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LEGISLATIVE HISTORY
JEAN LAFITTE NATIONAL HISTORICAL PARK
AND PRESERVE

467/D170

Calendar No 678

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SENATE }

REPORT
No. 95-743

Rm Ro
Ruth Larson

JEAN LAFITTE NATIONAL PARK

-----Ordered to be printed

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

REPORT

[To accompany S. 1829]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1829), to provide for the establishment of the Jean Lafitte National Historical Park 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:

1. Strike out all after the enacting clause and insert the following:

That 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, 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 Act.

Sec. 2. (a) Within the Barataria Marsh Unit the Secretary of the Interior (hereinafter referred to as 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 to in the first section of this Act, by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also 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 owned by the State of Louisiana or any political subdivision thereof may be acquired only by donation. In acquiring property pursuant to this Act, 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 Act.

(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 Act, 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 confer 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).

(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.

SEC. 3. Within the Barataria Marsh 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 first, 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. 4. In furtherance of the purposes of this Act, and after consultation with the Commission created by section 7 of this Act, 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 Act, 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 6 of this Act. 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. 5. Within the Barataria Marsh 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 2(c) of this Act, he 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. 6. 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 8, sufficient lands and interests therein (i) have been acquired for interpretative and administrative facilities, (ii) are being protected in the core area, and (iii) have been made the subject of cooperative agreements pursuant to section 4. Pending such establishment and thereafter the Secretary shall administer the park in accordance with the provisions of this Act, 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. 7. (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 assist and 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. 8. (a) There is authorized to be appropriated, to carry out the provisions of this Act, 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: *Provided*, That no funds for the development of essential facilities shall be authorized prior to October 1, 1978.

(b) Within three years from the date of enactment of this Act, 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 Conta Island.

2. Amend the title so as to read: "A bill to provide for the establishment of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes."

PURPOSE

The purpose of S. 1829, as ordered reported, is to establish the Jean Lafitte National Historical Park and Preserve in the State of Louisiana. The park would be patterned after the "satellite" concept developed in recent years for the designation of several national parks in or near urban areas. Rather than comprising a single unit, the Jean Lafitte National Historical Park and Preserve would consist of several distinct elements, which taken together, represent the rich historical, natural and cultural resources of the Mississippi Delta Region. The Jean Lafitte Park and Preserve, as ordered reported, would include the following:

- (a) A 20,000-acre Barataria Marsh Unit consisting of an 8,000-acre core area and a 12,000-acre park protection zone;
- (b) French Quarter interpretative and administrative facilities;
- (c) Big Oak Island;
- (d) Chalmette National Historical Park; and
- (e) Subject to cooperative agreements, additional natural, cultural and historical properties in and around the city of New Orleans and surrounding parishes.

BACKGROUND AND NEED

The Delta Region of Louisiana possesses a blend of cultural and natural elements justifiably termed unique. This region of Louisiana encompasses approximately 8,900 square miles of land, water, and marsh—an area about the size of the State of Massachusetts. The region is characterized by verdant lushness and a semi-solid landform which reflect the natural evolution of a delta interacting with scattered human settlements and a major metropolitan center. Within this area, French, Spanish, Anglo-American, Irish, German, Black,

Indian and Latin-American cultures have been fused into a whole while retaining the best features of each.

These cultural remnants are manifested in the area's ethnic composition, lifeways, and traditions. They are expressed too in geographical and manmade features; for example, the delta, bayous, marshes, forts, plantations, homes, churches, and public places. The national significance of many individual properties in and around the New Orleans area has been established through their designation as national historic landmarks. Although most of them are in good hands and accessible to the public to varying degrees, their preservation and public appreciation could be significantly enhanced by National Park Service coordination and assistance.

The committee feels that the preservation and interpretation of the marsh area and related sites will provide future recreation and educational opportunities for the people in and around the New Orleans area as well as visitors to the area.

