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110TH CONGRESS
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SENATE

REPORT
110–352

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT

JUNE 16, 2008.—Ordered to be printed

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

R E P O R T

[To accompany S. 783]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 783) 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 an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2008".

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking "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," and inserting "generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the" and all that follows through the first sentence and inserting the following:

(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 Barataria Preserve Unit by donation,

purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as 'Lands Proposed for Addition' may be acquired by the Secretary only with the consent of the owner of the land.

"(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to ref1ect the acquisition.

"(iii) JURISDICTION OF NATIONAL PARK SERVICE.—Administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as 'Lands Proposed for Addition' is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.

"(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.";

(B) in the second sentence, by striking "The Secretary may also acquire by any of the foregoing methods" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (l)(A)";

(C) in the third sentence, by striking "Lands, waters, and interests therein" and inserting the following:

"(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water"; and

(D) in the fourth sentence, by striking "In acquiring" and inserting the following:

"(4) ACQUISITION OF AND OIL AND GAS RIGHTS.—In acquiring";

(2) by striking subsections (b) through (f) and inserting the following:

"(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.

"(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

"(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(l)(A) (including use of appropriations from the Land and Water Conservation Fund); and

"(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water."; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting "(or January 1, 2007, for areas added to the park after that date)" after "January 1, 1977".

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking ", except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he" and inserting "on land, and interests in land and water managed by the Secretary, except that the Secretary" .

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pending such establishment and thereafter the" and inserting "The".

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and

(2) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve".

PURPOSE

The purpose of S. 783 is to modify the boundary of Jean Lafitte National Historical Park and Preserve in Louisiana to add approximately 8,900 acres to the park and to redesignate the "Barataria Marsh Unit," a unit of the park, as the "Barataria Preserve Unit."

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 Marsh Unit; and the park's headquarters and visitor center located in New Orleans' French Quarter. The Lafayette, Thibodaux, and Eunice cultural 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 Marsh Unit (redesignated in this bill as the "Barataria Preserve"), located about 10 miles south of New Orleans, 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.

The boundary expansion made by S. 783 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 coastal wetlands.

S. 783 would transfer primarily wetlands that are already in federal ownership to the National Park Service. A 1996 NPS boundary study found "Bayou aux Carpes" and "Bayou Segnette" to be appropriate and feasible for inclusion within the boundary of the preserve. These lands are currently unavailable for public use. The study also concluded that adding the two areas would enhance interagency management of the upper Barataria basin. The Bayou aux Carpes area consists of approximately 2,905 acres. The majority of these acres are wetlands that were acquired by the Justice Department in 1996 through a settlement agreement. Currently, the Park Service has constructive possession of the deeds for these lands but no authority to manage them.

In addition to Bayou aux Carpes, the bill would add approximately 815 acres of the Bayou Segnette, an area also known 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 law-

suit settled in 1994. The Corps has indicated its willingness to transfer management authority for these lands to the National Park Service once the Hurricane Protection Levee is complete and an easement is granted to the local levee district along the boundary of the tract.

S. 783 would also include approximately 5,820 acres of private property, in 10 tracts within the park boundary, which could be acquired by the Secretary of the Interior from willing sellers. The largest parcel, approximately 5,000 acres known as the Fleming-Berthoud Plantation, is one of the southernmost early sugar plantations. It surrounds a 1,000-year-old prehistoric Indian mound and a historic cemetery on the edge of Bayou Barataria. 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 wetlands with limited access and no potential for development.

LEGISLATIVE HISTORY

S. 783, sponsored by Senator Landrieu, was introduced on March 6, 2007. During the 109th Congress, the Committee considered similar legislation sponsored by Senator Landrieu, S. 207. The Committee ordered S. 207 to be favorably reported on February 9, 2005, (S. Rept. 109–25) and the bill passed the Senate by unanimous consent on July 26, 2005. The House of Representatives passed a companion measure sponsored by Rep. Jindal, H.R. 1515, on September 25, 2006. The two bills were not reconciled prior to the sine die adjournment of the Congress.

