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### NEW JERSEY COASTAL HERITAGE TRAIL ROUTE ACT

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SEPTEMBER 28, 2004.—Ordered to be printed

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

### R E P O R T

[To accompany S. 2142]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2142) to authorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 2142 is to authorize appropriations for the New Jersey Coastal Heritage Trail for an additional five years and to increase the appropriation ceiling to \$8,000,000.

#### BACKGROUND AND NEED

In 1988 Congress passed legislation authorizing the New Jersey Coastal Heritage Trail Route (Public Law 100-515; 16 U.S.C. 1244 note). This legislation authorized a route that links nationally significant natural and cultural sites and internationally significant habitats for migratory birds along the coastal areas of New Jersey. The New Jersey Coastal Heritage Trail Route (Route) runs south for 300 miles from Perth Amboy along the Atlantic Ocean to Cape May and then west along the Delaware Bay to the Delaware Memorial Bridge. The Route is currently operated as an affiliated area of the National Park System, with the National Park Service providing technical assistance to the State of New Jersey and various private and community-based organizations. Non-Federal funds provide at least fifty percent of the funding for the Route and no Federal funds are used for the operations, maintenance or repair of any road structure.

Three of the five theme routes proposed for the Route are currently open. They showcase aspects of New Jersey coastal life such as maritime history, wildlife migration and coastal wildlife habitats. The two remaining trails are based on the themes of historic settlements and inspiration and are under development. Overall, sixty destinations are linked under the five interpretive themes.

Several other projects are also planned to enhance the coastal trail. These projects include: construction of a New Jersey State Park facility on the trail at Double Trouble State Park; continuing construction on the Welcome Center at Sandy Hook and construction of a Welcome Center in the Absecon region; and the development of interpretive media, including brochures, videos and exhibits.

S. 2142 would increase the current authorization for appropriation from \$4 million to \$8 million. The bill would also extend the deadline for the completion of the project from May 2004 until May 2009. Under S. 2142, the National Park Service would be required to complete a strategic plan for the long term maintenance of the coastal route. Finally the bill would increase the advisory role of the National Park Service to include the authority to award grants to the Route.

#### LEGISLATIVE HISTORY

S. 2142 was introduced by Senators Lautenberg and Corzine on February 27, 2004. A companion bill, H.R. 3070, was introduced in the House of Representatives on September 10, 2003, by Representative LoBiondo. The Committee on Energy and Natural Resources' Subcommittee on National Parks held a hearing on S. 2142 on July 15, 2004. At the business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered S. 2142 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on September 15, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2142.

#### SECTION-BY-SECTION ANALYSIS

Section 1(a) amends section 6 of Public Law 100-515 (16 U.S.C. 1244 note) by increasing the amount of authorized appropriations from \$4,000,000 to \$8,000,000, and by extending the deadline for project completion from 10 to 15 years.

Subsection (b) amends section 6 of Public Law 100-515 (16 U.S.C. 1244 note) by granting the Department of the Interior the authority to make grants, subject to the availability of appropriations, to assist with the development of interpretive materials and conservation methods for the Route.

Subsection (c) requires that the Secretary of the Interior prepare a strategic plan for the Route. This section also details the contents and administrative requirements of the strategic plan.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

*S. 2142—A bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes*

S. 2142 would increase the existing authorization of appropriations for developing the Coastal Heritage Trail Route in New Jersey from \$4 million to \$8 million and extend the authorization period for such activities for an additional five years. Assuming appropriation of the authorized amounts, CBO estimates that the federal government would spend \$4 million over the 2005–2009 period to implement the bill. Enacting the bill would not affect direct spending or revenues.

S. 2142 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lisa Cash Driskill. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2142.

The bill is not a regulatory measure in the sense of imposing government-established standards or significant economic responsibilities on private individuals and businesses.

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. 2142.

## EXECUTIVE COMMUNICATIONS

On July 6, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2142. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 2142 follows:

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2142, a bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route and for other purposes. The Department supports the bill if amended to strike the new grant making authority and if the Secretary prepares the strategic plan in partnership with the State. Funding for the trail for fiscal year 2005

is included within the President's Budget, pending reauthorization of the trail.

S. 2142 has four main objectives. First, it would extend the authority for National Park Service participation in the New Jersey Coastal Heritage Trail Route for five years from May 2004 to May 2009. Second, it would increase the appropriations authorized for the trail from \$4 million to \$8 million. Third, it would require a strategic plan to be completed within four years that both describes opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route and that outlines organizational options for sustaining the trail. Finally, it authorizes the Secretary to provide grants, subject to the availability of appropriations, to partners managing designated trail designations.

