows:

“(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe’s own affairs in a modern community within the Park.

“(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

## “SEC. 4. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) EVERGLADES.—The term ‘Everglades’ means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

“(3) FEDERAL AGENCY.—The term ‘Federal agency’ means an agency, as that term is defined in section 551(1) of title 5, United States Code.

“(4) MICCOSUKEE RESERVED AREA; MRA.—

“(A) IN GENERAL.—The term ‘Miccosukee Reserved Area’ or ‘MRA’ means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park described in subparagraph (B) that is depicted on the map entitled ‘Miccosukee Reserved Area’ numbered NPS-160/41,038, and dated September 30, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

“(B) DESCRIPTION.—The description of the lands referred to in subparagraph (A) is as follows: ‘Beginning at the western boundary of Everglades National Park at the west line of sec. 20, T. 54 S., R. 35 E., thence E. following the Northern boundary of said Park in T. 54 S., Rs. 35 and 36 E., to a point in sec. 19, T. 54 S., R. 36 E., 500 feet west of the existing road known as Seven Mile Road, thence 500 feet south from said point, thence west paralleling the Park boundary for 3,200 feet, thence south for 600 feet, thence west, paralleling the Park boundary to the west line of sec. 20, T. 54 S., R. 35 E., thence N. 1,100 feet to the point of beginning.’

“(5) PARK.—The term ‘Park’ means the Everglades National Park, including any additions to that Park.

“(6) PERMIT.—The term ‘permit’, unless otherwise specified, means any federally issued permit, license, certificate of public convenience and necessity, or other permission of any kind.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior or the designee of the Secretary.

“(8) SOUTH FLORIDA ECOSYSTEM.—The term ‘South Florida ecosystem’ has the meaning given that term in section 528(a)(4) of the Water Resources Development Act of 1996 (Public Law 104-303) [110 Stat. 3767].

“(9) SPECIAL USE PERMIT AREA.—The term ‘special use permit area’ means the area of 333.3 acres on the northern boundary of the Park reserved for the use, occupancy, and governance of the Tribe under a special use permit before the date of the enactment of this Act [Oct. 30, 1998].

“(10) TRIBE.—The term ‘Tribe’, unless otherwise specified, means the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

“(11) TRIBAL.—The term ‘tribal’ means of or pertaining to the Miccosukee Tribe of Indians of Florida.

“(12) TRIBAL CHAIRMAN.—The term ‘tribal chairman’ means the duly elected chairman of the Miccosukee Tribe of Indians of Florida, or the designee of that chairman.

“SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE MICCOSUKEE RESERVED AREA.

“(a) SPECIAL USE PERMIT TERMINATED.—

“(1) TERMINATION.—The special use permit dated February 1, 1973, issued by the Secretary to the Tribe, and any amendments to that permit, are terminated.

“(2) EXPANSION OF SPECIAL USE PERMIT AREA.—The geographical area contained in the former special use permit area referred to in paragraph (1) shall be expanded pursuant to this Act and known as the Miccosukee Reserved Area.

“(3) GOVERNANCE OF AFFAIRS IN MICCOSUKEE RESERVED AREA.—Subject to the provisions of this Act and other applicable Federal law, the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.

“(b) PERPETUAL USE AND OCCUPANCY.—The Tribe shall have the exclusive right to use and develop the MRA in perpetuity in a manner consistent with this Act for

purposes of the administration, education, housing, and cultural activities of the Tribe, including commercial services necessary to support those purposes.

“(c) INDIAN COUNTRY STATUS.—The MRA shall be—

“(1) considered to be Indian country (as that term is defined in section 1151 of title 18, United States Code); and

“(2) treated as a federally recognized Indian reservation solely for purposes of—

“(A) determining the authority of the Tribe to govern its own affairs and otherwise make laws and apply those laws within the MRA; and

“(B) the eligibility of the Tribe and its members for any Federal health, education, employment, economic assistance, revenue sharing, or social welfare programs, or any other similar Federal program for which Indians are eligible because of their—

“(i) status as Indians; and

“(ii) residence on or near an Indian reservation.

“(d) EXCLUSIVE FEDERAL JURISDICTION PRESERVED.—The exclusive Federal legislative jurisdiction as applied to the MRA as in effect on the date of the enactment of this Act [Oct. 30, 1998] shall be preserved. The Act of August 15, 1953, 67 Stat. 588, chapter 505 [see Tables for classification] and the amendments made by that Act, including section 1162 of title 18, United States Code, as added by that Act and section 1360 of title 28, United States Code, as added by that Act, shall not apply with respect to the MRA.

“(e) OTHER RIGHTS PRESERVED.—Nothing in this Act shall affect any rights of the Tribe under Federal law, including the right to use other lands or waters within the Park for other purposes, including, fishing, boating, hiking, camping, cultural activities, or religious observances.

“SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.

“(a) ENVIRONMENTAL PROTECTION AND ACCESS REQUIREMENTS.—

“(1) IN GENERAL.—The MRA shall remain within the boundaries of the Park and be a part of the Park in a manner consistent with this Act.

“(2) COMPLIANCE WITH APPLICABLE LAWS.—The Tribe shall be responsible for compliance with all applicable laws, except as otherwise provided by this Act.

“(3) PREVENTION OF DEGRADATION; ABATEMENT.—

“(A) PREVENTION OF DEGRADATION.—Pursuant to the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall prevent and abate degradation of the quality of surface or groundwater that is released into other parts of the Park, as follows:

“(i) With respect to water entering the MRA which fails to meet applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), actions of the Tribe shall not further degrade water quality.

“(ii) With respect to water entering the MRA which meets applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall not cause the water to fail to comply with applicable water quality standards.

“(B) PREVENTION AND ABATEMENT.—The Tribe shall prevent and abate disruption of the restoration or preservation of the quantity, timing, or distribution of surface or groundwater that would enter the MRA and flow, directly or indirectly, into other parts of the Park, but only to the extent that such disruption is caused by conditions, activities, or structures within the MRA.

“(C) PREVENTION OF SIGNIFICANT PROPAGATION OF EXOTIC PLANTS AND ANIMALS.—The Tribe shall prevent significant propagation of exotic plants or animals outside the MRA that may otherwise be caused by conditions, activities, or structures within the MRA.

“(D) PUBLIC ACCESS TO CERTAIN AREAS OF THE PARK.—The Tribe shall not impede public access to those areas of the Park outside the boundaries of the MRA, and to and from the Big Cypress National Preserve, except that the Tribe shall not be required to allow individuals who are not members of the Tribe access to the MRA other than Federal employees, agents, officers, and officials (as provided in this Act).

“(E) PREVENTION OF SIGNIFICANT CUMULATIVE ADVERSE ENVIRONMENTAL IMPACTS.—

“(i) IN GENERAL.—The Tribe shall prevent and abate any significant cumulative adverse environmental impact on the Park outside the MRA resulting from development or other activities within the MRA.

“(ii) PROCEDURES.—Not later than 12 months after the date of the enactment of this Act [Oct. 30, 1998], the Tribe shall develop, publish, and implement procedures that shall ensure adequate public notice and opportunity to comment on major tribal actions within the MRA that may contribute to a significant cumulative adverse impact on the Everglades ecosystem.

“(iii) WRITTEN NOTICE.—The procedures in clause (i) shall include timely written notice to the Secretary and consideration of the Secretary’s comments.

“(F) WATER QUALITY STANDARDS.—

“(i) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act [Oct. 30, 1998], the Tribe shall adopt and comply with water quality standards within the MRA that are at least as protective as the water quality standards for the area encompassed by Everglades National Park approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

“(ii) TRIBAL WATER QUALITY STANDARDS.—The Tribe may not adopt water quality standards for the MRA under clause (i) that are more restrictive than the water quality standards adopted by the Tribe for contiguous reservation lands that are not within the Park.

“(iii) EFFECT OF FAILURE TO ADOPT OR PRESCRIBE STANDARDS.—In the event the Tribe fails to adopt water quality standards referred to in clause (i), the water quality standards applicable to the Everglades National Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that meet the requirements of this subparagraph.

“(iv) MODIFICATION OF STANDARDS.—If, after the date of the enactment of this Act [Oct. 30, 1998], the standards referred to in clause (iii) are revised, not later than 1 year after those standards are revised, the Tribe shall make such revisions to water quality standards of the Tribe as are necessary to ensure that those water quality standards are at least as protective as the revised water quality standards approved by the Administrator.

