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SENATE

{ REPORT  
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### JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2004

AUGUST 25, 2004.—Ordered to be printed

Filed, under authority of the order of the Senate of July 22, 2004

Mr. DOMENICI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 2287]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2287) to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 12, strike “81000” and insert “80100”.

On page 3, strike lines 3 through 12 and insert the following:

“(B) LIMITATIONS.—

“(i) IN GENERAL.—With respect to the areas on the map identified as ‘Bayou aux Carpes Addition’ and ‘CIT Tract Addition’—

“(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

“(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) EASEMENTS.—Any Federal land in the area identified on the map as ‘CIT Tract Addition’ that is transferred under clause (i)(I) shall be subject to any easements that have

been agreed to by the Secretary and the Secretary of the Army.”;

#### PURPOSE OF THE MEASURE

The purposes of S. 2287 are to adjust the boundary of the Barataria Marsh Unit of the Jean Lafitte Historical Park and Preserve in Louisiana, to authorize the addition of approximately 3,900 acres to the park, to designate the Barataria Marsh Unit as the “Barataria Preserve Unit” and to increase the statutory acreage ceiling for the Barataria Preserve to 23,000 acres.

#### BACKGROUND AND NEED

Jean Lafitte National Historical Park and Preserve was established to preserve significant examples of the rich natural and cultural resources of Louisiana’s Mississippi Delta region. The park consists of six physically separate sites. The sites include cultural centers in Lafayette, Thibodaux, and Eunice, the Chalmette Battlefield, Barataria Preserve, and the park’s headquarters and visitor center located in New Orleans’ French Quarter. The Lafayette, Thibodaux, and Eunice culture centers preserve and interpret examples of the Acadian culture of the area. The Chalmette Battlefield and National Cemetery commemorate the site of the 1815 Battle of New Orleans. The Barataria Preserve interprets the culture of those who settled the area and the unique ecosystem that sustained them, and preserves a representative example of the Delta’s environment, containing natural levee forests, bayous, swamps and marshes.

S. 2287 amends the enabling legislation for the John Lafitte National Park and Preserve to add important estuarine and freshwater wetlands to the Barataria Unit, allowing the park boundary to conform to existing waterways and levee corridors. The expanded park boundary would include wetlands that are part of the Barataria-Terrebonne National Estuary, which has been described as the most biologically productive estuary in North America, and has also suffered a significant loss of coastal wetlands.

S. 2287 adds to the Barataria Unit approximately 3,900 acres. Approximately 3,083 acres of the addition are already owned by the United States, including 2,268 acres in the Bayou aux Carpes area and 815 acres of the Bayou Segnette.

The Bayou aux Carpes wetlands were acquired by the Justice Department in 1996 as a result of the settlement of a lawsuit. Although the National Park Service has constructive possession of the deeds, it lacks legal management authority. The area has exemplary natural resource values and has been designated by the Environmental Protection Agency as a wetland of significant value. Most importantly, because of the hydrologic connection between the two areas, the environmental health of the Barataria unit is dependent on the continued health of the Bayou aux Carpes.

The Bayou Segnette wetlands are presently managed by the Army Corps of Engineers, which supports the transfer of these lands to the National Park Service once the hurricane protection levee is complete and subject to access easements for the local levee district. The inclusion of this area in the Barataria Unit will allow

for better control over water entering the park from outside sources.

S. 2287 also authorizes the acquisition, from willing sellers, of approximately 821 acres of privately owned lands. Approximately half of this area is designated as jurisdictional wetlands, with limited access and no potential for development and has been included within the boundary at the request of the owners.

Addition of the 3,900 acres to the Barataria Unit will increase the acreage of the unit beyond its statutory ceiling of 20,000 acres. S. 2287 increases this ceiling to 23,000 acres to accommodate the addition. Finally, the bill designates the Barataria Marsh Unit as the “Barataria Preserve Unit.”

