

SUBCHAPTER XXV—JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE

PART A—GENERALLY

§ 230. Establishment; description of area

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 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, 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 Unit of the Jean Lafitte National Historical Park and Preserve; 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.

(Pub. L. 95-625, title IX, §§ 901, 909, Nov. 10, 1978, 92 Stat. 3534, 3538; Pub. L. 100-250, §1(a), Feb. 16, 1988, 102 Stat. 16; Pub. L. 111-11, title VII, §7105(a), (f)(1)(B), (2)(B), Mar. 30, 2009, 123 Stat. 1191, 1193.)

AMENDMENTS

2009—Pub. L. 111-11, §7105(f)(2)(B), which directed amendment of title IX of Pub. L. 95-625 by substituting “Jean Lafitte National Historical Park and Preserve” for “Jean Lafitte National Historical Park” each place it appears, was not executed to first sentence or cl. (1) of second sentence of this section, to reflect the probable intent of Congress, because “Jean Lafitte National Historical Park” already appeared in those places preceding “and Preserve”.

Pub. L. 111-11, §7105(a), in second sentence, substituted “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,” for “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.”

1988—Pub. L. 100-250 added cl. (4) and redesignated former cls. (4) and (5) as (5) and (6), respectively.

CHANGE OF NAME

Pub. L. 111-11, title VII, §7105(f)(1), Mar. 30, 2009, 123 Stat. 1193, provided that: “Any reference in a law (including regulations), map, document, paper, or other record of the United States—

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

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

“Jean Lafitte National Historical Park and Preserve” substituted for “Jean Lafitte National Historical Park” in cl. (5) pursuant to section 7105(f)(1)(B) of Pub. L. 111-11, set out above.

“Chalmette Unit of the Jean Lafitte National Historical Park” substituted for “Chalmette National Historical Park” pursuant to section 230h of this title.

LAURA C. HUDSON VISITOR CENTER

Pub. L. 104-333, div. I, title VIII, §808, Nov. 12, 1996, 110 Stat. 4188, as amended by Pub. L. 111-11, title VII, §7105(f)(1)(B), Mar. 30, 2009, 123 Stat. 1193, provided that:

“(a) DESIGNATION.—The visitor center at Jean Lafitte National Historical Park and Preserve, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the ‘Laura C. Hudson Visitor Center’.

“(b) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the ‘Laura C. Hudson Visitor Center’.”

§ 230a. Acquisition of property

(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 230 of this title 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) Easements

To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 230 of this title 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.

(C) Transfer of administration jurisdiction

Effective on March 30, 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 230 of this title 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.

(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.

(3) Acquisition of State land

Land, water, and interests in land and water owned by the State of Louisiana or any political subdivision thereof may be acquired only by donation.

(4) Acquisition of oil and gas rights

In acquiring property pursuant to this 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) 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.

(d) Acadian villages and towns

The Secretary is authorized to acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, not to exceed approximately 20 acres, in Acadian villages and towns. Any lands so acquired shall be developed, maintained and operated as part of the Jean Lafitte National Historical Park and Preserve.

(Pub. L. 95–625, title IX, §902, Nov. 10, 1978, 92 Stat. 3535; Pub. L. 96–87, title IV, §401(q)(1), Oct. 12, 1979, 93 Stat. 666; Pub. L. 100–250, §1(b), Feb. 16, 1988, 102 Stat. 16; Pub. L. 111–11, title VII, §7105(b), (f)(2)(B), Mar. 30, 2009, 123 Stat. 1191, 1193.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–11, §7105(b)(1), inserted heading, inserted par. (1) designation and heading and substituted text of par. (1) for “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.”, inserted par. (2) designation and heading and substituted “The Secretary may acquire by any of the methods referred to in paragraph (1)(A)” for “The Secretary may also acquire by any of the foregoing methods”, inserted par. (3) designation and heading and substituted “Land, water, and interests in land and water” for “Lands, wa-

ters, and interests therein”, and inserted par. (4) designation and heading.

Subsecs. (b), (c). Pub. L. 111–11, §7105(b)(2), added subsecs. (b) and (c) and struck out former subsecs. (b) and (c) which related to guidelines or criteria applicable to the use and development of properties within a park protection zone, and preservation and protection of certain values, respectively.

Subsec. (d). Pub. L. 111–11, §7105(b)(3), (f)(2)(B), redesignated subsec. (g) as (d) and substituted “Jean Lafitte National Historical Park and Preserve” for “Jean Lafitte National Historical Park”.

Pub. L. 111–11, §7105(b)(2), struck out subsec. (d). Prior to amendment, text read as follows: “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) of this section.”

Subsecs. (e), (f). Pub. L. 111–11, §7105(b)(2), struck out subsecs. (e) and (f) which read as follows:

“(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.”

Subsec. (g). Pub. L. 111–11, §7105(b)(3), redesignated subsec. (g) as (d).

1988—Subsec. (g). Pub. L. 100–250 added subsec. (g).

1979—Subsec. (a). Pub. L. 96–87 substituted “eight thousand six hundred acres” for “eight thousand acres”.

“SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95–625, set out as a note under section 2503 of this title.

§ 230b. Owner’s retention of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value; transfer, assignment or termination; “improved property” defined

Within the 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