

§ 695r. Regulations by Secretary

The Secretary may prescribe such regulations as may be necessary to carry out the provisions of sections 695k to 695r of this title.

(Pub. L. 88-567, §8, Sept. 2, 1964, 78 Stat. 851.)

§ 696. National Key Deer Refuge; establishment; acquisition of property; exchanges, cash equalization payments; administration

In order to protect and preserve in the national interest the key deer and other wildlife resources in the Florida Keys, the Secretary of the Interior is authorized to acquire by purchase, lease, exchange, and donations, including the use of donated funds, such lands or interests therein in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, as he shall find to be suitable for the conservation and management of the said key deer and other wildlife: *Provided*, That no lands within a one thousand-foot zone adjacent to either side of United States Highway Numbered 1 in Monroe County shall be acquired for the Key Deer National Wildlife Refuge by condemnation. The Secretary, in the exercise of his exchange authority, may accept title to any non-Federal property in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, and in exchange therefor convey to the grantor of such property any federally owned property in the State of Florida under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The properties so acquired shall constitute the National Key Deer Refuge, and shall be administered by the Secretary of the Interior in accordance with the laws and regulations relating to the national wildlife refuges, including, but not limited to, sections 664, 666a, and 666b of this title, relating to the conservation of wildlife, fish, and game.

(Pub. L. 85-164, §1, Aug. 22, 1957, 71 Stat. 412; Pub. L. 89-669, §10(a), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 struck out one thousand acres limitation on acquisition of property, substituted prohibition against condemnation of lands within a one thousand-foot zone adjacent to either side of U.S. Highway Numbered 1 for the Key Deer National Wildlife Refuge for former prohibition against condemnation of lands on an island that is traversed at any point by U.S. Highway Numbered 1, and required cash equalization payment when making unequal exchanges of properties.

§ 696a. Acquisition of title to properties for National Key Deer Refuge; rights-of-way and easements

In furtherance of the aforesaid purposes, the Secretary may take such action and make such expenditures as he shall find to be necessary in order to secure satisfactory title in the United States to such properties, including the payment of expenses incidental to the location, examination, and survey of such lands and the ac-

quisition of title thereto; but no payment shall be made for any such lands until the title there-to shall be satisfactory to the Attorney General: *Provided*, That the acquisition of such lands or interests therein by the United States shall in no case be defeated because of rights-of-ways, easements, exceptions, and reservations which, in the opinion of the Secretary of the Interior, will not interfere materially with the use of such properties for the purposes of sections 696 to 696b of this title.

(Pub. L. 85-164, §2, Aug. 22, 1957, 71 Stat. 412.)

§ 696b. Authorization of appropriations; limitation

There is hereby authorized to be appropriated from time to time out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to effectuate the purposes of sections 696 to 696b of this title. The Secretary shall not utilize more than \$2,035,000 from appropriated funds for the acquisition of land and interests in land for the purposes of sections 696 to 696b of this title.

(Pub. L. 85-164, §3, Aug. 22, 1957, 71 Stat. 413; Pub. L. 89-669, §10(b), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 increased from \$35,000 to \$2,035,000 the limitation on funds for acquisition of land, provided for such acquisition "for the purposes of sections 696 to 696b of this title", and struck out sentence which provided that exchange by the Secretary of lands and interests therein shall not be considered an expenditure from appropriated funds for acquisition of land.

§§ 697, 697a. Omitted

CODIFICATION

Sections, Pub. L. 87-119, Aug. 3, 1961, 75 Stat. 243, which established the Wyandotte National Wildlife Refuge to be administered by the Secretary of the Interior in accordance with the laws and regulations relating to national wildlife refuges, have been omitted because of the limited scope of the subject matter. The Wyandotte National Wildlife Refuge, was included within and made a part of the Detroit River International Wildlife Refuge by Pub. L. 107-91, §5(b), Dec. 21, 2001, 115 Stat. 896, set out in the table of National Wildlife Refuges under section 668dd of this title.

§ 698. Big Thicket National Preserve**(a) Establishment**

In order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) Location; boundaries; publication in Federal Register

The Big Thicket National Preserve (hereafter referred to as the "preserve") shall include the units generally depicted on the map entitled "Big Thicket National Preserve", dated October 1992, and numbered 175-80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the

Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the "Secretary") may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary shall, as soon as practicable, but no later than six months after October 11, 1974, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hundred and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evandale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres;

Lance Rosier Unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres;

Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres.

