

1971, with respect to the preserve and January 1, 1986, with respect to the Addition which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed in November 23, 1971, or January 1, 1986, as the case may be, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971 or January 1, 1986, as the case may be.¹

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-440, §3, Oct. 11, 1974, 88 Stat. 1259; Pub. L. 100-301, §4(f), Apr. 29, 1988, 102 Stat. 445.)

Editorial Notes

AMENDMENTS

1988—Subsec. (b)(i). Pub. L. 100-301, §4(f)(1), inserted “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971.”

Subsec. (b)(ii). Pub. L. 100-301, §4(f)(2)(A), inserted “with respect to the preserve and January 1, 1986, with respect to the Addition” after “November 23, 1971.”

Pub. L. 100-301, §4(f)(2)(B), which directed insertion of “or January 1, 1986, as the case may be,” after “November 23, 1971,” the second and third places it appears, was executed by making the insertion after “November 23, 1971,” the second place it appears and after “November 23, 1971” preceding the period as the probable intent of Congress.

§ 698i. Administration of Big Cypress Preserve; applicability of other laws; rules and regulations for use of lands and waters; transportation facilities; consultation and cooperation with Secretary of Transportation

(a) The area within the boundaries depicted on the map referred to in section 698f of this title

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

¹ See References in Text note below.

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

¹ See 1988 Amendment note below.

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 ceremonies.

(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.

(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”.

§ 698l. 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).