

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 the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4),¹ 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 reserve² 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.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 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.)

Editorial Notes

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 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.

¹ See References in Text note below.

² So in original. Probably should be “preserve”.

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

Editorial Notes

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”.

§ 698f. 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.)

Editorial Notes

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), 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.)

Editorial Notes

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-301, §7(1), designated existing provisions as subsec. (a), substituted “Except as provided in subsection (b), 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) 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.)