(c) Methods of acquisition of land

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further*, That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further*, That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only. The Secretary may also acquire, by any of the above methods, approximately 15 acres of land outside of the boundaries of the preserve in the vicinity of the intersection of United States Highway 69 and State Farm-Market Road 420, in Hardin County, Texas, for purposes of a visitor contact and administrative site. After notifying the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of sections 698 to 698e of this title, without transfer of funds.

(d) Exchanges of land

Within sixty days after July 1, 1993, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing

mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of sections 698 to 698e of this title. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than five years after July 1, 1993. The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands. The authority to exchange lands under this subsection shall expire on July 1, 1998.

(e) Indian Springs Youth Camp

With respect to the thirty-seven-acre area owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp.

(Pub. L. 93-439, §1, Oct. 11, 1974, 88 Stat. 1254; Pub. L. 98-489, §1(a), Oct. 17, 1984, 98 Stat. 2267; Pub. L. 103-46, §2(a), (b), July 1, 1993, 107 Stat. 229, 230; Pub. L. 103-437, §6(a)(6), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 104-333, div. I, title III, §306(a)-(c), Nov. 12, 1996, 110 Stat. 4132.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-333 substituted “five years after July 1, 1993” for “two years after July 1, 1993” and inserted at end “The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands. The authority to exchange lands under this subsection shall expire on July 1, 1998.”

1994—Subsec. (c). Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States Congress”.

1993—Subsec. (b). Pub. L. 103-46, §2(a), substituted “map entitled ‘Big Thicket National Preserve’, dated October 1992, and numbered 175-80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the ‘Secretary’) may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary” for “map entitled ‘Big Thicket National Preserve’, dated November 1973 and numbered NBR-BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the ‘Secretary’) and added undesignated pars. relating to Village Creek Corridor unit, Big Sandy Corridor unit, and Canyonlands unit.

Subsec. (c). Pub. L. 103-46, §2(b)(1), inserted first sentence and struck out former first sentence which read

as follows: “The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only.”

Subsecs. (d) and (e). Pub. L. 103-46, §2(b)(2), added subsecs. (d) and (e).

1984—Subsec. (c). Pub. L. 98-489 authorized acquisition of acreage for a visitor contact and administrative site outside the boundaries of the preserve.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-46, §1, July 1, 1993, 107 Stat. 229, provided that: “This Act [amending this section and section 698e of this title and enacting provisions set out as a note below] may be referred to as the ‘Big Thicket National Preserve Addition Act of 1993.’”

REPORTING REQUIREMENT

Pub. L. 104-333, div. I, title III, §306(d), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106-176, title I, §104(1), Mar. 10, 2000, 114 Stat. 25, provided that: “Not later than 6 months after the date of the enactment of this Act [Nov. 12, 1996] and every 6 months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46) [see Short Title of 1993 Amendment note above].”

LAND EXCHANGE

Pub. L. 104-333, div. I, title III, §306(e)-(g), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106-176, title I, §104(2), Mar. 10, 2000, 114 Stat. 25, provided that:

“(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act [Nov. 12, 1996]—

“(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

“(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (f)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (f)(2).

“(f) LANDS DESCRIBED.—

“(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled ‘Big Thicket Lake Estates Access—Proposed’.

“(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in the Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

“(g) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under subsection (e) shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.”

PUBLICATION OF BOUNDARY DESCRIPTION

Pub. L. 103-46, §1, July 1, 1993, 107 Stat. 230, provided that: “Not later than six months after the date of enactment of this subsection [July 1, 1993], the Secretary

shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.”

§ 698a. Acquisition of property for Big Thicket Preserve

(a) Mineral rights; easements; improved properties

The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of sections 698 to 698e of this title: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in sections 698 to 698e of this title, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

(b) Plan to Congressional committees; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee¹ on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,
- (ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and
- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) Completion of land acquisition program; time

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698 to 698e of this title within six years after October 11, 1974.

(Pub. L. 93-439, §2, Oct. 11, 1974, 88 Stat. 1256.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

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

¹ So in original. Probably should be “Committees”.

§ 698b. Right of use and occupancy of improved property on Big Thicket Preserve

(a) Election of right of use and occupancy; payment of fair market value; termination of right

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for non-commercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698 to 698e of this title, and it shall terminate by operation of law upon the Secretary’s notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) “Improved property” defined

As used in sections 698 to 698e of this title, the term “improved property” means a detached year-round one-family dwelling which serves as the owner’s permanent place of abode at the time of acquisition, and construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-439, §3, Oct. 11, 1974, 88 Stat. 1256; Pub. L. 94-578, title III, §322, Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-578 substituted “detached year-round one-family dwelling which serves as the owner’s permanent place of abode at the time of acquisition, and” for “detached, one-family dwelling,”.