

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

EVERGLADES ECOSYSTEM RESTORATION

Pub. L. 113-76, div. G, title I, Jan. 17, 2014, 128 Stat. 295, provided in part: "That in addition, the National Park Service may accept and use other Federal or non-Federal funds to implement the Tamiami Trail project, and may enter into a cooperative agreement or other agreements with the State of Florida to transfer funds to the State to plan and construct the Tamiami Trail project: *Provided further*, That a contract for the Tamiami Trail project may not be awarded until sufficient Federal funds and written commitments from non-Federal entities are available to cover the total estimated cost of the contract: *Provided further*, That because the Tamiami Trail project provides significant environmental benefits for Everglades National Park, the requirements of 49 U.S.C. 303 are deemed satisfied with respect to such project and no additional documentation shall be required under such section."

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.)