

(4) Incorporation of the Northeast Shark River Slough and the East Everglades within the park will limit further losses suffered by the park due to habitat destruction outside the present park boundaries and will preserve valuable ecological resources for use and enjoyment by future generations.

(5) The State of Florida and certain of its political subdivisions or agencies have indicated a willingness to transfer approximately 35,000 acres of lands under their jurisdiction to the park in order to protect lands and water within the park, and may so transfer additional lands in the future.

(6) The State of Florida has proposed a joint Federal-State effort to protect Everglades National Park through the acquisition of additional lands.

(b) Purposes

The purposes of sections 410r-5 to 410r-8 of this title are to—

(1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and

(2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

(c) Definitions

As used in sections 410r-5 to 410r-8 of this title:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “addition” means the approximately 107,600 acre area of the East Everglades area authorized to be added to Everglades National Park by sections 410r-5 to 410r-8 of this title.

(3) The term “park” means the area encompassing the existing boundary of Everglades National Park and the addition area described in paragraph (2).

(4) The term “project” means the Central and Southern Florida Project.

(Pub. L. 101-229, title I, §101, Dec. 13, 1989, 103 Stat. 1946.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-82, §1, Nov. 13, 1997, 111 Stat. 1540, provided that: “This Act [amending section 410r-7 of this title, enacting provisions set out as a note under section 410r-7 of this title, and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act’.”

SHORT TITLE

Pub. L. 101-229, §1, Dec. 13, 1989, 103 Stat. 1946, provided that: “This Act [enacting this section and sections 410r-6 to 410r-8 of this title] may be cited as the ‘Everglades National Park Protection and Expansion Act of 1989’.”

§ 410r-6. Boundary modification

(a) Area included

(1) In general

The park boundary is hereby modified to include approximately 107,600 acres as generally depicted on the map entitled “Boundary Map, Everglades National Park Addition, Dade County, Florida”, numbered 160-20,013B and dated September 1989.

(2) Availability of map

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

(3) Acquisition of additional land

(A) In general

The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

(B) Administration; applicable law

On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.

(b) Boundary adjustment

The Secretary may from time to time make minor revisions in the boundaries of the park in accordance with section 100506(c) of title 54. In exercising the boundary adjustment authority the Secretary shall ensure all actions will enhance resource preservation and shall not result in a net loss of acreage from the park.

(c) Acquisition

(1) Within the boundaries of the addition described in subsection (a), the Secretary may acquire lands and interests in land by donation, purchase with donated or appropriated funds, or exchange. For purposes of acquiring property by exchange, the Secretary may, notwithstanding any other provision of law, exchange the approximately one acre of Federal land known as “Gilberts’ Marina” for non-Federal land of equal value located within the boundaries of the addition. Any lands or interests in land which are owned by the State of Florida or any political subdivision thereof, may be acquired only by donation.

(2) It is the express intent of Congress that acquisition within the boundaries of the addition shall be completed not later than 5 years after December 13, 1989. The authority provided by this section shall remain in effect until all acquisition is completed.

(d) Acquisition of tracts partially outside boundaries

When any tract of land is only partly within boundaries referred to in subsection (a), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be ex-

changed by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(e) Offers to sell

In exercising the authority to acquire property under sections 410r-5 to 410r-8 of this title, the Secretary shall give prompt and careful consideration to any offer made by any person owning property within the boundaries of the addition to sell such property, if such owner notifies the Secretary that the continued ownership of such property is causing, or would result in undue hardship.

(f) Authorization of appropriations

(1) Subject to the provisions of paragraph (2), there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 410r-5 to 410r-8 of this title.

(2) With respect to land acquisition within the addition, not more than 80 percent of the cost of such acquisition may be provided by the Federal Government. Not less than 20 percent of such cost shall be provided by the State of Florida.

(g) Assistance

Upon the request of the Governor of the State of Florida, the Secretary is authorized to provide technical assistance and personnel to assist in the acquisition of lands and waters within the Kissimmee River/Lake Okeechobee/Everglades Hydrologic Basin, including the Big Cypress Swamp, through the provision of Federal land acquisition personnel, practices, and procedures. The State of Florida shall reimburse the Secretary for such assistance in such amounts and at such time as agreed upon by the Secretary and the State. Notwithstanding any other provision of law, reimbursement received by the Secretary for such assistance shall be retained by the Secretary and shall be available without further appropriation for purposes of carrying out any authorized activity of the Secretary within the boundaries of the park.

(h) Land exchanges

(1) Definitions

In this subsection:

(A) Administrator

The term “Administrator” means the Administrator of General Services.

(B) County

The term “County” means Miami-Dade County, Florida.

