

§ 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 enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with subchapter IV of chapter 1 of this title. No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

(Pub. L. 93-440, §6, Oct. 11, 1974, 88 Stat. 1260; Pub. L. 100-301, §3(d), Apr. 29, 1988, 102 Stat. 444.)

AMENDMENTS

1988—Pub. L. 100-301 in cl. (i) inserted “(January 1, 1985, in the case of the Addition)” after “1972” and “and the Addition” after “preserve”, and in cl. (ii) inserted “or within the Addition” after “preserve”.

§ 698l. Review of Big Cypress Preserve area and Addition area by Secretary; report to President

Within five years from October 11, 1974, with respect to the preserve and five years from April 29, 1988, with respect to the Addition, the Secretary shall review the area within the preserve or the area within the Addition (as the case may be) and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or non-suitability of any area within the preserve or the area within the Addition (as the case may be) for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93-440, §7, Oct. 11, 1974, 88 Stat. 1261; Pub. L. 100-301, §3(c), Apr. 29, 1988, 102 Stat. 444.)

AMENDMENTS

1988—Pub. L. 100-301 inserted “with respect to the preserve and five years from April 29, 1988, with respect

to the Addition” after “October 11, 1974,” and “or the area within the Addition (as the case may be)” after “preserve” in two places.

§ 698m. Authorization of appropriations for Big Cypress Preserve and Addition

(a) Except as provided in subsection (b) of this section, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698f to 698m-4 of this title, but not to exceed \$156,700,000 for the acquisition of lands and interests in lands and not to exceed \$900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed \$49,500,000 for the acquisition of lands within the Addition. There is hereby authorized to be appropriated such sums as may be necessary for development in the Addition.

(Pub. L. 93-440, §8, Oct. 11, 1974, 88 Stat. 1261; Pub. L. 95-625, title II, §201(1), Nov. 10, 1978, 92 Stat. 3473; Pub. L. 100-301, §7, Apr. 29, 1988, 102 Stat. 446.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-301, §7(1), designated existing provisions as subsec. (a), substituted “Except as provided in subsection (b) of this section, there” for “There”, and added subsec. (b).

1978—Pub. L. 95-625 increased land acquisition appropriations authorization to \$156,700,000 from \$116,000,000.

§ 698m-1. Big Cypress National Preserve Addition

(a) Establishment

In order to—

(1) achieve the purposes of section 698f of this title;

(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida,

the Big Cypress National Preserve Addition is established.

(b) Location; boundaries; publication in Federal Register

The Big Cypress National Preserve Addition (referred to in sections 698f to 698m-4 of this title as the “Addition”) shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

(c) Designation; management

The area within the boundaries depicted on the map referred to in subsection (b) of this sec-

tion shall be known as the “Big Cypress National Preserve Addition” and shall be managed in accordance with section 698i of this title.

(d) Completion of land acquisition; time

For purposes of administering the Addition and notwithstanding section 698g(c) of this title, it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after April 29, 1988.

(Pub. L. 93-440, §9, as added Pub. L. 100-301, §3(a), Apr. 29, 1988, 102 Stat. 444.)

§ 698m-2. Establishment of recreational access points, roads, etc., in conjunction with creation of Big Cypress National Preserve Addition; cooperation among agencies

The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, wildlife protection, hunting, fishing, frogging, and other traditional recreational opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Three of such access points shall be located within the preserve (including the Addition).

(Pub. L. 93-440, §10, as added Pub. L. 100-301, §5, Apr. 29, 1988, 102 Stat. 445.)

§ 698m-3. Status of Big Cypress National Preserve and Addition; report to Congress; plan

Not later than two years after April 29, 1988, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

- (1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;
- (2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 698m-2 of this title;
- (3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;
- (4) the status of land acquisition; and
- (5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.

(Pub. L. 93-440, §11, as added Pub. L. 100-301, §6, Apr. 29, 1988, 102 Stat. 446.)

§ 698m-4. Oil and gas exploration, development, and production in Big Cypress National Preserve and Addition

(a) Promulgation of rules and regulations

Within nine months from April 29, 1988, the Secretary shall promulgate, subject to the requirements of subsections (b)–(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

(b) Contents of rule or regulation; permit from National Park Service

Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

- (1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and
- (2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

- (i) within 30 days of receipt of such notice from the applicant to the National