

the South Florida Water Management District from maintaining the water level within any project canal below the maximum authorized operating level as of December 13, 1989.

**(g) No limitation on other claims**

If the Secretary of the Army makes a determination of no adverse effect pursuant to subsection (b), such determination shall not be considered as a limitation or prohibition against any available legal remedy which may otherwise be available.

**(h) Coordination**

The Secretary and the Secretary of the Army shall coordinate the construction program authorized under this section and the land acquisition program authorized in section 410r-6 of this title in such a manner as will permit both to proceed concurrently and as will avoid unreasonable interference with property interests prior to the acquisition of such interests by the Secretary under section 410r-6 of this title.

**(i) West Dade Wellfield**

No Federal license, permit, approval, right-of-way or assistance shall be granted or issued with respect to the West Dade Wellfield (to be located in the Bird Drive Drainage Basin, as identified in the Comprehensive Development Master Plan for Dade County, Florida) until the Secretary, the Governor of the State of Florida, the South Florida Water Management District and Dade County, Florida enter into an agreement providing that the South Florida Water Management District's water use permit for the wellfield, if granted, must include the following limiting conditions: (1) the wellfield's peak pumpage rate shall not exceed 140,000,000 gallons per day; (2) the permit shall include reasonable, enforceable measures to limit demand on the wellfield in times of water shortage; and (3) if, during times of water shortage, the District fails to limit demand on the wellfield pursuant to (2), or if the District limits demand on the wellfield pursuant to (2), but the Secretary certifies that operation of the wellfield is still causing significant adverse impacts on the resources of the Park, the Governor shall require the South Florida Water Management District to take necessary actions to alleviate the adverse impact, including, but not limited to, temporary reductions in the pumpage from the wellfield.

**(j) Protection of natural values**

The Secretary of the Army is directed in analysis, design and engineering associated with the development of a general design memorandum for works and operations in the "C-111 basin" area of the East Everglades, to take all measures which are feasible and consistent with the purposes of the project to protect natural values associated with Everglades National Park. Upon completion of a general design memorandum for the area, the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Natural Resources and the Committee on Public Works and Transportation of the United States House of Representatives on the status of the

natural resources of the C-111 basin and functionally related lands.

**(k) Acquisition of additional lands**

(1) Notwithstanding any other provision of sections 410r-5 to 410r-8 of this title, the Secretary is authorized to use funds appropriated pursuant to sections 410r-5 to 410r-8 of this title, including any available funds appropriated to the National Park Service for construction in the Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994 for project modifications by the Army Corps of Engineers, in such amounts as determined by the Secretary, to provide Federal assistance to the State of Florida (including political subdivisions of the State) for acquisition of lands described in paragraph (4).

(2) With respect to any lands acquired pursuant to this subsection, the Secretary may provide not more than 25 percent of the total cost of such acquisition.

(3) All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.

(4) The lands referred to in paragraph (1) are those lands or interests therein adjacent to, or affecting the restoration of natural water flows to, the park or Florida Bay which are located east of the park and known as the Frog Pond, Rocky Glades Agricultural Area, and the Eight-and-One-Half Square-Mile Area.

(Pub. L. 101-229, title I, §104, Dec. 13, 1989, 103 Stat. 1949; Pub. L. 103-219, Mar. 9, 1994, 108 Stat. 98; Pub. L. 103-437, §6(d)(9), Nov. 2, 1994, 108 Stat. 4584.)

REFERENCES IN TEXT

Section 1302 of the 1984 Supplemental Appropriations Act, referred to in subsec. (a)(2), is section 1302 of Pub. L. 98-181, title I, Nov. 30, 1983, 97 Stat. 1292, which is not classified to the Code.

The Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994, referred to in subsec. (k)(1), are, respectively, Pub. L. 101-512, Nov. 5, 1990, 104 Stat. 1915, Pub. L. 102-154, Nov. 13, 1991, 105 Stat. 990, Pub. L. 102-381, Oct. 5, 1992, 106 Stat. 1374, and Pub. L. 103-138, Nov. 11, 1993, 107 Stat. 1379. For complete classification of these Acts to the Code, see Tables.

AMENDMENTS

1994—Subsecs. (a)(2), (j). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Senate and the Committee on".

Subsec. (k). Pub. L. 103-219 added subsec. (k).

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2.

**§ 410r-9. Boundary revision**

**(a) Inclusion of Tarpon Basin property**

**(1) Definitions**

In this subsection:

**(A) Hurricane Hole**

The term “Hurricane Hole” means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

**(B) Map**

The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

**(C) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(D) Tarpon Basin property**

The term “Tarpon Basin property” means land that—

- (i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and
- (ii) is located in South Key Largo.

**(2) Boundary revision****(A) In general**

The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

**(B) Acquisition authority**

The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

**(C) Availability of map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(D) Administration**

Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

**(3) Hurricane Hole**

The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

**(4) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subsection.

**(b) Land exchanges****(1) Definitions**

In this subsection:

**(A) Company**

The term “Company” means Florida Power & Light Company.

**(B) Federal Land**

The term “Federal Land” means the parcels of land that are—

- (i) owned by the United States;

- (ii) administered by the Secretary;
- (iii) located within the National Park; and
- (iv) generally depicted on the map as—
  - (I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and
  - (II) Tract B, which is located on the eastern boundary of the National Park.

**(C) Map**

The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

**(D) National Park**

The term “National Park” means the Everglades National Park located in the State.

**(E) Non-Federal land**

The term “non-Federal land” means the land in the State that—

- (i) is owned by the State, the specific area and location of which shall be determined by the State; or
- (ii)(I) is owned by the Company;
- (II) comprises approximately 320 acres; and
- (III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

**(F) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(G) State**

The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

**(2) Land exchange with State****(A) In general**

Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

**(B) Conditions**

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

**(C) Valuation****(i) In general**

The values of the land involved in the land exchange under subparagraph (A) shall be equal.

**(ii) Equalization**

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

**(D) Appraisals**

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

**(E) Technical corrections**

Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

**(F) Administration of land acquired by Secretary**

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

**(3) Land exchange with company****(A) In general**

Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

**(B) Conditions**

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

**(C) Valuation****(i) In general**

The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

**(ii) Equalization**

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

**(D) Appraisal**

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

**(E) Technical corrections**

Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

**(F) Administration of land acquired by Secretary**

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

**(4) Map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(5) Boundary revision**

On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

(Pub. L. 111-11, title VII, §7107, Mar. 30, 2009, 123 Stat. 1193.)

#### SUBCHAPTER LV—MINUTE MAN NATIONAL HISTORICAL PARK

**§ 410s. Establishment****(a) In general**

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts. The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

**(b) Boundaries**

The park shall be comprised of the lands depicted on the map entitled “Boundary Map NARO-406-20015C”, dated June 1991.

(Pub. L. 86-321, §1, Sept. 21, 1959, 73 Stat. 591; Pub. L. 91-548, §1, Dec. 14, 1970, 84 Stat. 1436; Pub. L. 102-488, §2[1], Oct. 24, 1992, 106 Stat. 3135.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-488 substituted “The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American