

tion of the Everglades National Park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

“(b) PURPOSE.—It is the purpose of this Act [see Short Title of 1988 Amendment note above] to establish the Big Cypress National Preserve Addition.”

**§ 698g. Acquisition of lands for Big Cypress Preserve**

**(a) Expeditious acquisition of Florida lands**

In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73-131 of the Florida statutes, “The Big Cypress Conservation Act of 1973”, the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of sections 698f to 698m-4 of this title.

**(b) Submission of plan to Congressional committees; time; contents**

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee<sup>1</sup> 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) Time for completion of land acquisition program**

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698f to 698m-4 of this title within six years after October 11, 1974.

(Pub. L. 93-440, § 2, Oct. 11, 1974, 88 Stat. 1259.)

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.

**§ 698h. Right of use and occupancy of improved property on Big Cypress Preserve and Addition**

**(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 him-

self and his heirs and assigns a right of use of and occupancy of the improved property 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 698f to 698m-4 of this title, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, 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 698f to 698m-4 of this title, the term “improved property” means:

- (i) a detached one family dwelling, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and
- (ii) any other building, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed in November 23, 1971, or January 1, 1986, as the case may be, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971 or January 1, 1986, as the case may be.<sup>1</sup>

**(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

<sup>1</sup> So in original. Probably should be “Committees”.

<sup>1</sup> See 1988 Amendment note below.

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. 93-440, §3, Oct. 11, 1974, 88 Stat. 1259; Pub. L. 100-301, §4(f), Apr. 29, 1988, 102 Stat. 445.)

#### AMENDMENTS

1988—Subsec. (b)(i). Pub. L. 100-301, §4(f)(1), inserted “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971.”

Subsec. (b)(ii). Pub. L. 100-301, §4(f)(2)(A), inserted “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971.”

Pub. L. 100-301, §4(f)(2)(B), which directed insertion of “or January 1, 1986, as the case may be,” after “November 23, 1971,” the second and third places it appears, was executed by making the insertion after “November 23, 1971,” the second place it appears and after “November 23, 1971” preceding the period as the probable intent of Congress.

#### § 698i. Administration of Big Cypress Preserve; applicability of other laws; rules and regulations for use of lands and waters; transportation facilities; consultation and cooperation with Secretary of Transportation

(a) The area within the boundaries depicted on the map referred to in section 698f of this title shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698f to 698m-4 of this title and with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

- (1) motorized vehicles,
- (2) exploration for and extraction of oil, gas, and other minerals,
- (3) grazing,
- (4) draining or constructing of works or structures which alter the natural water courses,
- (5) agriculture,
- (6) hunting, fishing, and trapping,
- (7) new construction of any kind, and
- (8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698f to 698m-4 of this title: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve<sup>1</sup> in a manner consistent with the purposes of sections 698f to 698m-4 of this title.

(Pub. L. 93-440, §4, Oct. 11, 1974, 88 Stat. 1260.)

<sup>1</sup> So in original. Probably should be “preserve”.

#### § 698j. Hunting, fishing, and trapping in Big Cypress Preserve and Addition authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities; land use and retention rights of Miccosukee and Seminole Indian Tribes

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve and the Addition in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of sections 698f to 698m-4 of this title, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve and the Addition, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

(Pub. L. 93-440, §5, Oct. 11, 1974, 88 Stat. 1260; Pub. L. 100-301, §3(b), Apr. 29, 1988, 102 Stat. 444.)

#### AMENDMENTS

1988—Pub. L. 100-301 inserted “and the Addition” in two places.

#### § 698k. Contracts for providing visitor services in Big Cypress Preserve and Addition; right of first refusal to Miccosukee and Seminole Tribes

Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

(i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972 (January 1, 1985, in the case of the Addition), were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve and the Addition subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve or within the Addition, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to