

JEAN LAFITTE NATIONAL HISTORICAL PARK AND  
PRESERVE BOUNDARY ADJUSTMENT ACT OF 2007

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APRIL 17, 2007.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 162]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 162) 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, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 162 is to expand the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana.

BACKGROUND AND NEED FOR LEGISLATION

The Jean Lafitte National Historical Park and Preserve is comprised of six separate areas including sites in Lafayette, Thibodaux and Eunice as well as the Chalmette Battlefield, Barataria Preserve and the park's Headquarters in New Orleans, Louisiana. The park was established to preserve significant examples of the natural and cultural resources of Louisiana's Delta region. Specifically, the Barataria Preserve unit consists of approximately 18,400 acres located in Jefferson Parish, about ten miles south of New Orleans.

As the result of litigation, the federal government owns more than 3,000 acres adjoining the Barataria Preserve Unit. Because the land is not within the boundary of the park, however, it is not

managed by the National Park Service and is not available for public use. Congressional authorization is required to include these lands within the park.

#### COMMITTEE ACTION

H.R. 162 was introduced on January 4, 2007, by Representative Bobby Jindal (R-LA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. During the 109th Congress, the Subcommittee held a hearing on nearly identical legislation (H.R. 1515).

On March 7, 2007, the Subcommittee was discharged by unanimous consent and the full Natural Resources Committee met to consider the bill. No amendments were offered. The bill was ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 entitles the bill the “Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007.”

##### *Section 2. Jean Lafitte National Historical Park and Preserve Boundary Adjustment*

Section 2(a) amends Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) to increase the acreage ceiling of the park and to incorporate new land into the park boundary by updated map reference.

Section 2(b) amends section 902 of the 1978 Act to require that land added to the boundary in section 2(a) which is already owned by the federal government be transferred to the park without compensation and subject to existing easements. Non-federal land, water or interests in land and water within the Barataria Preserve Unit may be acquired by donation or purchase with donated or appropriated funds, from willing sellers only. This section also clarifies resource protection requirements within the Barataria Unit.

Section 2(c) amends section 905 of the 1978 Act to remove an exemption for hunting, fishing and trapping within the Barataria Unit and allows the Secretary to prohibit these activities on lands managed by the Secretary.

Section 2(d) makes a clarifying amendment to section 906 of the 1978 Act.

##### *Section 3. References in law*

Section 3 updates references in existing law and makes other conforming amendments.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 162—Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007*

H.R. 162 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 H.R. 162 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 the 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 the transfer authority that would be granted by H.R. 162) would cost around \$1 million. Acquisition costs would increase by up to \$4 million if the NPS also purchases some of the 86 acres of private uplands in the Bayou aux Carpes addition area. We estimate that costs to develop and manage the additional acreage would be minimal. This estimate is based on information provided by the NPS. Enacting H.R. 162 would have no effect on revenues or direct spending.

H.R. 162 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.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 162 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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):

#### NATIONAL PARKS AND RECREATION ACT OF 1978

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#### 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] *Jean Lafitte National Historical Park and Preserve* 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 titled “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) folk life centers to be established in the Acadian region; (5) the Chalmette National Historical Park; and (6) 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 six hundred acres of lands, waters, and interests therein (hereinafter referred to as the "core area"), as depicted on the map referred to 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, but only with the consent of the owner, transfer from any other Federal agency, or exchange.*

(B) *LIMITATIONS.*—

(I) *FEDERAL LAND.*—*Any Federal land acquired in the areas identified on the map as the "Bayou aux Carpes Addition" and "CIT Tract Addition" (the "Areas") shall be transferred without consideration to the administrative jurisdiction of the National Park Service.*

(II) *EASEMENTS.*—*Any Federal land in the Areas that is transferred under clause (I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.*

(III) *PRIVATE INTERESTS.*—*Any private land, water, or interests in land and water in the Barataria Preserve Unit may be acquired by the Secretary only with the consent of the owner. [The Secretary may also]*

(2) *FRENCH QUARTER.*—*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 right 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) 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.*

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SEC. 905. Within the [Barataria Marsh Unit] *Barataria Preserve Unit, but only as to land, water, or interests in land and water managed by the Secretary*, 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 may] *the Secretary may* designate zones where and establish periods when no hunting, fishing, or trapping shall be 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 980, 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.

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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.

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