“(v) EFFECT OF FAILURE TO MODIFY WATER QUALITY STANDARDS.—If the Tribe fails to revise water quality standards in accordance with clause (iv), the revised water quality standards applicable to the Everglades Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that are at least as protective as the revised water quality standards approved by the Administrator.

“(G) NATURAL EASEMENTS.—The Tribe shall not engage in any construction, development, or improvement in any area that is designated as a natural easement.

“(b) HEIGHT RESTRICTIONS.—

“(1) RESTRICTIONS.—Except as provided in paragraphs (2) through (4), no structure constructed within the MRA shall exceed the height of 45 feet or exceed 2 stories, except that a structure within the Miccosukee Government Center, as shown on the map referred to in section 4(4), shall not exceed the height of 70 feet.

“(2) EXCEPTIONS.—The following types of structures are exempt from the restrictions of this section to the extent necessary for the health, safety, or welfare of the tribal members, and for the utility of the structures:

“(A) Water towers or standpipes.

“(B) Radio towers.

“(C) Utility lines.

“(3) WAIVER.—The Secretary may waive the restrictions of this subsection if the Secretary finds that the needs of the Tribe for the structure that is taller than structures allowed under the restrictions would outweigh the adverse effects to the Park or its visitors.

“(4) GRANDFATHER CLAUSE.—Any structure approved by the Secretary before the date of the enactment of this Act [Oct. 30, 1998], and for which construction commences not later than 12 months after the date of the enactment of this Act, shall not be subject to the provisions of this subsection.

“(5) MEASUREMENT.—The heights specified in this subsection shall be measured from mean sea level.

“(c) OTHER CONDITIONS.—

“(1) GAMING.—No class II or class III gaming (as those terms are defined in section 4(7) and (8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7) and (8)) shall be conducted within the MRA.

“(2) AVIATION.—

“(A) IN GENERAL.—No commercial aviation may be conducted from or to the MRA.

“(B) EMERGENCY OPERATORS.—Takeoffs and landings of aircraft shall be allowed for emergency operations and administrative use by the Tribe or the United States, including resource management and law enforcement.

“(C) STATE AGENCIES AND OFFICIALS.—The Tribe may permit the State of Florida, as agencies or municipalities of the State of Florida to provide for takeoffs or landings of aircraft on the MRA for emergency operations or administrative purposes.

“(3) VISUAL QUALITY.—

“(A) IN GENERAL.—In the planning, use, and development of the MRA by the Tribe, the Tribe shall consider the quality of the visual experience from the Shark River Valley visitor use area, including limitations on the height and locations of billboards or other commercial signs or other advertisements visible from the Shark Valley visitor center, tram road, or observation tower.

“(B) EXEMPTION OF MARKINGS.—The Tribe may exempt markings on a water tower or standpipe that merely identify the Tribe.

“(d) EASEMENTS AND RANGER STATION.—Notwithstanding any other provision of this Act, the following provisions shall apply:

“(1) NATURAL EASEMENTS.—

“(A) IN GENERAL.—The use and occupancy of the MRA by the Tribe shall be perpetually subject to natural easements on parcels of land that are—

“(i) bounded on the north and south by the boundaries of the MRA, specified in the legal description under section 4(4); and

“(ii) bounded on the east and west by boundaries that run perpendicular to the northern and southern boundaries of the MRA, as provided in the description under subparagraph (B).

“(B) DESCRIPTION.—The description referred to in subparagraph (A)(ii) is as follows:

“(i) Easement number 1, being 445 feet wide with western boundary 525 feet, and eastern boundary 970 feet, east of the western boundary of the MRA.

“(ii) Easement number 2, being 443 feet wide with western boundary 3,637 feet, and eastern boundary 4,080 feet, east of the western boundary of the MRA.

“(iii) Easement number 3, being 320 feet wide with western boundary 5,380 feet, and eastern boundary 5,700 feet, east of the western boundary of the MRA.

“(iv) Easement number 4, being 290 feet wide with western boundary 6,020 feet, and eastern boundary 6,310 feet, east of the western boundary of the MRA.

“(v) Easement number 5, being 290 feet wide with western boundary 8,170 feet, and eastern boundary 8,460 feet, east of the western boundary of the MRA.

“(vi) Easement number 6, being 312 feet wide with western boundary 8,920 feet, and eastern boundary 9,232 feet, east of the western boundary of the MRA.

“(2) EXTENT OF EASEMENTS.—The aggregate extent of the east-west parcels of lands subject to easements under paragraph (1) shall not exceed 2,100 linear feet, as depicted on the map referred to in section 4(4).

“(3) USE OF EASEMENTS.—At the discretion of the Secretary, the Secretary may use the natural easements specified in paragraph (1) to fulfill a hydrological or other environmental objective of the Everglades National Park.

“(4) ADDITIONAL REQUIREMENTS.—In addition to providing for the easements specified in paragraph (1), the Tribe shall not impair or impede the continued function of the water control structures designated as ‘S-12A’ and ‘S-12B’, located north of the MRA on the Tamiami Trail and any existing water flow ways under the Old Tamiami Trail.

“(5) USE BY DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall have a right, in perpetuity, to use and occupy, and to have vehicular and airboat access to, the Tamiami Ranger Station identified on the map referred to in section 4(4), except that the pad on which such station is constructed shall not be increased in size without the consent of the Tribe.

#### “SEC. 7. IMPLEMENTATION PROCESS.

“(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—The Secretary and the tribal chairman shall make reasonable, good faith efforts to implement the requirements of this Act. Those efforts may include government-to-government consultations, and the development of standards of performance and monitoring protocols.

“(b) FEDERAL MEDIATION AND CONCILIATION SERVICE.—If the Secretary and the tribal chairman concur that they cannot reach agreement on any significant issue relating to the implementation of the requirements of this Act, the Secretary and the tribal chairman may jointly request that the Federal Mediation and Conciliation Service assist them in reaching a satisfactory agreement.

“(c) 60-DAY TIME LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 60 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance, unless the Secretary and the tribal chairman agree to an extension of period of time.

“(d) OTHER RIGHTS PRESERVED.—The facilitated dispute resolution specified in this section shall not prejudice any right of the parties to—

- “(1) commence an action in a court of the United States at any time; or
- “(2) any other resolution process that is not prohibited by law.

#### “SEC. 8. MISCELLANEOUS.

“(a) NO GENERAL APPLICABILITY.—Nothing in this Act creates any right, interest, privilege, or immunity affecting any other Tribe or any other park or Federal lands.

“(b) NONINTERFERENCE WITH FEDERAL AGENTS.—

“(1) IN GENERAL.—Federal employees, agents, officers, and officials shall have a right of access to the MRA—

“(A) to monitor compliance with the provisions of this Act; and

“(B) for other purposes, as though it were a Federal Indian reservation.

“(2) STATUTORY CONSTRUCTION.—Nothing in this Act shall authorize the Tribe or members or agents of the Tribe to interfere with any Federal employee, agent, officer, or official in the performance of official duties (whether within or outside the boundaries of the MRA) except that nothing in this paragraph may prejudice any right under the Constitution of the United States.

“(c) FEDERAL PERMITS.—

“(1) IN GENERAL.—No Federal permit shall be issued to the Tribe for any activity or structure that would be inconsistent with this Act.

“(2) CONSULTATIONS.—Any Federal agency considering an application for a permit for construction or activities on the MRA shall consult with, and consider the advice, evidence, and recommendations of the Secretary before issuing a final decision.

“(3) RULE OF CONSTRUCTION.—Except as otherwise specifically provided in this Act, nothing in this Act supersedes any requirement of any other applicable Federal law.

“(d) VOLUNTEER PROGRAMS AND TRIBAL INVOLVEMENT.—The Secretary may establish programs that foster greater involvement by the Tribe with respect to the Park. Those efforts may include internships and volunteer programs with tribal schoolchildren and with adult tribal members.

“(e) SAVING ECOSYSTEM RESTORATION.—

“(1) IN GENERAL.—Nothing in this Act shall be construed to amend or prejudice the authority of the United States to design, construct, fund, operate, permit, remove, or degrade canals, levees, pumps, impoundments, wetlands, flow ways, or other facilities, structures, or systems, for the restoration or protection of the South Florida ecosystem pursuant to Federal laws.