The Department is opposed to the grant making authority provision contained in S. 2142. We cannot support this new Federal funding commitment at a time when we are trying to focus our available resources on taking care of existing National Park Service responsibilities. In addition, projects within the region may qualify for current competitive grant programs such as the Land and Water Conservation Fund; Save America's Treasures; Rivers, Trails and Conservation Assistance program; and the newly proposed Preserve America initiative.

The strategic plan authorized in S. 2142 could be an important tool to help the trail develop a long-term management strategy that includes creating a self-sustaining funding mechanism that does not depend indefinitely on operational funding from the National Park Service. We would recommend that the bill be amended to require this strategic plan to be done in partnership with the State.

Reauthorization of the trail would enable the National Park Service to complete implementation of the trail plan, as supported by the public and our partners in the Implementation Guide, a blueprint for overall trail development. Without additional time and funding, the New Jersey Coastal Heritage Trail Route will be left incomplete. Commitments to trail partners would go unfulfilled, and many additional natural and cultural resources would not receive the partnership assistance leveraged by the trail that supports public awareness and stewardship through this program. Implementation of the plan is also critical in building a base of sustainable partners and developing a strategy for the longterm management of the trail.

The Act of October 20, 1988, as amended in 1994 and 1999, authorized the Secretary to designate a vehicular tour route in coastal New Jersey and to prepare an inventory of sites along the route. An interpretive program was also mandated to provide for public appreciation, education, understanding and enjoyment of important fish and wildlife habitats, geologic and geographical landforms, cultural resources, and migration routes in coastal New Jersey. The Secretary was authorized to provide technical as-

sistance, prepare and distribute information, and erect signs along the route. The trail links national wildlife refuges, national parklands, National Historic Landmarks, and National Register sites with important historic communities, state parks, natural areas, and other resources to tell the story of New Jersey's role in shaping U.S. history and in providing internationally important habitats for bird and other migrations.

The trail, an affiliated area of the National Park System, is a partnership among the National Park Service; the State of New Jersey through its Department of Environmental Protection, Commerce and Economic Growth Commission, and Pinelands Commission; and many local government and private non-profit partners. Through interpretation of five themes (Maritime History, Coastal Habitats, Wildlife Migration, Relaxation & Inspiration, and Historic Settlements), the trail brings attention to important natural and cultural resources along coastal New Jersey. The trail demonstrates the potential of new public/private partnerships that allow the National Park Service to meet its core mission of natural and cultural resource preservation along with interpretation and public education in a cost-efficient manner through technical assistance while reducing operational responsibilities. No Federal funds are used for operations, maintenance, or repair of any road or related structure.

The trail has been authorized an appropriation of not more than \$4,000,000 to carry out its purposes during the ten years between 1994 and May 2004. The \$3.9 million in Federal support between 1994 and 2004 included \$1.2 million in development funding and \$2.3 million in National Park Service operational support. The trail has received \$1.9 million in cash grants and \$3.6 million in selected in-kind contributions and partnership support, well exceeding the one-to-one matching requirement established by the 1994 amendments. Since the authorization ceiling has almost been met, the Department supports increasing the ceiling by an additional \$4 million.

The New Jersey Coastal Heritage Trail Route has special value to the National Park Service. With over 10 years of experience behind it, it serves as a model for successful partnerships among the Federal government, state and local governments, and partner organizations. Instead of traditional Federal ownership, the Trail uses technical assistance through interpretation as the protection strategy for the resources along the 300 miles of New Jersey coastline where people continue to live and work. Land ownership and day-to-day operations remain with the partner organizations and agencies. It is an example of an integrated system of local, state, and Federal partnership cooperation with people working on a state-wide level to promote preservation and stewardship of resources as well as economic development strategies. It is an excellent example of the "seamless network of parks" strategy encouraged by the

Department. The costs are very modest when compared to the management expense of national park units.

For example, the Delsea Region Welcome Center for the trail is located at Fort Mott State Park. The State contributed workspace, rehabilitated the building, assisted with exhibit development, and has operated and staffed the facility since it opened in 1993. The National Park Service assisted by developing exhibits for both the park and for the trail, and by preparing an audio-visual orientation program. Attendance at Fort Mott has nearly quadrupled since becoming a trail destination and Welcome Center.

