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Heirs question levee board's efforts

By Amanda Furness
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It's not just the money. Really. For Stanley Riley and his uncle Harry Jones, their long-lasting battle with the Orlea Levee District has become a running commentary on race relations in Louisiana. I hate to say that it's a racial issu cause then everyone will say it's always about race, but it truly is," Riley said. He and Jones, along with over tv hundred others from Plaquemines Parish, have been battling the levee board for the monies and property they a owed as heirs of Bohemia Spillway's original landowners since 1984, when the Louisiana Legislature initially order the levee board to return those properties.

The story itself is complicated. Here is a brief but real breakdown on the spillway's history: In 1923, 220 landowner sixty percent of whom were African-American - in a small town called Ostrica were approached by the state a offered small amounts of money for the land they owned, farmed and depended on. The state needed the land in ord to build a spillway that would help prevent flooding in areas that stretched as far north as New Orlear representatives said. Those who refused to sell their land were told that failure to leave meant that they would so find their homes floating away amidst the spillway waters. The bottom line? Get out or be pushed out.

In 1924, the state gave several oil companies permission to start drilling for natural resources; Shell Oil, Gulf O Chevron and Bass Oil among them. In 1929, large amounts of oil had been discovered and tanks were put in plac The families whose lands had been expropriated - poor blacks and whites - received no monies from the richness th their property had yielded. In 1984, years after the fact, the legislature ordered the return of the land to it's rightf owners. Senators Lynn Dean and Paulette Irons are two current legislators who have worked to insure that the heirs Ostrica residents be provided with not only deeds and surveys for the lands their families lost, but also with t revenues that have been accrued by the oil companies drilling those properties and from the Orleans Levee Distri itself. Several earlier senators, beginning in 1948, have attempted to pass bills which would close the spillway a return the land to it's rightful owners, though their attempts were defeated. By 1962, the lands had brought the lev board just over 15 million in mineral revenues, proving the spillway to be an asset worth fighting for.

It is a battle that wages on still today, despite the1984 amendment and the 1996 Circuit Court of Appeals fin decision on the matter which stated that a total of 24 million - estimated mineral revenues from 1984 to the presen was due to Osrica heirs. Records show that over 45,000 claims were filed with the Department of Natural Resourc by those who claimed to be heirs; that number has since been narrowed down to2,500. As of September of last ye 2.5 million had been paid out to those dubbed "legitimate" claimants. Riley said the board is "dragging it's feet" the remaining payments.

"People think that the spillway issue is over, that we have been given our lands and money back, but it's just not s he said. George Carmouche, attorney for the OLD, said that all claims under $10,000 have been paid out appropriated for future payment in accordance with state law. Cash to cover the larger claims, he added, has be given over to the courts to be doled out. "That's a process that may take a while," Carmouche said, "but at some poi the courts will release the money to people. We're still returning land, there are deeds still being processed. But t larger claimants have had their land returned and been receiving revenues, some since 1991. I'd wager a few of the have accrued millions of dollars in revenues already. This whole thing has cost the levee board a great deal of mon that it didn't have, and we're still certifying claimants."

The OLD has repeatedly stated in the past that payment of the 24 mil - along with nearly 15 million in legal co resulting from the spillway issue - could bankrupt the board; cutting into funding for it's police department a

undermining efforts to privatize the Lakefront Airport. Using those concerns as fuel, the board continues to se legislative help in covering those costs.

"They know better. The levee board spent 20 million on the casino...that was our money. Now they say they can't p it all back cause it's going to break them? That's not our problem," Riley said. One of his biggest concerns, he adde is with the formula that the board has used to calculate the revenues due each heir. His problem? The formula is o that Riley said the board refuses to explain to heirs, stating that is too complicated to rehash. "We have been going court, turned down, run around, but yet they want to give us this pittance. They gave us this sheet that shows hc much we're each supposed to get, based on the revenues that our land has brought. 'This is how much you're suppos to get' they say, but when I asked them to show me how they got the figures, what they did to come up with what th have,they don't want to do it," Riley said. He added that the board had made both he and his uncle an offer of only few hundred dollars, which they turned down.

Part of their reasoning for refusing to accept the board's offer, they said, is that they believe the figures stated on t revenue sheet don't accurately represent the revenues that the lands have brought in. Riley said though an amendme to the 1984 legislation ruled that the levee board must have each parcel of land surveyed and the results forwarded the heirs, the board has refused to do that. Failure to comply with that statute - in Riley's eyes - means not only th the board has no way to know for certain how much each party is owed, but also that the OLD is blatantly breaki the law. Carmouche said that surveys were never ordered by law, though the 1997 amendment, House Bill 804 rea in part "relative to the Bohemia Spillway, to provide for legislative intent; to provide for the return of lands a certain lands and certain revenues derived therefrom; to provide for ownership of certain lands...to provide for certa actions to prove title; to provide for surveys of certain property."

"If they don't survey the land, how do they know what to give us? " Riley questioned. "I think it's a question of tryi to take and keep the land of Afro-Americans in Plaquemines Parish. It's a few white families who've already gott their money, one of them millions. We haven't had an attorney through this whole process, and they just want us accept whatever they say and take whatever they give us."

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