

110TH CONGRESS
2D SESSION

S. 2804

To adjust the boundary of the Everglades National Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2008

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To adjust the boundary of the Everglades National Park,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Everglades National
5 Park Boundary Adjustment Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Tarpon Basin property proposed for ac-
9 quisition by the Secretary (acting through the Direc-

1 tor of the National Park Service) contains habitat
2 for—

3 (A) the wood stork and the West Indian
4 manatee, each of which is listed as an endan-
5 gered species under the Endangered Species
6 Act of 1973 (16 U.S.C. 1531 et seq.); and

7 (B) the roseate spoonbill and the white-
8 crowned pigeon, each of which is listed as a
9 threatened species by the Florida Game and
10 Fresh Water Fish Commission;

11 (2) the Tarpon Basin property also includes ap-
12 proximately 10 acres of subtropical hardwood ham-
13 mock, a habitat found only in South Florida and the
14 Florida Keys;

15 (3) more than 70 percent of the hardwood ham-
16 mock in South Key Largo has been lost to develop-
17 ment; and

18 (4) vessel owners often anchor the vessels of the
19 owners in a saltwater pond—

20 (A) that is located within the Tarpon
21 Basin property; and

22 (B) to protect the vessels from tropical
23 storms and hurricanes.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) HURRICANE HOLE.—The term “Hurricane
2 Hole” means the saltwater pond that—

3 (A) is located east of the Intracoastal Wa-
4 terway as the Waterway passes through
5 Dusenbury Creek; and

6 (B) has been used historically to moor sail-
7 boats during tropical storms and hurricanes.

8 (2) MAP.—The term “map” means the map en-
9 titled “Proposed Tarpon Basin Boundary Revision”
10 and dated April 14, 2003.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (4) TARPON BASIN PROPERTY.—The term
14 “Tarpon Basin property” means the land that—

15 (A) is comprised of approximately 600
16 acres of land and water surrounding Tarpon
17 Basin, as generally depicted on the map; and

18 (B) is located in South Key Largo.

19 **SEC. 4. BOUNDARY REVISION.**

20 (a) BOUNDARY REVISION.—The boundary of the Ev-
21 erglades National Park is adjusted to include the Tarpon
22 Basin property.

23 (b) ACQUISITION AUTHORITY.—

24 (1) IN GENERAL.—In accordance with para-
25 graph (2), the Secretary may acquire, through a vol-

1 untary donation, sale, or exchange, any land or in-
2 terest in land that is located in the Tarpon Basin
3 property.

4 (2) REQUIREMENT RELATING TO SALES.—With
5 respect to a sale to acquire any land or interest in
6 land under paragraph (1) that is located in the Tar-
7 pon Basin property, the Secretary may only use do-
8 nated or appropriated funds.

9 (c) AVAILABILITY OF MAP.—The map shall be on file
10 and available for public inspection in the appropriate of-
11 fices of the National Park Service.

12 (d) ADMINISTRATION.—The Secretary shall admin-
13 ister each land and water added to the Everglades Na-
14 tional Park by subsection (a), or through a voluntary do-
15 nation, sale, or exchange under subsection (b)—

16 (1) as part of the Everglades National Park;
17 and

18 (2) in accordance with applicable laws (includ-
19 ing regulations).

20 **SEC. 5. USE OF HURRICANE HOLE.**

21 (a) AUTHORITY TO ISSUE PERMITS.—The Secretary
22 may issue a permit to any owner of a sailing vessel who,
23 before the date of enactment of this Act, had secured the
24 sailing vessel of the owner in Hurricane Hole to protect
25 the sailing vessel from a tropical storm or hurricane.

1 (b) ELIGIBILITY.—

2 (1) EVIDENCE OF PRIOR USE.—To be eligible
3 to receive a permit under subsection (a), an owner
4 of a sailing vessel shall provide to the Secretary evi-
5 dence that the Secretary determines to be sufficient
6 to establish that the owner of the sailing vessel had,
7 before the date of enactment of this Act, secured the
8 sailing vessel of the owner in Hurricane Hole to pro-
9 tect the vessel from a tropical storm or hurricane.

10 (2) INDEMNITY REQUIREMENT.—To be eligible
11 to receive a permit under subsection (a), an owner
12 of a sailing vessel shall agree to hold the United
13 States harmless, and to indemnify the United States
14 from any claim or damage that may arise from any
15 activity conducted under the permit (including dam-
16 age to the sailing vessel that is the subject of the
17 permit).

18 (c) CONDITIONS OF PERMIT.—

19 (1) SAILING VESSELS.—A permit issued under
20 subsection (a) shall be valid only for a sailing vessel.

21 (2) TRANSFERABILITY.—A permit issued under
22 subsection (a) shall not be transferrable.

23 (3) EXPIRATION.—A permit issued under sub-
24 section (a) shall expire on the date of the death of
25 the holder of the permit.

1 (d) PROTECTION OF RESOURCES.—

2 (1) AUTHORITY OF SECRETARY.—The Sec-
3 retary may include in a permit issued under sub-
4 section (a) any term or condition that the Secretary
5 determines to be necessary—

6 (A) to protect the resources of the Ever-
7 glades National Park; and

8 (B) to ensure the safety of the public at
9 the Everglades National Park.

10 (2) BOND.—To accomplish each goal described
11 in paragraph (1), the Secretary may require each
12 holder of a permit issued under subsection (a) to
13 post a bond.

14 (e) FEES.—The Secretary may charge a fee to re-
15 cover the cost of issuing, and monitoring the compliance
16 of, the permits under subsection (a).

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as are necessary to carry out this Act.

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