

§ 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;