“(2) USE OF NONEASEMENT LANDS.—

“(A) IN GENERAL.—The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical.

“(B) SECRETARIAL AUTHORITY.—The Secretary may use lands referred to in subparagraph (A) either under an agreement with the tribal chairman or upon an order of the United States district court for the district in which the MRA is located, upon petition by the Secretary and finding by the court that—

- “(i) the proposed actions of the Secretary are necessary; and
- “(ii) other reasonable alternative measures are impractical.

“(3) COSTS.—

“(A) IN GENERAL.—In the event the Secretary exercises the authority granted the Secretary under paragraph (2), the United States shall be liable to the Tribe or the members of the Tribe for—

- “(i) cost of modification, removal, relocation, or reconstruction of structures lawfully erected in good faith on the MRA; and
- “(ii) loss of use of the affected land within the MRA.

“(B) PAYMENT OF COMPENSATION.—Any compensation paid under subparagraph (A) shall be paid as cash payments with respect to taking structures and other fixtures and in the form of rights to occupy similar land adjacent to the MRA with respect to taking land.

“(4) RULE OF CONSTRUCTION.—Paragraphs (2) and (3) shall not apply to a natural easement described in section 6(d)(1).

“(f) PARTIES HELD HARMLESS.—

“(1) UNITED STATES HELD HARMLESS.—

“(A) IN GENERAL.—Subject to subparagraph (B) with respect to any tribal member, tribal employee, tribal contractor, tribal enterprise, or any person residing within the MRA, notwithstanding any other provision of law, the United States (including an officer, agent, or employee of the United States), shall not be liable for any action or failure to act by the Tribe (including an officer, employee, or member of the Tribe), including any failure to perform any of the obligations of the Tribe under this Act.

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to alter any liability or other obligation that the United States may have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(2) TRIBE HELD HARMLESS.—Notwithstanding any other provision of law, the Tribe and the members of the Tribe shall not be liable for any injury, loss, damage, or harm that—

“(A) occurs with respect to the MRA; and

“(B) is caused by an action or failure to act by the United States, or the officer, agent, or employee of the United States (including the failure to perform any obligation of the United States under this Act).

“(g) COOPERATIVE AGREEMENTS.—Nothing in this Act shall alter the authority of the Secretary and the Tribe to enter into any cooperative agreement, including any agreement concerning law enforcement, emergency response, or resource management.

“(h) WATER RIGHTS.—Nothing in this Act shall enhance or diminish any water rights of the Tribe, or members of the Tribe, or the United States (with respect to the Park).

“(i) ENFORCEMENT.—

“(1) ACTIONS BROUGHT BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in the United States district court for the district in which the MRA is located, to enjoin the Tribe from violating any provision of this Act.

“(2) ACTION BROUGHT BY TRIBE.—The Tribe may bring a civil action in the United States district court for the district in which the MRA is located to enjoin the United States from violating any provision of this Act.”

#### § 410a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in section 410 of this title as may be deemed by him necessary or desirable for national-park purposes: *Provided*, That no land for said park shall be accepted until exclusive jurisdiction over the entire park area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States.

(May 30, 1934, ch. 371, § 2, 48 Stat. 816.)

#### § 410b. Administration, protection, and development

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park: *Provided further*, That nothing in sections 410 to 410c of this title shall

be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created.

(May 30, 1934, ch. 371, § 3, 48 Stat. 816; Aug. 21, 1937, ch. 732, 50 Stat. 742.)

#### REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act approved June 10, 1920, known as the Federal Water Power Act,” and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

#### AMENDMENTS

1937—Act Aug. 21, 1937, struck out proviso which prohibited expenditure of public moneys by the United States on the park within a period of five years.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 410c. Preservation of primitive condition

The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area.

(May 30, 1934, ch. 371, § 4, 48 Stat. 817.)

#### § 410d. Acceptance and protection of property pending establishment of park; publication of establishment order

(a) For the purpose of protecting the scenery, the wildlife, and other natural features of the region authorized to be established as the Everglades National Park by sections 410 to 410c of this title, notwithstanding any provision contained in said sections, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States any land, submerged land, or interests therein, subject to such reservations of oil, gas, or mineral rights as the Secretary may approve, within the area of approximately two thousand square miles recommended by said Secretary in his report to the Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443): *Provided*, That no general development of the property accepted pursuant to this section shall be undertaken nor shall the park be established until title satisfactory to the Secretary to a major portion of the lands, to be selected by him, within the aforesaid recommended area shall have been vested in the United States: *Provided further*, That until the property acquired by the United States pursuant to this section has been cleared of the aforesaid reservations, the Secretary in his discretion shall furnish such protection thereover as may be necessary for the

accomplishment of the purposes of this section: *And provided further*, That in the event the park is not established within ten years from December 6, 1944, or upon the abandonment of the park at any time after its establishment, title to any lands accepted pursuant to the provisions of this section shall thereupon automatically revert in the State of Florida or other grantors of such property to the United States.

(b) Upon the execution of the aforesaid provisions relating to establishment thereof, the Everglades National Park shall be established by order of the Secretary which shall be published in the Federal Register.

(Dec. 6, 1944, ch. 508, 58 Stat. 794.)

#### REFERENCES IN TEXT

Act of March 1, 1929 (45 Stat. 1443), referred to in subsec. (a), is act Mar. 1, 1929, ch. 446, 45 Stat. 1443, which is not classified to the Code.

#### **§ 410e. Acquisition of additional lands; reservation of oil, gas, and mineral rights; reservation of royalty rights**

In order to consolidate the Federal ownership of lands within the boundary set forth in deed numbered 19035 executed December 28, 1944, by the trustees of the Internal Improvement Fund of the State of Florida, and accepted by the Secretary of the Interior on March 14, 1947, for Everglades National Park purposes, the said Secretary is authorized, within the aforesaid boundary and with any funds made available for that purpose, to procure lands or interests therein by purchase or otherwise, subject, however, to the right of retention by owners of lands, interests in lands, interests in oil, gas, and mineral rights, or royalties, their heirs, executors, administrators, successors, or assigns (hereinafter referred to as "owners"), at their election, of the following:

(1) The reservation until October 9, 1958, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands: *Provided*, That if on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary set forth in aforesaid deed numbered 19035, then in that event the time of the reservation as set forth in this subsection shall automatically extend for all owners, regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress and egress to and from such lands as may be necessary; and

(2) After the termination of the reserved rights of owners as set forth in subsection (1) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such lands at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

(Oct. 10, 1949, ch. 659, § 1, 63 Stat. 733.)

#### **§ 410f. Limitation of Federal action during reservation period**

Unless consented to by an owner retaining the reservation set forth in subsection (1) of section 410e of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's lands.

(Oct. 10, 1949, ch. 659, § 2, 63 Stat. 734.)

#### **§ 410g. Rules and regulations governing reservation rights**

Any reservations retained under the provisions of subsection (1) of section 410e of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for park purposes.

(Oct. 10, 1949, ch. 659, § 3, 63 Stat. 734.)

#### **§ 410h. Ascertainment of owners' election regarding reservation rights**

In any action caused by the Secretary of the Interior to be commenced for the acquisition of lands under the provisions hereof, reasonable diligence shall be exercised by him to ascertain whether owners elect to retain reservations in accordance with the provisions of sections 410e to 410h of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the lands, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their lands free and clear of reservations as set forth in subsections (1) and (2) of section 410e of this title.

(Oct. 10, 1949, ch. 659, § 4, 63 Stat. 734.)