(C) County land

The term “County land” means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as “Tract 605-01” and “Tract 605-03”.

(D) District

The term “District” means the South Florida Water Management District.

(E) District land

The term “District land” means the approximately 1,054 acres of District land lo-

cated in the Southern Glades Wildlife and Environmental Area and identified on the map as “South Florida Water Management District Exchange Lands”.

(F) General Services Administration land

The term “General Services Administration land” means the approximately 595.28 acres of land designated as “Site Alpha” that is declared by the Department of the Navy to be excess land.

(G) Map

The term “map” means the map entitled “Boundary Modification for C-111 Project, Everglades National Park”, numbered 160/80,007A, and dated May 18, 2004.

(H) National Park Service land

The term “National Park Service land” means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as “NPS Exchange Lands”.

(2) Exchange of General Services Administration land and County land

The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

(3) Exchange of National Park Service land and District land

(A) In general

As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

(B) Use of National Park Service land

The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

(C) Boundary adjustment

On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

(4) Availability of map

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

(Pub. L. 101-229, title I, §102, Dec. 13, 1989, 103 Stat. 1947; Pub. L. 108-483, §1, Dec. 23, 2004, 118 Stat. 3919.)

Editorial Notes

CODIFICATION

In subsec. (b), “section 100506(c) of title 54” substituted for “section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 [sic] and following)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

In subsec. (d), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710,

and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-483, § 1(1), designated first sentence as par. (1), designated second sentence as par. (2), inserted par. headings, and added par. (3).

Subsec. (h). Pub. L. 108-483, § 1(2), added subsec. (h).

§ 410r-7. Administration

(a) In general

The Secretary shall administer the areas within the addition in accordance with sections 410r-5 to 410r-8 of this title and other provisions of law applicable to the Everglades National Park, and with the provisions of law generally applicable to units of the national park system, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).¹ In order to further preserve and protect Everglades National Park, the Secretary shall utilize such other statutory authority as may be available to him for the preservation of wildlife and natural resources as he deems necessary to carry out the purposes of sections 410r-5 to 410r-8 of this title.

(b) Protection of ecosystem

The Secretary shall manage the park in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

(c) Protection of flora and fauna

The park shall be closed to the operation of airboats—

- (1) except as provided in subsection (d); and
- (2) except that within a limited capacity and on designated routes within the addition, owners of record of registered airboats in use within the addition as of January 1, 1989, shall be issued nontransferable, nonrenewable permits, for their individual lifetimes, to operate personally-owned airboats for noncommercial use in accordance with rules prescribed by the Secretary to determine ownership and registration, establish uses, permit conditions, and penalties, and to protect the biological resources of the area.

(d) Concession contracts

The Secretary is authorized to negotiate and enter into concession contracts with the owners of commercial airboat and tour facilities in existence on or before January 1, 1989, located within the addition for the provision of such services at their current locations under such rules and conditions as he may deem necessary for the accommodation of visitors and protection of biological resources of the area.

(e) Marjory Stoneman Douglas Visitor Center

The Secretary is authorized and directed to expedite the construction of the visitor center

facility at Everglades City, Florida, as described in the Development Concept Plan, Gulf Coast, dated February 1989, and upon construction shall designate the visitor center facility as “The Marjory Stoneman Douglas Center” in commemoration of the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and Everglades National Park.

(f) Ernest F. Coe Visitor Center

On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the “Ernest F. Coe Visitor Center”, to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.

(Pub. L. 101-229, title I, § 103, Dec. 13, 1989, 103 Stat. 1948; Pub. L. 105-82, §§ 4, 5, Nov. 13, 1997, 111 Stat. 1541, 1542.)

Editorial Notes

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved 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.

AMENDMENTS

1997—Subsec. (c)(2). Pub. L. 105-82, § 5(1), substituted “personally-owned” for “personally-owned”.

Subsec. (e). Pub. L. 105-82, § 5(2), substituted “Marjory Stoneman Douglas Visitor Center” for “Visitor Center” in heading.

Subsec. (f). Pub. L. 105-82, § 4, added subsec. (f).

Statutory Notes and Related Subsidiaries

FINDINGS AND PURPOSE OF 1997 AMENDMENT

Pub. L. 105-82, § 2, Nov. 13, 1997, 111 Stat. 1540, provided that:

“(a) FINDINGS.—Congress finds that—

“(1)(A) Marjory Stoneman Douglas, through her book, ‘The Everglades: River of Grass’ (published in 1947), defined the Everglades for the people of the United States and the world;

“(B) Mrs. Douglas’s book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem’s health;

“(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

“(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

¹ See References in Text note below.