

**§ 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 Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

**(c) Activities to conform to requirements of National Park Service**

Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

**(d) Consideration of practices used in similar habitats or ecosystems**

In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

**(e) Interim agreements with owners of non-Federal oil and gas interests prior to promulgation of rules and regulations**

Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable; *Provided*, That such agreement shall be consistent with the requirements of subsections (b)–(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

**(f) Minerals Management Office; establishment; duties**

There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purposes for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

**(g) Authorization of appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.

(Pub. L. 93–440, §12, as added Pub. L. 100–301, §8, Apr. 29, 1988, 102 Stat. 446.)

**§ 698n. Timucuan Ecological and Historic Preserve**

**(a) Establishment**

**(1) In general**

There is established in the St. Johns River Valley, Florida, where the Timucuan Indians lived in prehistoric and historic times, the Timucuan Ecological and Historic Preserve (hereafter in sections 698n to 698p of this title referred to as the “Preserve”). The Preserve shall comprise the lands, waters, and interests therein within the boundaries generally depicted on a map of Duval County, Florida, entitled “Timucuan Ecological and Historic Preserve” numbered NA–TEHP 80,003–A and dated July 1987. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor revisions in the boundary of the Preserve in accordance with section 100506(c)

of title 54. The Preserve shall also include within its boundaries all that land consisting of approximately 500 acres adjacent to Fort Caroline National Memorial and known as the Theodore Roosevelt Preserve, being land formerly owned by one Willie Brown and donated by him to The Nature Conservancy.

**(2) Modification of boundary**

**(A) In general**

In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled “Timucuan Ecological and Historic Preserve American Beach Adjustment”, numbered 006/80012 and dated June 2003.

**(B) Duties of Secretary**

The Secretary of the Interior shall—

(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.

**(b) Land acquisition**

The Secretary of the Interior (hereinafter in sections 698n to 698p of this title referred to as the “Secretary”) is authorized to acquire lands and interests therein within the Preserve by donation, purchase with donated or appropriated funds, or exchange, but no lands other than wetlands or interests therein may be acquired without the consent of the owner. For purposes of this subsection, the term “wetlands” has the same meaning as provided by section 3902 of this title. Lands, interests in lands, and improvements thereon within the boundaries of the Preserve which are owned by the State of Florida or any political subdivision thereof may be acquired only by donation or exchange. On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.

**(c) Administration**

The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with sections 698n to 698p of this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).<sup>1</sup> The Secretary shall permit boating, boating-related activities, hunting, and fishing within the Preserve in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety.

**(d) Development of multiunit residential/resort project**

Nothing in sections 698n to 698p of this title shall affect development of a multiunit residen-

<sup>1</sup> See References in Text note below.