LEGISLATIVE HISTORY

A Jean Lafitte National Park proposal was first introduced in the Senate by Senator Johnston on June 10, 1976. Field hearings were held by the Subcommittee on Parks and Recreation in Gretna, La., on December 6, 1976, but no further action was taken during the 94th Congress. Senator Johnston reintroduced the proposal as S. 1829 on July 11, 1977. The subcommittee conducted another hearing in Gretna on December 17, 1977, and an additional hearing in Washington, D.C., on February 3, 1978.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 11, 1978, by unanimous vote of a quorum present, recommends that the Senate pass S. 1829, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1829, the committee adopted an amendment in the nature of a substitute. While many of the provisions of S. 1829, as introduced, and the amendment adopted by the committee are identical, there are several significant differences.

1. The substitute bill adopted by the committee amends the title of the measure to include a reference to the preserve portion of the park. The committee feels that it is important to clarify the fact that the oil and gas leasing, hunting, fishing (including commercial fishing), and trapping activities authorized in the legislation, take place within the national preserve portion of the park.

2. Section 2 of S. 1829 was significantly redrafted in the committee substitute text. Section 2(a) authorizes the Secretary to acquire an area not to exceed 8,000 acres within the 20,000-acre Barataria Marsh Unit. This 8,000 acre area comprises the core area of the preserve portion of the park. This subsection also gives the Secretary the authority to acquire lands in the French Quarter of the city of New Orleans for development and operation as an interpretive and administrative facility.

In acquiring any property pursuant to this act, the Secretary may not acquire rights to oil and gas without the consent of the owner. Such rights shall, however, be subject to such reasonable regulations as the Secretary may promulgate in furtherance of the purposes of the act. The committee intends that oil and gas exploration within the entire Barataria Marsh Unit be permitted, subject only to such reasonable rules and regulations as the Secretary deems necessary to minimize disturbances in the core area.

As introduced, S. 1829 contemplated the acquisition of the entire 20,000-acre marsh area (the preserve portion of the park). The committee substitute bill divides the area into two units—an approximately 8,000-acre core area and an approximately 12,000-acre park protection zone located to the north and west of the core area. The committee notes that Couba Island is not included within either unit.

In an effort to assist the State and local units of government in adequately protecting the core area, the Secretary is directed to work with these entities in developing a set of guidelines or criteria applicable to the use and development of properties within the park protection zone. It is anticipated that these guidelines would then be incorporated into rules and regulations to be enacted and enforced by the State or local units of government. The purpose of these guidelines, and any rule enacted and enforced by the State or local unit of government pursuant thereto, is to protect and preserve several key values within the 8,000-acre core area including:

- (1) Fresh water drainage from the park protection zone to the core area;
- (2) Vegetative cover;
- (3) Integrity of ecological and biological systems; and
- (4) Water and air quality.

Section 2(d) provides that if the State or units of local government deem it appropriate, they may cede to the Secretary, and the Secretary is authorized to accept, the power and authority to adopt and enforce a program or set of rules within the park protection zone, pursuant to the guidelines enumerated in section 2(b), for the purpose of protecting the core area of the park. It is clearly the committee's intent that the Secretary is to adopt and enforce these rules within the park protection zone only with the consent of the State or unit of local government should they deem it desirable to delegate this responsibility to the Secretary.

Section 2(e) of the bill as ordered reported by the committee, provides the Secretary with standby acquisition authority within the park protection zone. The Secretary may not use this authority unless the State or units of local government fail to enact their own rules to protect the core area or unless the State or units of local government fail to enforce their rules so as to protect the enumerated core area values. In either case, the Secretary may only acquire lands for the purpose of protecting those values within the core area described in section 2(c). This acquisition authority is to be used in conjunction with any other statutory authorities available to the Secretary for the conservation and management of natural, historical, and cultural resources.

It is the committee's expectation that this standby acquisition authority will be used sparingly by the Secretary. This expectation is

based primarily on the strong commitment made by local government witnesses at the December, 1977, field hearing in Gretna to protect the important scenic, wildlife fishery, and archeological values within the marsh unit.

It is the intent of the committee that this authority should be used by the Secretary only as a last resort to protect those values within the core area enumerated in section 2(c) of the committee substitute.