#### LEGISLATIVE HISTORY

S. 2287 was introduced by Senator Landrieu on April 6, 2004. The Senate Subcommittee on National Parks held a hearing on S. 2287 on June 8, 2004. The Committee on Energy and Natural Resources ordered S. 2287, amended as favorably reported on July 14, 2003.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on July 14, 2004, by a unanimous voice vote of a quorum present, recommends that the senate pass S. 2287, if amended as described herein.

#### COMMITTEE AMENDMENTS

During its consideration of S. 2287, the Committee adopted two amendments. The first makes a change to correct a map reference. The second modifies section 2(b) to clarify that Federal lands added to the park are to be transferred to the National Park Service without consideration. The amendment also clarifies that the transfer of the tract administered by the Army Corps of Engineers is subject to certain easements as agreed to by the Secretary of the Interior and the Secretary of the Army. The amendment is described in detail in the section-by-section analysis below.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles this bill the “Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2004.”

Section 2(a) amends section 901 of the National Park and Recreation Act of 1978 (16 U.S.C. 230), the enabling Act for the Jean Lafitte National Historical Park and Preserve (the Act), to increase the acreage ceiling for the Barataria Unit to 23,000 acres. The section also references a map depicting the new boundary of the Barataria Unit.

Subsection (b) amends section 902 of the Act to authorize the Secretary of the Interior (Secretary) to acquire the lands referenced in section 2(a) by donation, exchange, purchase or transfer. This subsection also revises the authority of the Secretary to acquire interests within the boundary of the Barataria Preserve Unit and imposes limitations on the acquisition of lands within the Preserve, including that lands may be acquired only with the consent of the

owner. Federally administered lands within the addition are to be transferred without consideration to the National Park Service, subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

Subsection (c) amends section 906 of the Act to remove an exemption for hunting, trapping and fishing within the core area of the Preserve and lands acquired pursuant to section 902(c) and authorizes the Secretary to prohibit hunting, fishing, and trapping, for safety purposes.

Subsection (d) makes a clarifying amendment to section 906 of the Act.

Section 3 designates the Barataria Marsh Unit as the Barataria Preserve Unit and makes other conforming amendments.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

##### *S. 2287—Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2004*

S. 2287 would expand by 3,000 acres the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in Louisiana. The bill also would allow the National Park Service (NPS) to acquire land within the unit's boundaries by transfer from other federal agencies in addition to other methods such as purchase or donation.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2287 would cost between \$1 million and \$5 million over the next several years, depending on how much private land is acquired for the unit and on the final appraised value of that property. We estimate that acquiring privately owned wetlands and two large tracts of federally owned property (some of which is located inside the existing boundary but cannot be acquired without transfer authority) would cost around \$1 million. If the NPS also purchases some of the 86 acres of private uplands in the Bayou aux Carpes addition area, total implementation costs would increase by up to \$4 million over several years. We estimate that costs to develop and manage the additional acreage would be minimal. This estimate is based on information provided by the NPS.

S. 2287 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2287.

The bill is not a regulatory measure in the sense of imposing government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2287.

#### EXECUTIVE COMMUNICATIONS

On June 2, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2287. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 2287 follows:

#### STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 2287. This bill would adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve (Park) in Louisiana.

The Department supports S. 2287 with the amendments included in this testimony. This bill would authorize the Secretary of the Interior (Secretary) to acquire more than 3,900 acres adjacent to the Barataria Preserve (Preserve) unit of the park by transferring existing federally owned lands to the National Park Service (NPS), which would expand the authorized acreage of the Barataria Preserve from approximately 20,000 acres, to approximately 23,000 acres. The bill would also make clarifying amendments to Title IX of the National Parks and Recreation Act of 1978, the legislation that established the park.

The Jean Lafitte National Historical Park and Preserve was established to preserve significant examples of the rich natural and cultural resources of Louisiana's Mississippi Delta region. The park illustrates the influence of environment and history on the development of a unique regional culture. The Barataria Preserve, one of the park's six units and currently consisting of approximately 18,400 acres, is located in Jefferson Parish, about 10 miles south of New Orleans.

