

**STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR
FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON
NATIONAL PARKS, OF THE SENATE COMMITTEE ON ENERGY AND
NATURAL RESOURCES, CONCERNING S. 2287, TO ADJUST THE
BOUNDARY OF THE BARATARIA PRESERVE UNIT OF JEAN LAFITTE
NATIONAL HISTORICAL PARK AND PRESERVE IN THE STATE OF
LOUISIANA AND FOR OTHER PURPOSES.**

JUNE 8, 2004

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 Segnette", 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 completed. NPS is also unaware of any recent nearby sales that could serve as a comparable. 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.”.