The committee expects that the Secretary will afford the State and local governmental units a reasonable period of time—at least 1 year—to enact and implement their rules after the guidelines and criteria are formulated. The committee also expects that the Secretary will afford the units of local government ample notice and opportunity to correct any deficiency identified by the Secretary regarding the enforcement of rules and regulations within the park protection zone prior to implementing his standby acquisition authority.

3. Section 3 of the committee substitute bill contains standard language regarding retention of use and occupancy rights by owners of improved noncommercial residential property within the park. This language applies to properties within the core area as well as lands acquired by the Secretary pursuant to his standby acquisition authority, and is identical to the language contained in S. 1829, as introduced.

4. Section 4 of the committee substitute amendment authorizes the Secretary to enter into cooperative agreements with owners of natural, historical, or culturally significant properties in the area. Through these cooperative agreements the Secretary may mark, interpret, restore, and/or provide technical assistance for the restoration and preservation of such properties. This section also gives the Secretary the authority to provide additional management, program implementation, and incremental financial assistance with regard to these properties pursuant to these cooperative agreements.

There is a rich variety of cultural and historic resources in the Delta Region suitable for inclusion in the park through these cooperative agreements. The committee recommends that the sites listed in the feasibility study of the park prepared by the Department of the Interior pursuant to Public Law 92-369, as well as other important resources such as Fort Proctor in St. Bernard Parish, be carefully evaluated by the advisory commission when preparing recommendations of sites to be included in the park through these cooperative agreements.

5. Like S. 1829, as introduced, section 5 of the committee substitute directs the Secretary to permit, subject to reasonable rules and regulations within the core area and on lands acquired by the Secretary within the park protection zone, hunting, fishing (including commercial fishing), and trapping within the Barataria Marsh Unit. The committee recognizes the importance of these activities to the local residents and believes that they are consistent with the values for which the preserve portion of the park is being established.

6. Section 6 contains standard language, identical to the bill as introduced, regarding establishment of the park through notice in the Federal Register. In this regard, the committee believes it is very important for a National Park Service presence to be established in the area as soon as possible, to begin land acquisition in the core area of the

marsh unit, to begin executing the cooperative agreements and to begin site selection procedures for the French Quarter Visitor Center. It is hoped that the National Park Service will look carefully at those historic sites discussed during the hearings on this proposal as potential visitor facilities and that a historic building in the French Quarter can be adapted for visitor use.

7. Section 7 of the committee approved substitute bill establishes the Delta Region Preservation Commission. The function of the Commission is to assist and advise the Secretary in the selection of sites for inclusion in the park through cooperative agreements; in the development and implementation of a general management plan; and in the development and implementation of a comprehensive interpretative program of the natural, historic, and cultural resources of the region. The committee amendment increases local representation on the Commission in an effort to maximize local input into the operation and management of the park.

8. Section 8 of S. 1829, as ordered reported, authorizes funds for land acquisition and development of essential facilities and directs the Secretary to submit a management plan for the Jean Lafitte National Historical Park and Preserve within 3 years from the date of enactment.

Among other elements, the park management plan is to include a transportation study. The committee has long believed that better public access to our national parks is needed and that alternate transportation systems need to be developed to alleviate serious problems resulting from automobile congestion. The committee hopes that the transportation study authorized in this bill will afford the Department an opportunity to develop a creative approach to this problem, using a wide variety of transportation modes to aid public access to the satellite areas included in the park. The committee recommends that the possibility of boat access to the Marsh Unit, as well as boat trips through the Marsh Unit, be explored.

In this regard, the committee notes that although the main Visitor Center will be located in the French Quarter, it is not intended that access to the Marsh Unit from Jefferson Parish in any way be impeded. The committee believes that adequate facilities can be developed at the Marsh Unit site to permit entry into the unit and intends that this be done.

Additionally, the management plan is to include a study of the Big Oak and Couba Island areas. The purpose of this study is to apprise the committee and the Congress of what actions have and should be taken to assure protection, interpretation, and management of these areas. On Big Oak Island, the Secretary was not given authority to purchase lands. The most recent cost estimates came to \$15,000 per acre and the committee does not believe that this cost can be justified in this instance. However, the committee does recognize the importance of protecting this area and therefore, authorized the Secretary to enter into a cooperative agreement with the property owners to preserve the site. The committee has also directed the Secretary to develop a set of protection strategies, other than fee acquisition, and recommends that Little Oak Island and Blind Lagoon also be included in the study.