The boundary expansion proposed by S. 2287 would allow the addition of estuarine and freshwater wetlands to the Barataria Preserve's boundaries, allowing the boundary to conform to existing waterways and levee corridors that mark the interface between developable land and estuarine wetlands. The expanded boundary would also include wetlands that are part of the Barataria-Terrebonne National Estuary, the most biologically productive in

North America, which has experienced the highest rate of land loss of any of our coastal wetlands.

S. 2287 would transfer to NPS primarily wetlands already in federal ownership, but unavailable for public use at “Bayou aux Carpes” and “Bayou Segnett”, two of the three study areas that a 1996 NPS boundary study found to be appropriate and feasible for inclusion within the boundary of the preserve. The study also concluded that adding the two areas would enhance interagency management of the upper Barataria basin.

S. 2287 would add all of the Bayou aux Carpes area, consisting of approximately 2,905 acres, to the park. Approximately 2,268 acres within this area are wetlands acquired by the Justice Department in 1996 as the result of the settlement of a lawsuit. Currently, the NPS has constructive possession of the deeds for these lands but no authority to manage them.

The bill would also add approximately 815 acres of the Bayou Segnette area, also referred to as the “CIT Tract”. The CIT Tract consists of wetlands owned by the U.S. Army Corps of Engineers (Corps) as the result of a separate lawsuit settled in 1994. The Corps has indicated its willingness to transfer management authority for these lands to the NPS once the Hurricane Protection Levee is complete and an easement is granted to the local levee district along the boundary of the tract.

S. 2287 would also include approximately 821 acres of private property, in 10 tracts, within the park boundary which could be acquired by the Secretary from willing sellers. The NPS has contacted all of the owners of these properties, and none have opposed the boundary change. Four of the tracts, totaling approximately 250 acres, are extensions of wetland properties already within the present boundary. An additional 485-acre tract is entirely jurisdictional wetlands with limited access and no potential for development. The owners of this property have petitioned members of Congress for legislation that includes them within a new boundary. While appraisals have not been completed, estimates based on other recently appraised wetlands would result in a potential cost of approximately \$170,000 for all of these wetlands, if they were acquired.

The remaining five tracts of private property, about 86 acres, are not jurisdictional wetlands. The owners of the two largest properties, each just under 40 acres, have expressed their interest in being included within a new boundary, and a willingness to consider selling to the NPS. One of these properties has a single residence upon it, the owner of which would be granted lifetime occupancy in the event of federal acquisition, in accordance with the legislation that established the park. A small swamp tour business is located on the other 40-acre property and the owners of both the property and the business have expressed their support for inclusion of the property within the boundary. The park does not anticipate acquiring these lands at this time, and appraisals have not been com-

pleted. NPS is also unaware of any recent nearby sales that could serve as a comparison. However, in the past NPS has paid between \$10,000 and \$80,000 per acre for comparable land within the boundary with the higher figure for lots that included utilities, highway, and waterfront access. These lands are isolated, accessible only by a dirt road and do not include utilities, highway or waterfront access. Although the potential price range per acre is large, NPS believes that if these lands were appraised the cost per acre would be in the lower end of the range. If a figure of \$25,000 per acre is used, the cost for these 86 acres could potentially be approximately \$2.1 million.

The expanded boundary proposed in S. 2287 would also include a State-owned highway right-of-way and State-owned hurricane protection levee properties that run along the current boundary. Although these properties would remain in State ownership, their inclusion within the new boundary would provide opportunities for partnerships between the NPS and the State or its subdivisions for law enforcement and boundary patrol.

Managing the additional lands, consisting of boat patrols conducted with varying frequency, could have an effect on park operational costs. Because the lands would remain undeveloped we estimate that it could cost approximately an additional \$100,000 to manage them. A more accurate budget estimate would depend upon many factors, including the ability of the Park to reallocate resources and future plans for the addition. The addition of the federal properties would not contribute to the maintenance backlog because no facilities would be added and the federal lands would be acquired by direct transfer and would not involve acquisition costs other than those to process the transfer.