Senator Landrieu sponsored a similar measure during the 108th Congress, S. 2287. The Subcommittee on National Parks held a hearing on S. 2287 on June 8, 2004, (S. Hrg. 108–638) and the Committee ordered the bill to be favorably reported on July 14, 2004 (S. Rept. 108–325). S. 2287 passed the Senate by unanimous consent on September 15, 2004.

The Subcommittee on National Parks held a hearing on S. 783 on April 26, 2007 (S. Hrg. 110–88). At its business meeting on May 7, 2008, the Committee ordered S. 783 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on, May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 783, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 783, the Committee adopted an amendment in the nature of a substitute. The amendment references a new map of the proposed addition and clarifies that the acquisition terms applicable to the addition area do not apply to the existing park boundary. The amendment also provides for the transfer of administrative jurisdiction over other Federally-owned parcels in the proposed addition to the National Park Service. In addition, the amendment makes several other technical, clarifying,

and conforming changes. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2008".

Section 2(a) amends section 901 of the enabling legislation for the Jean Lafitte National Historical Park and Preserve (the "park") (16 U.S.C. 230) to incorporate a new boundary map to reflect the expanded park boundary.

Subsection (b) amends section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) to authorize the addition of lands within the park's Barataria Preserve Unit (as redesignated by this Act) from willing sellers. The subsection also provides that administrative jurisdiction over any Federal lands within the area to be added to the park is transferred, without consideration, to the jurisdiction of the National Park Service, subject to any easements that have been agreed to between the Secretary of the Interior and the Army Corps of Engineers to ensure adequate hurricane protection of the communities located in the area.

Subsection (c) amends section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) to allow owners of improved property within the addition area to have the option of retaining a right of use and occupancy for non-commercial residential purposes within the park.

Subsection (d) amends section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) to clarify that the Secretary of the Interior's authority to designate zones and periods where no hunting is allowed applies to lands and waters managed by the Secretary.

Subsection (e) makes a conforming change in section 906 of the park's enabling law (16 U.S.C. 230e).

Section 3 changes the name of the park's Barataria Marsh Unit to the Barataria Preserve Unit and makes conforming changes throughout the park's enabling law.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 783—Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2008

S. 783 would expand by 8,000 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.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing S. 783 would cost between $1 million and $9 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 in the

acquisition area would cost around $1 million. Acquisition costs would increase by up to $8 million if the NPS also purchases the 5,000-acre Fleming Plantation or some of the 86 acres of private uplands in the Bayou aux Carpes addition area. We estimate that costs to develop and manage most of the additional acreage would be minimal, unless the NPS acquires historic buildings associated with the Fleming Plantation. (In that case, the agency could incur significant additional costs to restore and maintain such structures.) Finally, we estimate that the NPS would need about $200,000 annually to maintain upland areas near the plantation. Enacting S. 783 would have no effect on direct spending or revenues.

S. 783 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.

On March 9, 2007, CBO transmitted a cost estimate for H.R. 162, the Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007, as ordered reported by the House Committee on Natural Resources on March 7, 2007. H.R. 162 and S. 783 are very similar, but the Senate version would add more acres to the park, including property containing historic structures. The CBO cost estimates reflect that difference.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, 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. 783. 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. 783, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 783, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 26, 2007, subcommittee hearing on S. 783 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, 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. 783. 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. 783, with a clarifying amendment. The bill contains an expansion of the acquisition authority contained in a legislative proposal transmitted by the Administration in the 108th Congress.