COST

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of S. 1829, as ordered reported.

S. 1829 as ordered reported, authorizes \$50 million from the Land and Water Conservation Fund to be used for land acquisition within the boundaries of the Jean Lafitte National Historical Park and Preserve. The legislation also authorizes such sums as may be necessary for the development of essential facilities. The committee amendment includes language restricting authorization of appropriations for development purposes until after October 1, 1978.

Set forth below is a cost estimate of S. 1829 prepared by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., April 14, 1978.

HON. HENRY M. JACKSON,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1829, an act to establish the Jean Lafitte National Historic Park and Preserve in the State of Louisiana, and for other purposes.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin, *Director.*

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

April 14, 1978.

1. Bill number: S. 1829.
2. Bill title: An act to establish the Jean Lafitte National Historic Park and Preserve in the State of Louisiana, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, April 11, 1978.
4. Bill purpose: This bill establishes the Jean Lafitte National Historic Park and Preserve in the State of Louisiana. The park and preserve are to include a portion of the Barataria Marsh, Chalmette National Historical Park, Big Oak Island, and other areas in the Mississippi Delta Region determined to be natural, cultural, or historical resources. The bill also directs that the Secretary of the Interior develop a management plan for the park and guidelines for the use and development of properties designated within the "Park Protection Zone." The Secretary may also establish an administrative and interpretive center for the park in the French Quarter of New Orleans. The Delta Regional Preservation Commission is also established by

the bill. The commission is to assist the Department of the Interior in the planning and development of the park and preserve.

5. Cost estimate:

	<i>Millions</i>
Fiscal year 1978:	
Authorization level.....	\$50.0
Authorization level.....	0
Fiscal year 1979:	
Authorization level.....	
Estimated cost.....	43.1
Fiscal year 1980:	
Authorization level.....	
Estimated cost.....	.7
Fiscal year 1981:	
Authorization level.....	
Estimated cost.....	.7
Fiscal year 1982:	
Authorization level.....	
Estimated cost.....	.6
Fiscal year 1983:	
Authorization level.....	
Estimated cost.....	.6

¹ The authorization level includes only the amount specifically authorized in the bill; in addition, the estimated cost includes \$600,000 to \$900,000 per year for development and operation of the park.

The costs of this bill fall within budget function 300.

6. Basis of estimate: The authorization level is that stated in the bill for the acquisition of land. The Department of the Interior estimates that acquisition will cost approximately \$42.2 million in fiscal year 1979. Additional acquisition may be necessary if the State of Louisiana does not follow establishment guidelines for the protection of park and preserve lands or if additional acquisition is directed by the management plan.

In addition, the bill authorizes the appropriation of such sums as may be necessary for the development of essential facilities. Initial development costs, primarily for work on existing trails, comfort stations, and parking facilities are estimated to total \$500,000 during fiscal years 1979 through 1981. Additional development costs may occur in fiscal years 1982 and 1983 following completion of the management plan.

Operating and maintenance costs for the park will be approximately \$3 million between fiscal years 1979 and 1983. This figure covers personnel costs (including the expenses of the preservation commission), development of the management plan, and overhead. Rent and materials cost for an administrative and interpretive facility are also reflected in this figure.