The NPS has had extensive consultations with local governments and taken appropriate steps to increase public awareness on the proposed actions in S. 2287. In 1999, both the Jefferson Parish Council and the Village of Jean Lafitte adopted resolutions that support the Federal land transfers.

S. 2287 would also amend Title IX of the National Parks and Recreation Act of 1978 to make corrections in the name of the park and the Barataria unit and amend several provisions that are obsolete or need clarification, including removing references to a "Park Protection Zone" that was never established by local or State government.

We recommend four amendments to S. 2287, which are attached to this testimony. The first corrects the map reference in the bill. The second clarifies that the lands involved would be transferred to the NPS at no cost, the way similar intergovernmental transfers have typically taken place in other NPS areas. The third and fourth amendments would ensure that the needs of both the local levee district and the Service are satisfied with respect to the Hurricane Protection Levee along the boundary of the tract.

Mr. Chairman, that completes my testimony. I would be pleased to answer any questions you or other members of the subcommittee may have.

PROPOSED AMENDMENTS—S. 2287, JEAN LAFITTE NATIONAL  
HISTORICAL PARK

On page 2, line 11, strike “numbered 467/81000” and insert “numbered 467/80100”.

On page 3, line 7, insert “at no cost” after “shall be transferred”.

On page 3, line 9, strike “and”.

On page 3, line 12, strike the period and insert “; and” and insert a new subparagraph (iii), as follows:

“(iii) the CIT Tract shall be transferred subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2287, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 95–625

An Act To authorize additional appropriations for the acquisition of lands and interests in lands within the sawtooth national recreation area in idaho

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the “National Parks and Recreation Act of 1978”.

\* \* \* \* \*

**TITLE IX—[JEAN LAFITTE NATIONAL HISTORICAL PARK] JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE**

SEC. 901. In order to preserve for the education, inspiration, and benefit of present and future generations significant examples of natural and historical resources of the Mississippi Delta region and to provide for their interpretation in such manner as to portray the development of cultural diversity in the region, there is authorized to be established in the State of Louisiana the Jean Lafitte National Historical Park and Preserve (hereinafter referred to as the “park”). The park shall consist of (1) the area of approximately [twenty thousand acres generally depicted on the map entitled “Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve” numbered 90,000B and dated April 1978.] 23,000 acres generally depicted on the map entitled “Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve”,

*numbered 467/80100 and dated August 2002, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior; (2) the area known as Big Oak Island; (3) an area or areas within the French Quarter section of the city of New Orleans as may be designated by the Secretary of the Interior for an interpretive and administrative facility; (4) the Chalmette National Historical Park; and (5) such additional natural, cultural, and historical resources in the French Quarter and Garden District of New Orleans, forts in the delta region, plantations, and Acadian towns and villages in the Saint Martinville area and such other areas and sites as are subject to cooperative agreements in accordance with the provisions of this title.*

SEC. 902. [(a) Within the Barataria Marsh Unit the Secretary is authorized to acquire not to exceed eight thousand acres of lands, waters, and interests therein (hereinafter referred to as the "core area"), as depicted on the map referred too in the first section of this title, by donation, purchase with donated or appropriated funds, or exchange.]

(a) *IN GENERAL.*—

(1) *BARATARIA PRESERVE UNIT.*—

(A) *IN GENERAL.*—*The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.*

(B) *LIMITATIONS.*—

(i) *IN GENERAL.*—*With respect to the areas on the map identified as "Bayou aux Carpes Addition" and "CIT Tract Addition"—*

*(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and*

*(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.*

(ii) *EASEMENTS.*—*Any Federal land in the area identified on the map as "CIT Tract Addition" that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.*

[The Secretary may also]

(2) *FRENCH QUARTERS.*—*The Secretary may acquire by any of the foregoing methods such lands and interests therein, including leasehold interests, as he may designate in the French Quarter of New Orleans for development and operation as an interpretive and administrative facility. [Lands, waters, and interests therein]*

(3) *ACQUISITION OF STATE LAND.*—*Land, water, and interests in land and water owned by the State of Louisiana or any political subdivision thereof may be acquired only by donation.*

(4) *ACQUISITION OF OIL AND GAS RIGHTS.*—*In acquiring property pursuant to this title, the Secretary may not acquire*

rights to oil and gas without the consent of the owner, but the exercise of such rights shall be subject to such regulations as the Secretary may promulgate in furtherance of the purposes of this title.

