Public Law 93-440

AN ACT

To establish the Big Cypress National Preserve in the State of Florida, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.

(b) The Big Cypress National Preserve (hereafter referred to as the "preserve") shall comprise the area generally depicted on the map entitled "Big Cypress National Preserve", dated November 1971 and numbered BC-91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: Provided, That any lands owned or acquired by the State of Florida, or any of its subdivisions, may be acquired by donation only: Provided further, That no Federal funds shall be appropriated until the Governor of Florida executes an agreement on behalf of the State which (i) provides for the transfer to the United States of all lands within the preserve previously owned or acquired by the State and (ii) provides for the donation to the United States of all lands acquired by the State within the preserve pursuant to the provision of "the Big Cypress Conservation Act of 1973" (Chapter 73-181 of the Florida Statutes) or provides for the donation to the United States of any remaining moneys appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by this Act, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve, exclude such interest in acquiring any lands within the preserve. Notwithstanding the provisions of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 1904) the Secretary (i) may evaluate any offer to sell land within the preserve by any landowner and may, in his discretion, accept any offer not in excess of $10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve without notice to the owner or owners thereof. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.
SEC. 2. (a) In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73-131 of the Florida statutes, "The Big Cypress Conservation Act of 1973", the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this Act.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, and it shall terminate by operation of law upon the Secretary’s notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means:

(i) a detached, one family dwelling, construction of which was begun before November 23, 1971, 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, 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, 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.

(c) 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 203,
204, 205, and 206 of the Uniform Relocation Assistance and Real
Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the
purposes of such sections such owner shall not be considered a dis­
placed person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map
referred to in section 1 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 this Act and with the provisions of the Act of August 25,

(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 min­
erals,
(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 this Act:
Provided, That the Secretary shall consult and cooperate with
the Secretary of Transportation to assure that necessary trans­
portation facilities shall be located within existing or reasonably
expanded rights-of-way and constructed within the reserve in a
manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping
on lands and waters under his jurisdiction within the preserve 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 man­
agement, 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 this Act, 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 Secre­
tary, to continue their usual and customary use and occupancy of Fed­
eral or federally acquired lands and waters within the preserve,
including hunting, fishing, and trapping on a subsistence basis and
traditional tribal ceremonials.

SEC. 6. 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, were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve 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, 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 the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20).

No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

Sec. 7. Within five years from the date of the enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1131 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $116,000,000 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.

Approved October 11, 1974.

Public Law 93-441

AN ACT

To authorize the Secretary of the Treasury to change the alloy and weight of the one-cent piece and to amend the Bank Holding Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3515 of the Revised Statutes (31 U.S.C. 317) is amended by inserting “(a)” immediately prior to “The minor coins” and by adding at the end thereof the following new subsections:

“(b) Whenever in the judgment of the Secretary of the Treasury such action is necessary to assure an adequate supply of coins to meet the national needs, he may prescribe such composition of copper and zinc in the alloy of the one-cent piece as he may deem appropriate. Such one-cent pieces shall have such weight as may be prescribed by the Secretary.