The costs of this bill are summarized by fiscal year below:

	<i>Millions</i>
Fiscal year 1979:	
Acquisition cost.....	\$42.2
Initial development cost.....	.2
Operating and maintenance cost.....	.7
Total.....	<u>43.1</u>
Fiscal year 1980:	
Acquisition cost.....	
Initial development cost.....	.2
Operating and maintenance cost.....	.5
Total.....	<u>.7</u>

Fiscal year 1981:	Millions
Acquisition cost.....	
Initial development cost.....	\$0.1
Operating and maintenance cost.....	.6
Total	<u>.7</u>
Fiscal year 1982:	
Acquisition cost.....	
Initial development cost.....	
Operating and maintenance cost.....	.6
Total	<u>.6</u>
Fiscal year 1983:	
Acquisition cost.....	
Initial development cost.....	
Operating and maintenance cost.....	.6
Total	<u>.6</u>
7. Estimate comparison: None.	
8. Precious CBO estimate: None.	
9. Estimate prepared by: Mark Berkman.	
10. Estimate approved by:	

C. G. NECKOLS,
(For James L. Blum,

Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 1829 provides for the establishment of the Jean Lafitte National Historical Park in the State of Louisiana, and for other purposes. Although section 2(d) of S. 1829, as ordered reported, gives the Secretary the authority, if the State and local governments deem it desirable, to enact and enforce rules regarding the use of lands within the park protection zone, such authority is limited only to lands within a unit of the national park system where the Secretary currently has considerable authority to protect park resources through regulation.

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. 1829.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received from the Department of the Interior setting forth executive agency recommendations relating to S. 1829 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 3, 1978.

HON. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1829, a bill "To provide for the establish-

ment of the Jean Lafitte National Historical Park in the State of Louisiana, and for other purposes."

We recommend the enactment of S. 1829, if it is amended as described herein.

S. 1829 would authorize the establishment of the Jean Lafitte National Historical Park consisting of the following:

1. Barataria Marsh Unit of 23,700 acres.
2. Big Oak Island Indian site.
3. An interpretive and administrative facility in the French Quarter.
4. Chalmette National Historical Park.
5. Additional natural, cultural and historical resources which will be subject to cooperative agreements.

The Secretary would be authorized to acquire lands, water, and interests therein by donation, purchase or exchange.

In the bill, the Secretary is authorized to enter into cooperative agreements with owners of properties of natural, historical and cultural significance after consultation with the Delta Regional Preservation Commission established by Section 6. The bill provides for conditions of such cooperative agreements.

S. 1829 provides for a ten member Delta Regional Preservation Commission to be appointed by the Secretary, Governor and Chairman of the National Endowment for the Arts. The function of the commission will be to assist and advise the Secretary on sites to be included and on the interpretation and development and management of the park.

S. 1829 places a funding limitation of \$500,000 on development. A general management plan including public use limitations, and locations and cost of facilities is required for submission to the Congress within three years of enactment. A one-year study is required on transportation alternatives for public access to the park.

S. 1829 authorizes the National Park Service to acquire lands and interests therein within the 23,700-acre Barataria Marsh Unit and for its interpretive and administrative facility in the French Quarter. The bill contains open-ended appropriation authorizations for such acquisitions, and we presently estimate the cost of these acquisitions at \$53,000,000 based on 1977 State acquisition costs. The money for such acquisitions would come from the Federal side of the Land and Water Conservation Fund.

This Department supports the establishment of a "Jean Lafitte National Cultural Reserve" to consist of approximately 8,000 acres in the Barataria Marsh area and to include the other areas proposed in S. 1829. It is estimated that the total acquisition cost of our proposal is \$34,000,000. This land would be acquired by funds from the Federal side of the Land and Water Conservation Fund. Once acquired, the Barataria Marsh unit of the Reserve would be operated and managed by the State of Louisiana with the guidance and cooperative assistance of the National Park Service.

At its 76th Meeting on April 18-20, 1977, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments reviewed the proposal for establishment of a national park. The Board recommended that the Secretary not support the establishment of the Jean Lafitte Park as a unit of the National Park System based on their find-

ings that the area did not possess the national significance of integrity required to qualify for addition to the National Park System. However, we believe that the preservation and interpretation of the marsh area and related sites will provide future recreation and educational opportunities for the people of the New Orleans area and visitors to New Orleans. It was, however, the Board's judgment that acquisition and management of the area would properly be a function of State and local government.