This bill would authorize the Secretary of the Interior (Secretary) to acquire approximately 3,900 acres adjacent to the Barataria Preserve (Preserve) unit of the park that were recommended by a 1996 boundary study. This bill would also authorize the Secretary to acquire approximately 5,000 acres of a historic plantation from willing sellers. These private lands and waters would be added to the boundary of the Preserve only after they are acquired. Acquisition of all the lands and waters authorized by this bill would increase the authorized size of the Preserve from approximately 18,400 acres to approximately 27,300 acres. Finally, the bill would 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. 783 would allow the addition of estuarine and freshwater wetlands to the Barataria Preserve's boundaries, allowing the boundary to more closely conform to existing waterways and levee corridors that mark the interface between developable land and estuarine wetlands. The expanded boundary would also protect wetlands that are part of the Barataria-Terrebonne National Estuary, the most biologically productive estuary in North America and a natural buffer for tropical storm surges. This estuary has experienced the highest rate of land loss of any of our coastal wetlands.

Two of the areas proposed for acquisition—Bayoux aux Carpes and Bayou Segnette—total 3,905 acres and were studied by NPS in 1996 and found to be appropriate and suitable additions to the park. These areas were proposed for acquisition in an Administration legislative proposal forwarded to Congress during the 108th Congress.

Approximately 3,084 of the 3,905 acres in these areas are in federal ownership as the result of the settlements of lawsuits, one by the Department of Justice and one by the U.S. Army Corps of Engineers. S. 783 would transfer these areas to the NPS. Currently, the NPS has constructive possession of the deeds for the 2,268 acres owned by the Department of Justice, but no authority to manage them. The Corps has indicated its willingness to transfer

management authority for their 815 acres of 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. There are also approximately 821 acres of non-federal land within these areas. All but 86 of those acres are either undevelopable jurisdictional wetlands or state owned highway or levee right-of-ways which could only be acquired by donation. All of the non-federal landowners within Bayou aux Carpes have been contacted about being included within the boundary and none have objected. Several have actively supported inclusion of their property within the proposed boundary.

S. 783 would also allow the Secretary to acquire the 5,000-acre Fleming (formerly Mavis Grove) Plantation. While most of the Plantation is composed of wetlands that would offer recreation and watershed protection, the Plantation also contains a 2,000 year old Native American ceremonial mound, one of the most intact prehistoric sites remaining in the delta region. The Plantation is owned by the Fleming family LLC and individual Fleming family members. A representative for the Fleming family has contacted the National Park Service and members of Congress to encourage that the Plantation be added to the Preserve.

In an Administration proposal submitted to Congress during the 108th Congress, the National Park Service estimated the costs of 821 acres of these private lands. Of the 821 acres, roughly 735 acres were wetlands that had been recently appraised at $170,000, or less than $300 per acre. Approximately 86 of these acres were developable, but were accessible only by a dirt road and do not include utilities, highway or waterfront access. These lands are expected to cost $25,000 per acre, or approximately $2.1 million for 86 acres. Costs for the Fleming plantation are not available at this time.

No funding has yet been identified for any of the acquisitions proposed in this bill. Funding for any of these purposes would be subject to the budget prioritization process of the National Park Service.

The expanded boundary proposed in S. 783 would also include State-owned highway rights-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 back-

