

**(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.)

**Editorial Notes****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, waters, 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”.

**Statutory Notes and Related Subsidiaries****“SECRETARY” DEFINED**

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f 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 non-commercial 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.

(Pub. L. 95-625, title IX, §903, Nov. 10, 1978, 92 Stat. 3536; Pub. L. 111-11, title VII, §7105(c), (f)(2)(A), Mar. 30, 2009, 123 Stat. 1192, 1193.)

**Editorial Notes**

## AMENDMENTS

2009—Pub. L. 111-11 substituted “Barataria Preserve Unit” for “Barataria Marsh Unit” in first sentence and inserted “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977” in fifth sentence.

**Statutory Notes and Related Subsidiaries**

## “SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

**§ 230c. Cooperative agreements; specific provisions**

In furtherance of the purposes of this part, and after consultation with the Commission created by section 230f of this title, 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)<sup>1</sup> of section 230 of this title, 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 230e of this title. 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.

(Pub. L. 95-625, title IX, §904, Nov. 10, 1978, 92 Stat. 3536; Pub. L. 96-87, title IV, §401(q)(2), Oct. 12, 1979, 93 Stat. 666.)

**Editorial Notes**

## REFERENCES IN TEXT

Paragraphs (4) and (5) of section 230 of this title, included within the reference in text to paragraphs (1) through (5) of section 230 of this title, were redesignated paragraphs (5) and (6), respectively, of section 230 of this title, and a new paragraph (4) was added, by Pub. L. 100-250, §1(a), Feb. 16, 1988, 102 Stat. 16.

## AMENDMENTS

1979—Pub. L. 96-87 substituted reference to “section 907 of this title” for reference to “section 7 of this title” in the original. Since “section 7 of this title” had already been translated as “section 230f of this title” as the probable intent of Congress the substitution of

<sup>1</sup> See References in Text note below.

“907” for “7” required no change in text as set out in this section.

**Statutory Notes and Related Subsidiaries**

## “SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

**§ 230d. Hunting, fishing, and trapping; public safety; consultation**

Within the Barataria Preserve Unit, the Secretary shall permit hunting, fishing (including commercial fishing), and trapping in accordance with applicable Federal and State laws 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.

(Pub. L. 95-625, title IX, §905, Nov. 10, 1978, 92 Stat. 3536; Pub. L. 111-11, title VII, §7105(d), (f)(2)(A), Mar. 30, 2009, 123 Stat. 1192, 1193.)

**Editorial Notes**

## AMENDMENTS

2009—Pub. L. 111-11, in first sentence, substituted “Barataria Preserve Unit” for “Barataria Marsh Unit” and “on land, and interests in land and water managed by the Secretary, except that the Secretary” for “, except that within the core area and on those lands acquired by the Secretary pursuant to section 230a(c) of this title, he”.

**Statutory Notes and Related Subsidiaries**

## “SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

**§ 230e. Establishment; notice in Federal Register; administration**

The Secretary shall administer the park in accordance with the provisions of this part, the Act of August 25, 1916 (39 Stat. 535),<sup>1</sup> the Act of August 21, 1935 (49 Stat. 666),<sup>1</sup> and any other statutory authorities available to him for the conservation and management of natural, historical, and cultural resources.

(Pub. L. 95-625, title IX, §906, Nov. 10, 1978, 92 Stat. 3537; Pub. L. 111-11, title VII, §7105(e), Mar. 30, 2009, 123 Stat. 1193.)

**Editorial Notes**

## REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section

<sup>1</sup> See References in Text note below.