We believe that a case can be made for a park honoring Cajun Culture in southern Louisiana. This group has been distinct since it was first uprooted from its celebrated French origins. New Orleans has maintained a special identity derived from its uniquely heterogeneous origins and cosmopolitan development during its first century of existence. It has maintained remnants of early French, Spanish, African, and Anglo-American culture. These remnants are manifested in the area's ethnic composition, and traditions. They are expressed in geographical and manmade features: delta, bayous, and marshes; forts, plantations, homes, churches, and historic public places.

The national significance of many individual properties in and around New Orleans has been established through their designation as national historic landmarks. Although most of them are in good hands and accessible to the public to varying degrees, their preservation and public appreciation could be significantly enhanced by National Park Service coordination and assistance. The Boston National Historical Park provides a model: there a variety of dispersed nationally significant historic properties in Federal, State, municipal, and private ownership are given preservation aid, unified interpretation, and a degree of administrative coordination under National Park Service auspices.

With the national recognition afforded by this designation, orientation and interpretation for the public in a central Park Service operated facility, possibly Park Service acquisition and administration of facility, and financial, technical, and interpretive assistance to individual components properties, the outstanding cultural resources of greater New Orleans and the visiting public could benefit greatly.

We recommend that S. 1829 be enacted with the following amendments:

1. In the title and wherever it appears in the body of the bill, change "National Historical Park" to "National Cultural Reserve."

Cultural diversity, including existing cultures, is the focus we believe the Federal Government should recognize in the resources enumerated in the bill. History itself is important, but not the sole reason for Federal involvement. The term "Reserve" is recommended in lieu of "park" to prevent confusion of the approach in S. 1829 with a traditional Federal park.

2. On page 4, line 14, change "paragraph (4)" to "paragraphs (1) through (5)." This is a perfecting amendment.

3. On page 4, line 17, change the period to a comma and insert the following:

"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 reserve pursuant to section 5 of this Act."

This amendment authorizes financial assistance for operation and maintenance to the owners of properties who enter into cooperative agreements with the Secretary for preservation and interpretation of their areas. We believe some assistance may be necessary in order to assure adherence by the owner to the high standards we would expect to require in consummating such agreements.

4. On page 5, after the period in line 4, insert the following:

"Notwithstanding any other provision of law the Secretary may convey, without monetary consideration but subject to such terms, conditions, reverts and cessions of jurisdiction as he deems appropriate in furtherance of the purposes of this Act, to the State of Louisiana or any political subdivision thereof all or any part of the property acquired within the 8,000 acre Barataria Marsh Unit at such time as the Secretary determines that adequate State or local land use controls are, or immediately upon such conveyance will be, of continuing applicability to the property conveyed and to the lands and waters adjacent or related thereto: *Provided*, That if the Secretary conveys all of the property acquired within the Barataria Marsh Unit such controls shall apply to the area generally depicted on the map referred to in the first section of this Act as 'Reserved Protection Zone.' The authority to enter into cooperative agreements under this section shall be available to the Secretary with respect to any property conveyed pursuant to this section."

This amendment authorizes conveyance of land acquired in the Barataria Marsh Unit, from the Federal Government to the State or a local unit of government for operation by the grantee in accordance with a cooperative agreement. As a condition precedent to such conveyance the Secretary must be satisfied that adequate land use controls will be made applicable to the land conveyed as well as adjacent lands which, if not sensitively managed, would adversely affect the area originally acquired for the reserve.

5. On page 5, lines 15 through 18, revise the first sentence of section 5 to read as follows:

"SEC. 5. The Secretary shall establish the reserve 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 7, sufficient lands and interests therein (i) have been acquired for interpretive and administrative facilities, (ii) are being protected in the Barataria Marsh Unit, and (iii) have been made the subject of cooperative agreements pursuant to section 3."

This amendment requires that before the reserve is established, sufficient lands and resources must be assured of protection in accordance with a general management plan.

6. On page 7, after line 7, insert the following new subsection:

"(d) 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."

This amendment assures an appropriate role, both policy and supportive, for the Heritage Conservation and Recreation Service and the National Park Service in the work of the Commission.

7. On page 7, revise subsection 7(b) to read as follows:

"(b) Within three years from the date of approval of this Act, 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 reserve indicating—

- (1) transportation alternatives for public access to the reserve;
- (2) the number of visitors and types of public use within the reserve which can be accommodated in accordance with the protection of its resources; and
- (3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses."