#### **§ 410i. Exterior boundaries; administration**

Notwithstanding section 410 of this title, or any action taken pursuant to authority contained therein, the exterior boundary of Everglades National Park, Florida, is subject to the provisions of section 410o of this title, fixed to include the following described lands:

(1) Beginning at the intersection of the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, and the west line of township 54 south, range 37 east, as shown on the Everglades National Park base map numbered NP-EVE-7109, revised August 10, 1949;

thence southerly along the west line of township 54 south, range 37 east, along the west line of Government lot 6 lying between township 54 south, and township 55 south, range 37 east, and along the west line of township 55 south, range 37 east, and township 56

south, range 37 east and along the west lines of sections 6, 7, and 18, township 57 south, range 37 east, to the southwest corner of section 18, said township and range;

thence easterly along the north line of section 19, 20, 21, 22, and 23 of said township and range to the northeast corner of section 23;

thence southerly along the east line of sections 23, 26, and 35 of said township and range to the southeast corner of said section 35;

thence easterly along the south line of section 36, of said township and range, to the southeast corner of said section 36;

thence southerly along the east line of sections 1, 12, 13, 24, 25, and 36, township 58 south, range 37 east, and along the west line of sections 6, 7, and 18, township 59 south, range 38 east, to the northwest corner of section 19, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 of township 59 south, range 38 east, and sections 19 and 20 of township 59 south, range 39 east, to the southwest right-of-way line of United States Highway Numbered 1;

thence southeasterly along the southwest right-of-way line of United States Highway Numbered 1 to a point which is the northerly point of a tract of land conveyed by the trustees of the internal improvement fund, State of Florida, to John E. Ravlin, and others, by deed dated November 5, 1943, recorded in deed book G16, page 72, in Monroe County public records;

thence following along the westerly and southerly boundary of said tract to its point of intersection with a line parallel with and 200 feet northwesterly from the centerline of Intracoastal Waterway near the southern point of said Ravlin tract;

thence southwesterly, following a line parallel to the centerline of said Intracoastal Waterway and 200 feet northwesterly from said centerline to a point due north of Long Key Light, approximately longitude 80 degrees 50 minutes west, latitude 24 degrees 51 minutes north;

thence northwesterly, following a line at all times parallel to the centerline of said Intracoastal Waterway and 200 feet northeasterly from said centerline to a point opposite the Oxford Bank Light, approximately longitude 81 degrees 00 minutes 40 seconds west, latitude 24 degrees 59 minutes 10 seconds north;

thence northwesterly in a straight line to a point 3 miles due south of the most southernmost point of East Cape (Cape Sable);

thence due north in a straight line to a point 2 miles due south of the most southernmost point of East Cape (Cape Sable);

thence northwesterly in the Gulf of Mexico in a straight line to a point 2 miles due west of the southeast corner of fractional section 31 (Middle Cape), township 60 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the most westernmost point of Northwest Cape (Cape Sable);

thence northeasterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 6, township 59 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the southwest corner of section 6, township 58 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 28, township 56 south, range 31 east;

thence northwesterly in a straight line to a point 3 miles due west of the southwest corner of fractional section 32, township 54 south, range 30 east;

thence northwesterly in a straight line to the southwest corner of section 28, township 53 south, range 28 east;

thence northerly along the west line of section 28, township 53 south, range 28 east, to the northwest corner of said section 28;

thence easterly along the north line of section 28, township 53 south, range 28 east, to the northeast corner of said section 28;

thence northerly along the west line of section 22, township 53 south, range 28 east, to the northwest corner of said section 22;

thence easterly along the north line of section 22, township 53 south, range 28 east, to the northeast corner of said section 22;

thence northerly along the west line of section 14, township 53 south, range 28 east, to the northwest corner of said section 14;

thence easterly along the north line of section 14, township 53 south, range 28 east, to the northeast corner of said section 14;

thence northerly along the west line of section 12, township 53 south, range 28 east, to the northwest corner of said section 12;

thence easterly along the north line of section 12, township 53 south, range 28 east, to the northeast corner of said section 12;

thence northerly along the west line of section 6, township 53 south, range 29 east, to the northwest corner of said section 6;

thence easterly along the north line of township 53 south, range 29 east, to the northeast corner of section 4, township 53 south, range 29 east;

thence southerly along the east lines of sections 4, 9, 16, and 21, township 53 south, range 29 east, to the southeast corner of the northeast quarter of said section 21;

thence easterly to the center of section 22, township 53 south, range 29 east;

thence southerly to the southeast corner of the southwest quarter of section 22, township 53 south, range 29 east;

thence easterly along the south line of section 22, township 53 south, range 29 east, to the southeast corner of said section 22;

thence southerly along the west line of section 26, township 53 south, range 29 east, to the southwest corner of the northwest quarter of said section 26;

thence easterly to the center of section 26, township 53 south, range 29 east;

thence southerly to the northwest corner of the southwest quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence easterly to the northeast corner of the southeast quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence southerly along the east line of section 26, township 53 south, range 29 east, to the southeast corner of said section 26;

thence easterly along the north line of section 36, township 53 south, range 29 east, to the northeast corner of the northwest quarter of said section 36;

thence southerly to the southwest corner of the northwest quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence easterly to the southeast corner of the northeast quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence continuing easterly to the southeast corner of the northwest quarter of the southwest quarter of section 31, township 53 south, range 30 east;

thence northerly to the northeast corner of the northwest quarter of the northwest quarter of section 31, township 53 south, range 30 east;

thence continuing northerly to the northeast corner of the southwest quarter of the southwest quarter of section 30, township 53 south, range 30 east;

thence westerly to the northeast corner of the southeast quarter of the southeast quarter of section 25, township 53 south, range 29 east;

thence northerly along the east lines of sections 25, 24, and 13, township 53 south, range 29 east, to the northeast corner of said section 13;

thence easterly along the north lines of sections 18, 17, 16, 15, 14, and 13, to the northeast corner of section 13, township 53 south, range 30 east;

thence southerly along the east lines of sections 13, 24, 25, and 36 to the southeast corner section 36, township 53 south, range 30 east;

thence easterly along the north lines of sections 6, 5, and 4 to the northeast corner of section 4, township 54 south, range 31 east;

thence southerly along the east line of section 4 to the southeast corner of section 4, township 54 south, range 31 east;

thence easterly along the north line of section 10 to the northeast corner of section 10, township 54 south, range 31 east;

thence southerly along the east line of section 10 to the southeast corner of section 10, township 54 south, range 31 east;

thence easterly along the north line of section 14 to the northeast corner of section 14, township 54 south, range 31 east;

thence southerly along the east line of section 14 to the southeast corner of section 14, township 54 south, range 31 east;

thence easterly along the north line of section 24 to the northeast corner of section 24, township 54 south, range 31 east;

thence southerly along the east lines of sections 24 and 25 to the southeast corner of section 25, township 54 south, range 31 east;

thence easterly along the north lines of sections 31, 32, and 33 to the northeast corner of section 33, township 54 south, range 32 east;

thence southerly along the east line of section 33 to the southeast corner of section 33, township 54 south, range 32 east;

thence easterly along the north line of section 3, to the northeast corner of section 3, township 55 south, range 32 east;

thence southerly along the east lines of sections 3 and 10, to the southeast corner of section 10, township 55 south, range 32 east;

thence easterly along the north line of section 14, to the northeast corner of section 14, township 55 south, range 32 east;

thence southerly along the east line of section 14, to the southeast corner of section 14, township 55 south, range 32 east;

thence easterly along the north line of section 24, to the northeast corner of section 24, township 55 south, range 32 east;

thence southerly along the east lines of sections 24 and 25 to the northeast corner of the southeast quarter of section 25, township 55 south, range 32 east;

thence easterly along the north line of the south half of section 30 to the northeast corner of the south half of section 30, township 55 south, range 33 east;

thence southerly along the east lines of sections 30 and 31 to the southeast corner of section 31, township 55 south, range 33 east;

thence southerly along the east line of section 6, to the southeast corner of section 6, township 56 south, range 33 east;

thence easterly along the north lines of sections 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 33 east;

thence easterly along the north lines of sections 7, 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 34 east;

thence easterly along the north line of section 7 to the northeast corner of section 7, township 56 south, range 35 east;

thence northerly along the west line of section 5 to the northwest corner of section 5, township 56 south, range 35 east;

thence northerly along the west lines of sections 32, 29, 20, 17, 8, and 5 to the northwest corner of section 5, township 55 south, range 35 east;

thence northerly along the west lines of sections 32, 29, and 20 to the intersection of the south right-of-way line of the Loop Road, township 54 south, range 35 east;

thence easterly along the south right-of-way line of the Loop Road and the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 20, 21, 22, 23, and 24, township 54 south, range 35 east, to the intersection of the east township line, township 54 south, range 35 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 19, 20, 21, 22, 23, and 24, township 54 south, range 36 east, to the east township line of township 54 south, range 36 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, across township 36½ east to the intersection of the west line of township 54 south, range 37 east, the point of beginning;

(2) Land acquired by the United States of America for furthering administration and use of the park by deeds dated January 25, 1954 (2), and February 27, 1954 (2), recorded in the public records of Monroe County, Florida, book OR-3, pages 302 to 308, inclusive, and book

OR-2, pages 378 to 381, inclusive, respectively; and accepted by the National Park Service on April 7, 1954 (2), and April 5, 1954 (2), respectively; and

(3) Not to exceed 35 acres, to be acquired by donation only, in or in the vicinity of Everglades City, Florida, which the Secretary of the Interior may find necessary and suitable for furthering administration and use of the park.