[(b) With respect to the lands, waters, and interests therein generally depicted as the “park protection zone” on the map referred to in the first section of this title, the Secretary shall, no later than six months from the date of enactment of this Act, in consultation with the affected State and local units of government, develop a set of guidelines or criteria applicable to the use and development of properties within the park protection zone to be enacted and enforced by the State or local units of government.

[(c) The purpose of any guideline developed pursuant to subsection (b) of this section shall be to preserve and protect the following values within the core area:

- [(1) fresh water drainage patterns from the park protection zone into the core area;
- [(2) vegetative cover;
- [(3) integrity of ecological and biological systems; and
- [(4) water and air quality.

[(d) Where the State or local units of government deem it appropriate, they may cede to the Secretary, and the Secretary is authorized to accept, the power and authority to confect and enforce a program or set of rules pursuant to the guidelines established under subsection (b) of this section for the purpose of protecting the values described in subsection (c) of this section.

[(e) The Secretary, upon the failure of the State or local units of government to enact rules pursuant to subsection (b) of this section or enforce such rules so as to protect the values enumerated in subsection (c) of this section, may acquire such lands, servitudes, or interests in lands within the park protection zone as he deems necessary to protect the values enumerated in subsection (c) of this section.

[(f) The Secretary may revise the boundaries of the park protection zone, notwithstanding any other provision of law, to include or exclude properties, but only with the consent of Jefferson Parish.]

(b) *RESOURCE PROTECTION.*—*With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—*

- (1) *fresh water drainage patterns;*
- (2) *vegetative cover;*
- (3) *the integrity of ecological and biological systems; and*
- (4) *water and air quality.*

[(g)] (c) *ACADIAN VILLAGES AND TOWNS.*—The Secretary is authorized to acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, not to exceed approximately 20 acres, in Acadian villages and towns. Any lands so acquired shall be developed, maintained and operated as part of the [Jean Lafitte National Historical Park.] *Jean Lafitte National Historical Park and Preserve.*

SEC. 903. Within the [Barataria Marsh Unit] *Barataria Preserve Unit*, the owner or owners of improved property used for non-commercial residential purposes on a year-round basis may, as a condition of the acquisition of such property by the Secretary, elect to retain a right of use and occupancy of such property for non-

commercial residential purposes if, in the judgment of the Secretary, the continued use of such property for a limited period would not unduly interfere with the development or management of the park. Such right of use and occupancy may be either a period ending on the death of the owner or his spouse, whichever occurs last, or a term of not more than twenty-five years, at the election of the owner. Unless the property is donated, the Secretary shall pay to the owner the fair market value of the property less the fair market value of the right retained by the owner. Such right may be transferred or assigned and may be terminated by the Secretary, if he finds that the property is not used for noncommercial residential purposes, upon tender to the holder of the right an amount equal to the fair market value of the unexpired term. As used in this section, the term "improved property" means a single-family, year-round dwelling, the construction of which was begun before January 1, 1977, which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located which the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling.

SEC. 904. In furtherance of the purposes of this title, and after consultation with the Commission created by section 7 of this title, the Secretary is authorized to enter into cooperative agreements with the owners of properties of natural, historical, or cultural significance, including but not limited to the resources described in paragraphs (1) through (5) of the first section of this title, pursuant to which the Secretary may mark, interpret, restore and/or provide technical assistance for the preservation and interpretation of such properties, and pursuant to which the Secretary may provide assistance including management services, program implementation, and incremental financial assistance in furtherance of the standards for administration of the park pursuant to section 906 of this title. Such agreements shall contain, but need not be limited to, provisions that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public, and that no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements. The agreements may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, interpretation, and maintenance of such properties.

