

## H.R. 146

### Omnibus Public Land Management Act of 2009 (Enrolled as Agreed to or Passed by Both House and Senate)

#### SEC. 7107. EVERGLADES NATIONAL PARK.

(a) Inclusion of Tarpon Basin Property-

(1) DEFINITIONS- In this subsection:

(A) HURRICANE HOLE- The term `Hurricane Hole' means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP- The term `map' means the map entitled `Proposed Tarpon Basin Boundary Revision', numbered 160/80,012, and dated May 2008.

(C) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY- The term `Tarpon Basin property' means land that--

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION-

(A) IN GENERAL- The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY- The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP- The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION- Land added to Everglades National Park by this section shall be administered as part of Everglades

National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE- The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) Land Exchanges-

(1) DEFINITIONS- In this subsection:

(A) COMPANY- The term `Company' means Florida Power & Light Company.

(B) FEDERAL LAND- The term `Federal Land' means the parcels of land that are--

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as--

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP- The term `map' means the map prepared by the National Park Service, entitled `Proposed Land Exchanges, Everglades National Park', numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK- The term `National Park' means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND- The term `non-Federal land' means the land in the State that--

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as `Tract D'.

(F) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(G) STATE- The term `State' means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE-

(A) IN GENERAL- Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United

States in and to the Federal land generally depicted on the map as `Tract A'.

(B) CONDITIONS- The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION-

(i) IN GENERAL- The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION- If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS- Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS- Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY-

Land acquired by the Secretary under subparagraph (A) shall--

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY-

(A) IN GENERAL- Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as `Tract D', and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as `Tract B', along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS- The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION-

(i) IN GENERAL- The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION- If the values of the land are not equal, the values may be equalized by donation, payment

using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL- Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS- Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY- Land acquired by the Secretary under subparagraph (A) shall--

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

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

(5) BOUNDARY REVISION- On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.