Land and water now in Federal ownership within said boundary shall continue to be administered as Everglades National Park; however, the land and water therein not in Federal ownership shall be administered as a part of the park only after being acquired as hereinafter provided.

(Pub. L. 85-482, §1, July 2, 1958, 72 Stat. 280.)

#### EVERGLADES ECOSYSTEM RESTORATION

Pub. L. 112-74, div. E, title I, §107, Dec. 23, 2011, 125 Stat. 1008, provided that: "This [fiscal year 2012] and any subsequent fiscal year, the National Park Service is authorized to implement modifications to the Tamiami Trail as described in, and in accordance with, the preferred alternative identified in the final environmental impact statement noticed in the Federal Register on December 14, 2010, (75 Fed. Reg. 77896), relating to restoration efforts of the Everglades ecosystem."

#### § 410j. Acquisition of land, water, and interests therein; consent of owner; reservations

The authority of the Secretary of the Interior to acquire land and water for Everglades National Park shall on and after July 2, 1958 be restricted to the area within the boundary described in section 410i of this title. Notwithstanding the proviso contained in section 410 of this title, or any other provision of law, the said Secretary is authorized on and after July 2, 1958, within the boundary fixed in sections 410i to 410p of this title and with any funds made available for that purpose, to acquire land, water, and interests therein by purchase or otherwise.

The authority to acquire land, water, and interests therein within the park boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, is further subject to the right of retention by the owners thereof, including owners of interests in oil, gas, and mineral rights or royalties, and by their heirs, executors, administrators, successors, and assigns, at their election of the following:

(1) The reservation until October 9, 1967, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands;

(2) In the event that on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, the time of the reservation provided in subsection (1) above shall automatically extend for all owners within said boundary and outside of said area regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in

commercial quantities anywhere within said boundary and outside of said area. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress to and egress from such land and water as may be necessary; and

(3) After the termination of the reserved rights of owners as set forth in subsections (1) and (2) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such land and water at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

(Pub. L. 85-482, §2, July 2, 1958, 72 Stat. 284; Pub. L. 91-428, §2, Sept. 26, 1970, 84 Stat. 885.)

#### AMENDMENTS

1970—Pub. L. 91-428 struck out restriction against acquisition of certain described lands in Dade County without the consent of the owner so long as the land is used exclusively for agricultural purposes, including housing directly incident thereto, or is lying fallow or remains in its natural state.

#### § 410k. Limitation of Federal action during reservation period

Unless consented to by an owner retaining the reservation set forth in subsections (1) and (2) of section 410j of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's land.

(Pub. L. 85-482, §3, July 2, 1958, 72 Stat. 285.)

#### § 410l. Rules and regulations governing reservation rights

Any reservations retained under the provisions of subsections (1) and (2) of section 410j of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the land and area for park purposes.

(Pub. L. 85-482, §4, July 2, 1958, 72 Stat. 285.)

#### § 410m. Ascertainment of owners' election regarding reservation rights

In acquiring any of the land or water within the area described in section 410i of this title the Secretary of the Interior shall exercise reasonable diligence to ascertain whether owners elect to retain reservations in accordance with the provisions of section 410j of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the land and water, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire

the fee simple title to their land free and clear of reservations as set forth in subsections (1), (2), and (3) of section 410j of this title.

(Pub. L. 85-482, § 5, July 2, 1958, 72 Stat. 285.)

#### § 410n. Drainage of lands; right-of-way

Unless the Secretary, after notice and opportunity for hearing, shall find that the same is seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park, he shall permit such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water thereto as is required for the reclamation by the State of Florida or any political subdivision thereof or any drainage district organized under its laws of lands lying easterly of the eastern boundary of the park in township 54 south, ranges 31 and 32 east, township 55 south, ranges 32 and 33 east, and township 56 south, range 33 east. He shall grant said permission, however, only after a master plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan has engineering feasibility and is so designed as to minimize disruptions of the natural state of the park. Any right-of-way granted pursuant to this section shall be revocable upon breach of the conditions upon which it is granted, which conditions shall also be enforceable in any other appropriate manner, and the grantee shall be obligated to remove its improvements and to restore the land occupied by it to its previous condition in the event of such revocation.

(Pub. L. 85-482, § 6, July 2, 1958, 72 Stat. 286.)

#### § 410o. Exchange of land, water, and interests therein

The Secretary of the Interior is authorized to transfer to the State of Florida by quitclaim deed the land, water, and interests therein, previously acquired by the United States of America for Everglades National Park and not included within such park by section 410i of this title, such transfer to be in exchange for the conveyance by the State of Florida to the United States of all land, water, and interests therein, owned by the State within the boundary of the park as described in section 410i of this title: *Provided*, That exclusion of any land, water, and interests therein from the park boundary pursuant to section 410i of this title shall be dependent upon the contemporaneous conveyance by the State to the United States of all land, water, and interests therein, owned by the State within the park boundary described in section 410i of this title, including land, water, and interests therein, heretofore conveyed to the State, for transfer to the United States for inclusion in Everglades National Park. The effectuation of the transfer provided for in this section shall be a condition precedent to the acquisition by the Secretary of any land, water, or interests therein held in private ownership within the boundaries set forth in section 410i of this title and outside the area designated in sections 410e to 410h of this title, except as such acquisition is by donation.

(Pub. L. 85-482, § 7, July 2, 1958, 72 Stat. 286.)

#### § 410p. Authorization of appropriations

(a) There are authorized to be appropriated such sums, but not more than \$22,000,000 in all, as are required for the acquisition of land, water, and interests therein held in private ownership within the boundaries of Everglades National Park as fixed by section 410i of this title and outside the area described in sections 410e to 410h of this title.

(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of \$700,200, as is necessary for the acquisition, in accordance with the provisions of sections 410i to 410p of this title, of the following described privately owned lands:

Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian.

(Pub. L. 85-482, § 8, July 2, 1958, 72 Stat. 286; Pub. L. 91-88, Oct. 17, 1969, 83 Stat. 134; Pub. L. 91-428, § 1, Sept. 26, 1970, 84 Stat. 885.)

#### AMENDMENTS

1970—Subsec. (a). Pub. L. 91-428 substituted “\$22,000,000” for “\$2,000,000”.

1969—Pub. L. 91-88 designated existing provisions as subsec. (a) and added subsec. (b).

#### § 410q. Exchange of lands

In order to further the administration and use of the Everglades National Park, the Secretary of the Interior is authorized to accept on behalf of the United States title to the following described parcels of land:

Those parts of tracts “R” and “S” which lie west of the right-of-way of State Road Numbered 29, and lots 1 to 9, inclusive, of block 40, in Everglades City, Florida, comprising 18.98, 1.32, and 3.17 acres, respectively, as shown on N.P.S. Map No. EVE-NP-E-1, dated June 23, 1959, of Everglades City, Florida; and not to exceed 15 acres of submerged lands lying adjacent to said tracts “R” and “S”, if such additional lands are considered necessary by the Secretary of the Interior to permit full utilization of the lands above described;

and, in exchange for such parcels of land, to convey to the owner or owners thereof all right, title, and interest of the United States in and to the following described parcels of land within the Everglades National Park:

Tract “L” and block 34, comprising 9.09 and 1.65 acres, respectively, lying in or in the vicinity of Everglades City, Florida.

(Pub. L. 86-269, § 1, Sept. 14, 1959, 73 Stat. 553.)

#### § 410r. Lands acquired as part of park; rules and regulations

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410q of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

(Pub. L. 86-269, §2, Sept. 14, 1959, 73 Stat. 554.)