SEC. 905. Within the [Barataria Marsh Unit] *Barataria Preserve Unit*, the Secretary shall permit hunting, fishing (including commercial fishing), and trapping in accordance with applicable Federal and State laws, except that [within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he] *the Secretary* may designate zones where permitted for reasons of public safety. Except in emergencies, any regulations of the Secretary promulgated under this section shall be put into effect only after consultation with the appropriate fish and game agency of Louisiana.

SEC. 906. [The Secretary shall establish the park by publication of a notice to that effect in the Federal Register at such time as he finds that, consistent with the general management plan referred to in section 908, sufficient lands and interests therein (i) have been acquired for interpretive and administrative facilities, (ii) are being protected in the core area, and (iii) have been made the subject of cooperative agreements pursuant to section 904.] [Pending such establishment and thereafter the] *The* Secretary shall administer the park in accordance with the provisions of this title, the Act of August 25, 1916 (39 Stat. 535), the Act of August 21, 1935 (49 Stat. 666), and any other statutory authorities available to him for the conservation and management of natural, historical, and cultural resources.

SEC. 907. (a) There is established the Delta Region Preservation Commission (hereinafter referred to as the "Commission"), which shall consist of the following:

(1) two members appointed by the Governor of the State of Louisiana;

(2) two members appointed by the Secretary from recommendations submitted by the President of Jefferson Parish;

(3) two members appointed by the Secretary from recommendations submitted by the Jefferson Parish Council;

(4) two members appointed by the Secretary from recommendations submitted by the mayor of the city of New Orleans;

(5) one member appointed by the Secretary from recommendations submitted by the commercial fishing industry;

(6) three members appointed by the Secretary from recommendations submitted by local citizen conservation organizations in the delta region; and

(7) one member appointed by the Chairman of the National Endowment for the Arts.

(b) Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the non-Federal members of the Commission in carrying out their duties.

(c) The function of the Commission shall be to advise the Secretary in the selection of sites for inclusion in the park, in the development and implementation of a general management plan, and in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the region. The Commission shall inform interested members of the public, the State of Louisiana and its political subdivisions, and interested Federal agencies with respect to existing and proposed actions and programs having a material effect on the perpetuation of a high-quality natural and cultural environment in the delta region.

(d) The Commission shall act and advise by affirmative vote of a majority of its members: *Provided*, That any recommendation of the Commission that affects the use or development, or lack thereof, of property located solely within a single parish or municipality shall have the concurrence of a majority of the members appointed from recommendations submitted by such parish or municipality.

(e) The Directors of the Heritage Conservation and Recreation Service and the National Park Service shall serve as ex officio

members of the Commission and provide such staff support and technical services as may be necessary to carry out the functions of the Commission.

SEC. 908. (a) There is authorized to be appropriated, to carry out the provisions of this title, not to exceed \$50,000,000 from the Land and Water Conservation Fund for acquisition of lands, waters, and interests therein and such sums as necessary for the development of essential facilities.

(b) Within three years from the date of enactment of this title, the Secretary, after consultation with the Commission, shall submit to the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a general management plan for the park indicating—

- (1) transportation alternatives for public access to the park;
- (2) the number of visitors and types of public use within the park which can be accommodated in accordance with the protection of its resources;
- (3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses; and
- (4) a statement setting forth the actions which have been and should be taken to assure appropriate protection, interpretation, and management of the areas known as Big Oak Island and Couba Island.

SEC. 909. The area described in the Act of October 9, 1962 (76 Stat. 755), as the “Chalmette National Historical Park” is hereby redesignated as the Chalmette Unit of the **【Jean Lafitte National Historical Park】** *Jean Lafitte National Historical Park and Preserve*. Any references to the Chalmette National Historical Park shall be deemed to be references to said Chalmette Unit.

SEC. 910. By no later than the end of the first full fiscal year following the date of enactment of this section, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive report with recommendations as to sites within the Mississippi River Delta Region which constitute nationally significant examples of natural resources within that region.