IN ATCHAFALAYA BASIN

Mineral Rights Become Issue

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The prospective loss of mineral rights in the Atchafalaya Basin has become the principal issue which has stymied conservationists' efforts to designate part of the basin as a National Recreation Area, and a letter written by a high-ranking government official released to the public this week has caused more confusion.

The Associated Press reported that G. Douglas Hove Jr., director of the federal Bureau of Outdoor Recreation, said there is no absolute prohibition against private and state ownership of mineral rights in National Recreation Areas, but added, "There is a strong indication that the federal government should obtain mineral rights whenever feasible."

Stops Request

The letter, written by Louisiana's Sen. Allen J. Ellender by Hove, was released to the press Monday by Secretary of State Wade O. Martin Jr. Martin is chairman of the recently created Governor's Commission on the Atchafalaya Basin, and has led the commission in stopping a request to have the federal government study the feasibility of a recreation area in the basin.

Martin urged the commission in its first official meeting Friday in Baton Rouge to rescind a morning session motion which called for the commission chairman to ask the Department of Interior's Bureau of Outdoor Recreation to make the recreation area study.

Martin demanded a stop to (Continued on Page 2, Col. 4)

requesting the bureau's help until it could be established that state and private lands could be sold to the federal government and mineral rights still be retained.

In a letter obtained by the Advertiser which was written to Ellender by Hove, dated June 14, 1971, Hove said "very definitely" each National Recreation Area is established by its own individual Congressional legislation.

May Be Permitted

Hove continued in the June letter that commercial oil, gas and timber production, commercial fishing and crawfishing and hunting may be permitted to continue if so designated in the establishing Congressional legislation provided "outdoor recreation is recognized as the predominant use of the area."

"Usually fishing, crawfishing and hunting continue to be managed by the State with a few minimal reservations," Hove wrote.

If Congress so designates that oil, gas and timber production continue, the National Park Service which administers a National Recreation Area may not by a change in administrative policy, disallow oil, gas and timber production by the land owners, according to Hove's June letter to Ellender.

"Not only must the National Park Service follow the dictates of the Congress in the administration of a National Recreation Area, but so also must any other bureau or agency that might be assigned the administrative responsibility for the area," Hove said. "The administering agency must adhere to the guidelines set forth by the Congress, but in making its day-to-day decisions it usually has enough freedom to authorize other compatible uses of the area provided such use does not adversely affect the recreational values of the area."

Unique Patterns

Hove said the Congressional legislation establishing a National Recreation Area may be unique and need not necessarily follow the pattern of any other areas in the U.S. provided the area qualify as a federal recreation site.

In the letter released by Martin Monday, the Associated Press said Hove wrote to Ellender:

"If additional natural resource utilization is carried on, such additional use shall be compatible with fulfilling the recreation mission and none will be carried on that is significantly detrimental to it."

"This would not rule out continued non-federal ownership of mineral rights and their development as long as such development would not be significantly detrimental to the primary use of the area for outdoor recreation."

"Fee simple title means the whole damn thing," Martin told the commission in its meeting Friday. "From the sky to the center of the earth!"

According to Louisiana Revised Statute 9:5806, if private or state land is appropriated by the federal government or is sold to the government mineral rights may be reserved for posterity without limitation.

10-Year Period

Louisiana law allows mineral right reservation for a 10-year period only if there is no production and then the rights revert to the purchaser, but this is in sales between individuals.

The statute 9:5806 protects in "perpetuity" mineral rights when private land is sold to the federal government.