**§ 410r-1. Acceptance of additional lands**

The Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Florida. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easements and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.

(Pub. L. 86-681, §1, Sept. 2, 1960, 74 Stat. 577.)

**§ 410r-2. Lands acquired as part of park; rules and regulations**

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410r-1 of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

(Pub. L. 86-681, §2, Sept. 2, 1960, 74 Stat. 577.)

**§ 410r-3. Acceptance of additional lands; lands acquired as part of park; reimbursement of revolving fund**

The Secretary of the Interior is authorized to accept a transfer from the Administrator of the Farmers Home Administration, United States Department of Agriculture, which transfer is hereby authorized, of a tract of land consisting of approximately four thousand four hundred and twenty acres, lying within the boundaries of Everglades National Park, in Dade County, Florida, and more particularly described in the masters deed dated December 21, 1962, in the proceeding entitled "The Connecticut Mutual Life Insurance Company against Toni Iori, a single man; Peter Iori and Helen Iori, his wife, d/b/a Iori Bros., et al.," No. 61C-3823, in the Circuit Court of the Eleventh Judicial Circuit of Florida, in and for Dade County, and recorded in the official records of said county in book 3494 at page 457, or in any modification of such masters deed, for administration as a part of the Everglades National Park. Such transfer will be made by the Farmers Home Administration, Department of Agriculture, to the Secretary of<sup>1</sup> Interior, only after the Farmers Home Administration's emergency credit revolving fund has

been fully reimbursed for all cost incurred by it in connection with the aforesaid land. Such transfer may be accepted when title to the property is vested in the United States.

(Pub. L. 88-588, §1, Sept. 12, 1964, 78 Stat. 933.)

**§ 410r-4. Authorization of appropriations for reimbursement of revolving fund**

There is hereby authorized to be appropriated to the emergency credit revolving fund, upon the transfer authorized in section 410r-3 of this title, such sum as may be necessary but not in excess of \$452,000 to reimburse the fund for costs incurred by the Farmers Home Administration in connection with the aforesaid property.

(Pub. L. 88-588, §2, Sept. 12, 1964, 78 Stat. 933.)

**§ 410r-5. Findings, purposes, and definitions**

**(a) Findings**

The Congress makes the following findings:

(1) The Everglades National Park is a nationally and internationally significant resource and the park has been adversely affected and continues to be adversely affected by external factors which have altered the ecosystem including the natural hydrologic conditions within the park.

(2) The existing boundary of Everglades National Park excludes the contiguous lands and waters of the Northeast Shark River Slough that are vital to long-term protection of the park and restoration of natural hydrologic conditions within the park.

(3) Wildlife resources and their associated habitats have been adversely impacted by the alteration of natural hydrologic conditions within the park, which has contributed to an overall decline in fishery resources and a 90 percent population loss of wading birds.

(4) Incorporation of the Northeast Shark River Slough and the East Everglades within the park will limit further losses suffered by the park due to habitat destruction outside the present park boundaries and will preserve valuable ecological resources for use and enjoyment by future generations.

(5) The State of Florida and certain of its political subdivisions or agencies have indicated a willingness to transfer approximately 35,000 acres of lands under their jurisdiction to the park in order to protect lands and water within the park, and may so transfer additional lands in the future.

(6) The State of Florida has proposed a joint Federal-State effort to protect Everglades National Park through the acquisition of additional lands.

**(b) Purposes**

The purposes of sections 410r-5 to 410r-8 of this title are to—

(1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and

<sup>1</sup> So in original. Probably should be "of the".

(2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

**(c) Definitions**

As used in sections 410r-5 to 410r-8 of this title:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “addition” means the approximately 107,600 acre area of the East Everglades area authorized to be added to Everglades National Park by sections 410r-5 to 410r-8 of this title.

(3) The term “park” means the area encompassing the existing boundary of Everglades National Park and the addition area described in paragraph (2).

(4) The term “project” means the Central and Southern Florida Project.

(Pub. L. 101-229, title I, § 101, Dec. 13, 1989, 103 Stat. 1946.)

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-82, § 1, Nov. 13, 1997, 111 Stat. 1540, provided that: “This Act [amending section 410r-7 of this title, enacting provisions set out as a note under section 410r-7 of this title, and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act.’”

SHORT TITLE

Section 1 of Pub. L. 101-229 provided that: “This Act [enacting this section and sections 410r-6 to 410r-8 of this title] may be cited as the ‘Everglades National Park Protection and Expansion Act of 1989.’”

**§ 410r-6. Boundary modification**

**(a) Area included**

**(1) In general**

The park boundary is hereby modified to include approximately 107,600 acres as generally depicted on the map entitled “Boundary Map, Everglades National Park Addition, Dade County, Florida”, numbered 160-20,013B and dated September 1989.

**(2) Availability of map**

The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

**(3) Acquisition of additional land**

**(A) In general**

The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

**(B) Administration; applicable law**

On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.

**(b) Boundary adjustment**

The Secretary may from time to time make minor revisions in the boundaries of the park in accordance with section 460l-9(c) of this title. In exercising the boundary adjustment authority the Secretary shall ensure all actions will enhance resource preservation and shall not result in a net loss of acreage from the park.

**(c) Acquisition**

(1) Within the boundaries of the addition described in subsection (a) of this section, the Secretary may acquire lands and interests in land by donation, purchase with donated or appropriated funds, or exchange. For purposes of acquiring property by exchange, the Secretary may, notwithstanding any other provision of law, exchange the approximately one acre of Federal land known as “Gilberts’ Marina” for non-Federal land of equal value located within the boundaries of the addition. Any lands or interests in land which are owned by the State of Florida or any political subdivision thereof, may be acquired only by donation.

(2) It is the express intent of Congress that acquisition within the boundaries of the addition shall be completed not later than 5 years after December 13, 1989. The authority provided by this section shall remain in effect until all acquisition is completed.

**(d) Acquisition of tracts partially outside boundaries**

When any tract of land is only partly within boundaries referred to in subsection (a) of this section, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

**(e) Offers to sell**

In exercising the authority to acquire property under sections 410r-5 to 410r-8 of this title, the Secretary shall give prompt and careful consideration to any offer made by any person owning property within the boundaries of the addition to sell such property, if such owner notifies the Secretary that the continued ownership of such property is causing, or would result in undue hardship.

**(f) Authorization of appropriations**

(1) Subject to the provisions of paragraph (2), there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 410r-5 to 410r-8 of this title.

(2) With respect to land acquisition within the addition, not more than 80 percent of the cost of such acquisition may be provided by the Federal Government. Not less than 20 percent of such cost shall be provided by the State of Florida.

**(g) Assistance**

Upon the request of the Governor of the State of Florida, the Secretary is authorized to pro-

vide technical assistance and personnel to assist in the acquisition of lands and waters within the Kissimmee River/Lake Okeechobee/Everglades Hydrologic Basin, including the Big Cypress Swamp, through the provision of Federal land acquisition personnel, practices, and procedures. The State of Florida shall reimburse the Secretary for such assistance in such amounts and at such time as agreed upon by the Secretary and the State. Notwithstanding any other provision of law, reimbursement received by the Secretary for such assistance shall be retained by the Secretary and shall be available without further appropriation for purposes of carrying out any authorized activity of the Secretary within the boundaries of the park.

**(h) Land exchanges**

**(1) Definitions**

In this subsection:

**(A) Administrator**

The term “Administrator” means the Administrator of General Services.

**(B) County**

The term “County” means Miami-Dade County, Florida.

**(C) County land**

The term “County land” means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as “Tract 605-01” and “Tract 605-03”.

**(D) District**

The term “District” means the South Florida Water Management District.

**(E) District land**

The term “District land” means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as “South Florida Water Management District Exchange Lands”.

**(F) General Services Administration land**

The term “General Services Administration land” means the approximately 595.28 acres of land designated as “Site Alpha” that is declared by the Department of the Navy to be excess land.

**(G) Map**

The term “map” means the map entitled “Boundary Modification for C-111 Project, Everglades National Park”, numbered 160/80,007A, and dated May 18, 2004.

**(H) National Park Service land**

The term “National Park Service land” means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as “NPS Exchange Lands”.