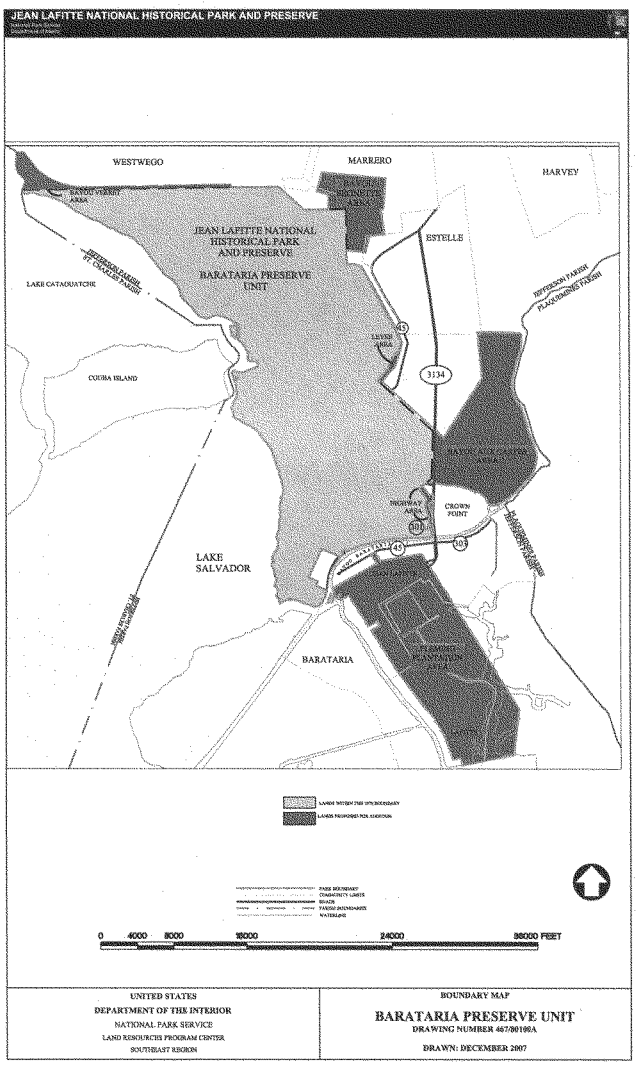
log because no facilities would be added and the federal lands would be acquired by direct transfer and would not involve acquisition costs other than those to process the transfer.

The NPS has had extensive consultations with local governments and taken appropriate steps to increase public awareness on the proposed actions in S. 783. In 1999, both the Jefferson Parish Council and the Village of Jean Lafitte adopted resolutions that support the Federal land transfers.

S. 783 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.

S. 783 appears to modify the authority given to the Department by the 1978 act that authorized the park. The Department would like to work with the committee to make certain that acquisition authority within the existing Preserve remains consistent with the 1978 act, and that boundary adjustment language is consistent with bills in previous Congresses.

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


JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE
WESTWEGO
MARRERO
HARVEY
BAYOU VERRET AREA
JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE
BARATARIA PRESERVE UNIT
ESTELLE
LAKE CATAOUATCHE
JEFFERSON PARISH FLOODWING FARM
LEVEE AREA
COUBA ISLAND
3134
HIGHWAY AREA
CROWN POINT
LAKE SALVADOR
BARATARIA
0 4000 8000 16000 24000 32000 FEET
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LAND RESOURCES PROGRAM CENTER
SOUTHEAST REGION
BOUNDARY MAP
BARATARIA PRESERVE UNIT
DRAWING NUMBER 467/80198A
DRAWN: DECEMBER 2007

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 the bill S. 783 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):

AN ACT To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho

(Public Law 95–625; Approved November 10, 1978)

[16 U.S.C. 230 et seq.]

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

* * * * * * *

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* (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,] *generally depicted on the map entitled "Boundary Map Barataria Preserve Unit, Jean Laffitte National Historical Park and Preserve," numbered 467/80100A, and dated December 2007,* 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 part.

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 section

230 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 Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(B) LIMITATIONS.—

(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as "Lands Proposed for Addition" may be acquired by the Secretary only with the consent of the owner of the land.

(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

(iii) JURISDICTION OF NATIONAL PARK SERVICE.—Administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as "Lands Proposed for Addition" is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.

(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army. [The Secretary may also acquire by any of the foregoing methods]

(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A) 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. [In acquiring]

(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring property pursuant to this part, 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 part.

[(b) With respect to the lands, waters, and interests therein generally depicted as the "park protection zone" on the map referred to in section 230 of this title, the Secretary shall, no later than six months from November 10, 1978, 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.

(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.

[(g)] *(d)* 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 noncommercial 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 noncommercial 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, *(or January 1, 2007 for areas added to the park after that date)* 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.

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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**]** *on land, and interests in land and water managed by the Secretary, except that 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 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.

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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 Pre-*

serve. Any references to the Chalmette National Historical Park shall be deemed to be references to said Chalmette Unit.

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