This amendment incorporates the language on transportation alternatives in Section 8, makes the plan applicable to the entire reserve, and requires consultation with the Commission.

8. On page 8, delete Section 8. This is a conforming amendment.

9. The 8,000 acre Barataria Unit would be administered as a core area within the larger 24,000 acre Reserve Protection Zone. Any further acquisition within the Reserve Protection Zone would be left to the State of Louisiana under the Land and Water Conservation Fund.

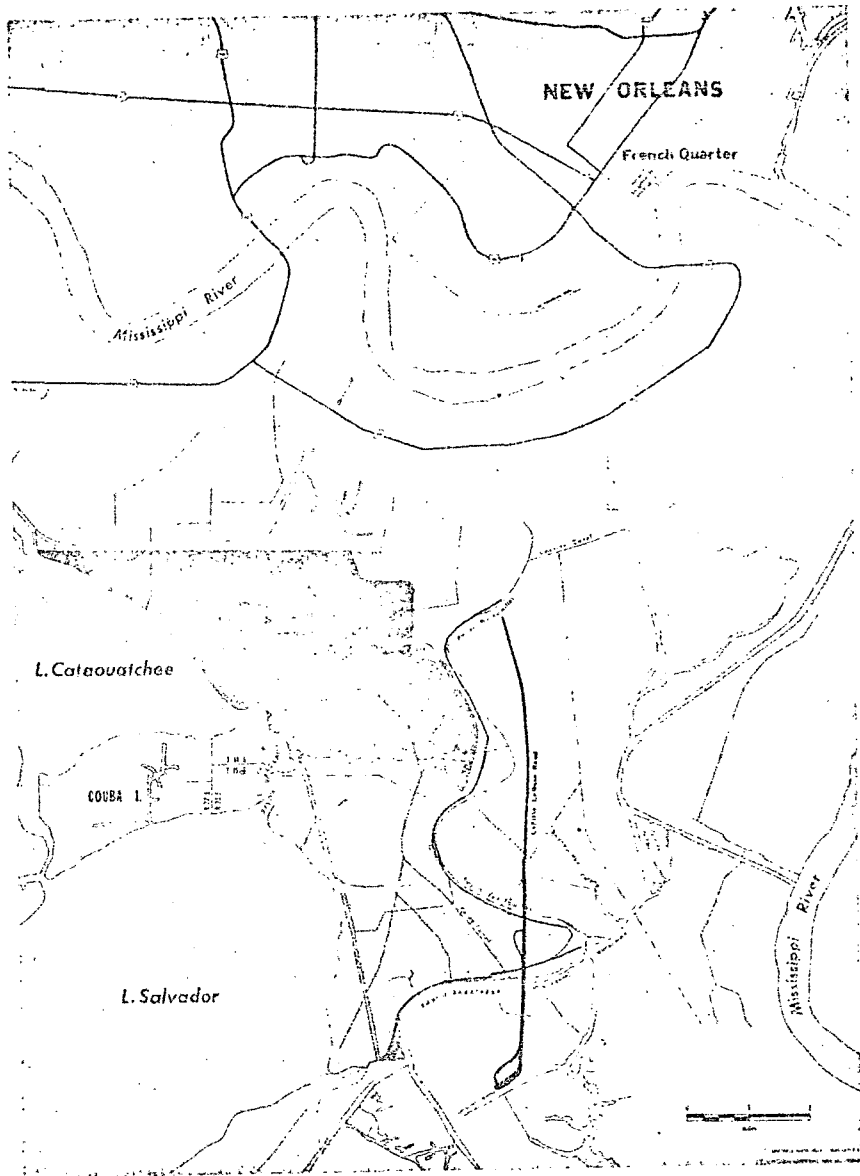
The Office of Management and Budget has advised that there is no objection to the presentation of this proposed report from the standpoint of the Administration's program.

Sincerely,

JAMES A. JOSEPH,
Under Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill S. 1829, as reported.



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