**(2) Exchange of General Services Administration land and County land**

The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

**(3) Exchange of National Park Service land and District land**

**(A) In general**

As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

**(B) Use of National Park Service land**

The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

**(C) Boundary adjustment**

On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

**(4) Availability of map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(Pub. L. 101-229, title I, §102, Dec. 13, 1989, 103 Stat. 1947; Pub. L. 108-483, §1, Dec. 23, 2004, 118 Stat. 3919.)

CODIFICATION

In subsec. (d), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-483, §1(1), designated first sentence as par. (1), designated second sentence as par. (2), inserted par. headings, and added par. (3).

Subsec. (h). Pub. L. 108-483, §1(2), added subsec. (h).

**§ 410r-7. Administration**

**(a) In general**

The Secretary shall administer the areas within the addition in accordance with sections 410r-5 to 410r-8 of this title and other provisions of law applicable to the Everglades National Park, and with the provisions of law generally applicable to units of the national park system, including sections 1, 2, 3, and 4 of this title. In order to further preserve and protect Everglades National Park, the Secretary shall utilize such other statutory authority as may be available to him for the preservation of wildlife and natural resources as he deems necessary to carry out the purposes of sections 410r-5 to 410r-8 of this title.

**(b) Protection of ecosystem**

The Secretary shall manage the park in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

**(c) Protection of flora and fauna**

The park shall be closed to the operation of airboats—

(1) except as provided in subsection (d) of this section; and

(2) except that within a limited capacity and on designated routes within the addition, owners of record of registered airboats in use within the addition as of January 1, 1989, shall be issued nontransferable, nonrenewable permits, for their individual lifetimes, to operate personally-owned airboats for noncommercial use in accordance with rules prescribed by the Secretary to determine ownership and registration, establish uses, permit conditions, and penalties, and to protect the biological resources of the area.

**(d) Concession contracts**

The Secretary is authorized to negotiate and enter into concession contracts with the owners of commercial airboat and tour facilities in existence on or before January 1, 1989, located within the addition for the provision of such services at their current locations under such rules and conditions as he may deem necessary for the accommodation of visitors and protection of biological resources of the area.

**(e) Marjory Stoneman Douglas Visitor Center**

The Secretary is authorized and directed to expedite the construction of the visitor center facility at Everglades City, Florida, as described in the Development Concept Plan, Gulf Coast, dated February 1989, and upon construction shall designate the visitor center facility as “The Marjory Stoneman Douglas Center” in commemoration of the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and Everglades National Park.

**(f) Ernest F. Coe Visitor Center**

On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the “Ernest F. Coe Visitor Center”, to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.

(Pub. L. 101-229, title I, §103, Dec. 13, 1989, 103 Stat. 1948; Pub. L. 105-82, §§4, 5, Nov. 13, 1997, 111 Stat. 1541, 1542.)

AMENDMENTS

1997—Subsec. (c)(2). Pub. L. 105-82, §5(1), substituted “personally-owned” for “personally-owned”.

Subsec. (e). Pub. L. 105-82, §5(2), substituted “Marjory Stoneman Douglas Visitor Center” for “Visitor Center” in heading.

Subsec. (f). Pub. L. 105-82, §4, added subsec. (f).

FINDINGS AND PURPOSE OF 1997 AMENDMENT

Section 2 of Pub. L. 105-82 provided that:

“(a) FINDINGS.—Congress finds that—

“(1)(A) Marjory Stoneman Douglas, through her book, ‘The Everglades: River of Grass’ (published in 1947), defined the Everglades for the people of the United States and the world;

“(B) Mrs. Douglas’s book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem’s health;

“(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

“(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

“(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

“(2)(A) Ernest F. Coe (1886-1951) was a leader in the creation of Everglades National Park;

“(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

“(C) as a landscape architect, Mr. Coe’s vision for the park recognized the need to protect south Florida’s diverse wildlife and habitats for future generations;

“(D) Mr. Coe’s original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

“(E)(i) Mr. Coe’s leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

“(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

“(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

“(b) PURPOSE.—It is the purpose of this Act [see Short Title of 1997 Amendment note set out under section 410r-5 of this title] to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.”

**§ 410r-8. Modification of certain water projects**

**(a) Improved water deliveries**

(1) Upon completion of a final report by the Chief of the Army Corps of Engineers, the Secretary of the Army, in consultation with the Secretary, is authorized and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park.

(2) Such modifications shall be based upon the findings of the Secretary’s experimental program authorized in section 1302 of the 1984 Supplemental Appropriations Act (97 Stat. 1292) and generally as set forth in a General Design Memorandum to be prepared by the Jacksonville District entitled “Modified Water Deliveries to Everglades National Park”. The Draft of such Memorandum and the Final Memorandum, as prepared by the Jacksonville District, shall be submitted as promptly as practicable to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Natural Resources and the Committee on Public Works and Transportation of the United States House of Representatives.

(3) Construction of project modifications authorized in this subsection and flood protection systems authorized in subsections (c) and (d) of this section are justified by the environmental

benefits to be derived by the Everglades ecosystem in general and by the park in particular and shall not require further economic justification.

(4) Nothing in this section shall be construed to limit the operation of project facilities to achieve their design objectives, as set forth in the Congressional authorization and any modifications thereof.

**(b) Determination of adverse effect**

(1) Upon completion of the Final Memorandum referred to in subsection (a) of this section, the Secretary of the Army, in consultation with the South Florida Water Management District, shall make a determination as to whether the residential area within the East Everglades known as the "Eight and One-Half Square Mile Area" or adjacent agricultural areas, all as generally depicted on the map referred to in section 410r-6(a) of this title, will be adversely affected by project modifications authorized in subsection (a) of this section.

(2) In determining whether adjacent agricultural areas will be adversely affected, the Secretary of the Army shall consider the impact of any flood protection system proposed to be implemented pursuant to subsection (c) of this section on such agricultural areas.

**(c) Flood protection; Eight and One-Half Square Mile Area**

If the Secretary of the Army makes a determination pursuant to subsection (b) of this section that the "Eight and One-Half Square Mile Area" will be adversely affected, the Secretary of the Army is authorized and directed to construct a flood protection system for that portion of presently developed land within such area.

**(d) Flood protection; adjacent agricultural area**

(1) If the Secretary of the Army determines pursuant to subsection (b) of this section that an adjacent agricultural area will be adversely affected, the Secretary of the Army is authorized and directed to construct a flood protection system for such area. Such determination shall be based on a finding by the Secretary of the Army that:

(A) the adverse effect will be attributable solely to a project modification authorized in subsection (a) of this section or to a flood protection system implemented pursuant to subsection (c) of this section, or both; and

(B) such modification or flood protection system will result in a substantial reduction in the economic utility of such area based on its present agricultural use.

(2) No project modification authorized in subsection (a) of this section which the Secretary of the Army determines will cause an adverse effect pursuant to subsection (b) of this section shall be made operational until the Secretary of the Army has implemented measures to prevent such adverse effect on the adjacent agricultural area: *Provided*, That the Secretary of the Army or the South Florida Water Management District may operate the modification to the extent that the Secretary of the Army determines that such operation will not adversely affect the adjacent agricultural area: *Provided further*, That any preventive measure shall be implemented in

a manner that presents the least prospect of harm to the natural resources of the park.

(3) Any flood protection system implemented by the Secretary of the Army pursuant to this subsection shall be required only to provide for flood protection for present agricultural uses within such adjacent agricultural area.

(4) The acquisition of land authorized in section 410r-6 of this title shall not be considered a project modification.

**(e) Periodic review**

(1) Not later than 18 months after the completion of the project modifications authorized in subsection (a) of this section, and periodically thereafter, the Secretary of the Army shall review the determination of adverse effect for adjacent agricultural areas.

(2) In conducting such review, the Secretary of the Army shall consult with all affected parties, including, but not limited to, the Secretary, the South Florida Water Management District and agricultural users within adjacent agricultural areas.

(3) If, on the basis of such review, the Secretary of the Army determines that an adjacent agricultural area has been, or will be adversely affected, the Secretary of the Army is authorized and directed, in accordance with the provisions of subsection (d) of this section, to construct a flood protection system for such area: *Provided*, That the provisions of subsection (d)(2) of this section shall be applicable only to the extent that the Secretary, in consultation with the Secretary of the Army, determines that the park will not be adversely affected.

(4) The provisions of this subsection shall only be applicable if the Secretary of the Army has previously made a determination that such adjacent agricultural area will not be adversely affected.

**(f) Current canal operating levels**

Nothing in this section shall be construed to require or prohibit the Secretary of the Army or the South Florida Water Management District from maintaining the water level within any project canal below the maximum authorized operating level as of December 13, 1989.

**(g) No limitation on other claims**

If the Secretary of the Army makes a determination of no adverse effect pursuant to subsection (b) of this section, such determination shall not be considered as a limitation or prohibition against any available legal remedy which may otherwise be available.

**(h) Coordination**

The Secretary and the Secretary of the Army shall coordinate the construction program authorized under this section and the land acquisition program authorized in section 410r-6 of this title in such a manner as will permit both to proceed concurrently and as will avoid unreasonable interference with property interests prior to the acquisition of such interests by the Secretary under section 410r-6 of this title.

**(i) West Dade Wellfield**

No Federal license, permit, approval, right-of-way or assistance shall be granted or issued with respect to the West Dade Wellfield (to be located

in the Bird Drive Drainage Basin, as identified in the Comprehensive Development Master Plan for Dade County, Florida) until the Secretary, the Governor of the State of Florida, the South Florida Water Management District and Dade County, Florida enter into an agreement providing that the South Florida Water Management District's water use permit for the wellfield, if granted, must include the following limiting conditions: (1) the wellfield's peak pumpage rate shall not exceed 140,000,000 gallons per day; (2) the permit shall include reasonable, enforceable measures to limit demand on the wellfield in times of water shortage; and (3) if, during times of water shortage, the District fails to limit demand on the wellfield pursuant to (2), or if the District limits demand on the wellfield pursuant to (2), but the Secretary certifies that operation of the wellfield is still causing significant adverse impacts on the resources of the Park, the Governor shall require the South Florida Water Management District to take necessary actions to alleviate the adverse impact, including, but not limited to, temporary reductions in the pumpage from the wellfield.

**(j) Protection of natural values**

The Secretary of the Army is directed in analysis, design and engineering associated with the development of a general design memorandum for works and operations in the "C-111 basin" area of the East Everglades, to take all measures which are feasible and consistent with the purposes of the project to protect natural values associated with Everglades National Park. Upon completion of a general design memorandum for the area, the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Natural Resources and the Committee on Public Works and Transportation of the United States House of Representatives on the status of the natural resources of the C-111 basin and functionally related lands.

**(k) Acquisition of additional lands**

(1) Notwithstanding any other provision of sections 410r-5 to 410r-8 of this title, the Secretary is authorized to use funds appropriated pursuant to sections 410r-5 to 410r-8 of this title, including any available funds appropriated to the National Park Service for construction in the Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994 for project modifications by the Army Corps of Engineers, in such amounts as determined by the Secretary, to provide Federal assistance to the State of Florida (including political subdivisions of the State) for acquisition of lands described in paragraph (4).

(2) With respect to any lands acquired pursuant to this subsection, the Secretary may provide not more than 25 percent of the total cost of such acquisition.

(3) All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.

(4) The lands referred to in paragraph (1) are those lands or interests therein adjacent to, or affecting the restoration of natural water flows to, the park or Florida Bay which are located east of the park and known as the Frog Pond, Rocky Glades Agricultural Area, and the Eight-and-One-Half Square-Mile Area.

(Pub. L. 101-229, title I, §104, Dec. 13, 1989, 103 Stat. 1949; Pub. L. 103-219, Mar. 9, 1994, 108 Stat. 98; Pub. L. 103-437, §6(d)(9), Nov. 2, 1994, 108 Stat. 4584.)

REFERENCES IN TEXT

Section 1302 of the 1984 Supplemental Appropriations Act, referred to in subsec. (a)(2), is section 1302 of Pub. L. 98-181, title I, Nov. 30, 1983, 97 Stat. 1292, which is not classified to the Code.

The Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994, referred to in subsec. (k)(1), are, respectively, Pub. L. 101-512, Nov. 5, 1990, 104 Stat. 1915, Pub. L. 102-154, Nov. 13, 1991, 105 Stat. 990, Pub. L. 102-381, Oct. 5, 1992, 106 Stat. 1374, and Pub. L. 103-138, Nov. 11, 1993, 107 Stat. 1379. For complete classification of these Acts to the Code, see Tables.

AMENDMENTS

1994—Subsecs. (a)(2), (j). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Senate and the Committee on".

Subsec. (k). Pub. L. 103-219 added subsec. (k).

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2.

**§ 410r-9. Boundary revision**

**(a) Inclusion of Tarpon Basin property**

**(1) Definitions**

In this subsection:

**(A) Hurricane Hole**

The term "Hurricane Hole" means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

**(B) Map**

The term "map" means the map entitled "Proposed Tarpon Basin Boundary Revision", numbered 160/80,012, and dated May 2008.

**(C) Secretary**

The term "Secretary" means the Secretary of the Interior.

**(D) Tarpon Basin property**

The term "Tarpon Basin property" means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

**(2) Boundary revision**

**(A) In general**

The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

**(B) Acquisition authority**

The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

**(C) Availability of map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(D) Administration**

Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

**(3) Hurricane Hole**

The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

**(4) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subsection.

**(b) Land exchanges****(1) Definitions**

In this subsection:

**(A) Company**

The term “Company” means Florida Power & Light Company.

**(B) Federal Land**

The term “Federal Land” means the parcels of land that are—

- (i) owned by the United States;
- (ii) administered by the Secretary;
- (iii) located within the National Park; and
- (iv) generally depicted on the map as—
  - (I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and
  - (II) Tract B, which is located on the eastern boundary of the National Park.

**(C) Map**

The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

**(D) National Park**

The term “National Park” means the Everglades National Park located in the State.

**(E) Non-Federal land**

The term “non-Federal land” means the land in the State that—

- (i) is owned by the State, the specific area and location of which shall be determined by the State; or
- (ii)(I) is owned by the Company;
- (II) comprises approximately 320 acres; and
- (III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

**(F) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(G) State**

The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

**(2) Land exchange with State****(A) In general**

Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

**(B) Conditions**

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

**(C) Valuation****(i) In general**

The values of the land involved in the land exchange under subparagraph (A) shall be equal.

**(ii) Equalization**

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

**(D) Appraisals**

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

**(E) Technical corrections**

Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

**(F) Administration of land acquired by Secretary**

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

**(3) Land exchange with company****(A) In general**

Subject to the provisions of this paragraph, if the Company offers to convey to

the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

**(B) Conditions**

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

**(C) Valuation**

**(i) In general**

The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

**(ii) Equalization**

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

**(D) Appraisal**

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

**(E) Technical corrections**

Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

**(F) Administration of land acquired by Secretary**

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

**(4) Map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(5) Boundary revision**

On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

(Pub. L. 111–11, title VII, §7107, Mar. 30, 2009, 123 Stat. 1193.)

SUBCHAPTER LV—MINUTE MAN NATIONAL HISTORICAL PARK

**§ 410s. Establishment**

**(a) In general**

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts. The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

**(b) Boundaries**

The park shall be comprised of the lands depicted on the map entitled “Boundary Map NARO-406-20015C”, dated June 1991.

(Pub. L. 86–321, §1, Sept. 21, 1959, 73 Stat. 591; Pub. L. 91–548, §1, Dec. 14, 1970, 84 Stat. 1436; Pub. L. 102–488, §2[1], Oct. 24, 1992, 106 Stat. 3135.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–488 substituted “The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.” for “The park shall comprise not more than seven hundred and fifty acres as may be designated by the Secretary of the Interior from within the area beginning at Fiske Hill and thence lying along Massachusetts Avenue, Marrett Road and Marrett Street in the town of Lexington, along Nelson Road, Virginia Road, Old Bedford Road, and North Great Road or State Route 2–A in the town of Lincoln, and along Lexington Road, Monument Street, Liberty Street and Lowell Road in the town of Concord to and including the North Bridge and properties on both sides of the Concord River in the vicinity of the North Bridge.”

Subsec. (b). Pub. L. 102–488 added subsec. (b) and struck out former subsec. (b) which read as follows: “Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided*, That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.”

Subsec. (c). Pub. L. 102–488 struck out subsec. (c) which read as follows: “Any lands added to the Minute Man National Historical Park, pursuant to subsection