The trail produces brochures and a web page that provide national visibility to destinations and resources that might otherwise be overlooked. Over sixty destinations are linked under the five interpretive themes. All trail destinations provide their own management, staffing, and public programs. The trail supports ecotourism and heritage tourism initiatives in New Jersey where tourism is the second largest employer, creating over 400,000 jobs in 2003 and bringing in \$26 billion in tourism-related expenditures. Last year over 50 million visits were made to the New Jersey shore regions—a huge audience for the awareness, preservation, and stewardship message of the trail. Millions of visitors go to the New Jersey Shore to enjoy the beaches in the summer. The trail not only provides rainy day alternatives for tourists, but it also extends the summer season and provides additional year-round opportunities for both residents and visitors who visit the Jersey Shore on an annual basis.

The trail has also supported cutting edge environmental and migratory habitat research through two National Park Foundation grant projects in partnership with New Jersey Audubon using Doppler radar and acoustic sound recordings to track nighttime songbird migration through New Jersey. This is critical as New Jersey lies along the migratory Atlantic Flyway, and the Delaware Bayshore region of New Jersey is designated as a Ramsar Treaty Wetland of International Importance component of the Western Hemisphere Shorebird Reserve Network, and a site in the Nature Conservancy's Last Great Places Program.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks, and I will be happy to answer any questions you or other committee members might have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2142, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## Public Law 101-515

AN ACT To provide for the establishment of the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.**

In order to provide for public appreciation, education, understanding, and enjoyment, through a coordinated interpretive program of certain nationally significant natural and cultural sites associated with the coastal area of the State of New Jersey that are accessible generally by public road, the Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a map or other description thereof in the Federal Register, a vehicular tour route along existing public roads linking such natural and cultural sites in New Jersey. Such route shall be known as the New Jersey Coastal Heritage Trail Route (hereinafter referred to as the "route").

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**SEC. 4. PUBLIC APPRECIATION.**

With respect to sites linked by segments of the route which are administered by other Federal, State, local nonprofit or private entities, the Secretary is authorized, pursuant to cooperative agreements with such entities, to provide technical assistance in *and, subject to the availability of appropriations, grants for, the* development of interpretive devices and materials and conservation methods regarding the resources enumerated in section 3 in order to contribute to public appreciation, understanding and conservation of the natural and cultural resources of the sites along the route. The Secretary, in cooperation with State and local governments, and other public and private entities, shall prepare and distribute informational material for the public appreciation of sites along the route.

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**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) There are authorized to be appropriated to the Secretary not more than \$250,000 to carry out the purposes of this Act. No funds made available under this Act shall be used for the operation, maintenance, or repair of any road or related structure.

(b)(1) Notwithstanding the provisions of subsection (a), there are hereby authorized to be appropriated to the Secretary to carry out the purposes of this Act **[\$4,000,000]**, *\$8,000,000* which is in addition to any sums appropriated for such purposes for use during fiscal years ending on or before September 30, 1993.

(2) Funds appropriated pursuant to this subsection to carry out the purposes of this Act shall be used solely for **[technical assistance]** *and grants* and the design and fabrication of interpretive materials, devices and signs. In addition to the limitation on funds contained in subsection (a), no funds made available under this

subsection shall be used for operation, maintenance, repair or construction except for construction of interpretive exhibits.

(3) The Federal share of any project carried out with funds appropriated pursuant to this subsection may not exceed 50 percent of the total cost for that project and shall be provided on a matching basis. The non-Federal share of such cost may be in the form of cash, materials or in-kind services fairly valued by the Secretary.

(c) The authorities provided to the Secretary under this Act shall terminate **[10]** 15 years after the date of enactment of this subsection.

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**SEC. 7. REVITALIZATION OF OFFICERS ROW, SANDY HOOK, NEW JERSEY:**

(a) **AGREEMENT WITH STATE.**—To further the revitalization, rehabilitation, and utilization of the area known as “Officers Row” located within the Sandy Hook Unit of the Gateway National Recreation Area, the Secretary of the Interior, or his designee, shall enter into an agreement to permit the State of New Jersey to use and occupy the property depicted on the map numbered 646/80,003, entitled “Marine Science Laboratory Land Assignment”, dated September 1988, for the express purpose of constructing, developing, and operating, without cost to the National Park Service, a marine sciences laboratory to be known as the “James J. Howard Marine Sciences Laboratory”. The design of the new facility, the rehabilitation of Building 74, the design and location of landscaping modifications thereto, shall be reviewed by, and subject to the approval of, the Director of the National Park Service or his designee using the standards for rehabilitation and National Park Service guidelines and policies approved by the Secretary of the Interior.

(b) **REVERSION.**—If the improvements described in subsection (a) are not used as a marine sciences laboratory by the State of New Jersey, all use of the property and the improvements thereon shall revert, without consideration, to the National Park Service.

**SEC. 8. STRATEGIC PLAN.**

(a) **IN GENERAL.**—*Not later than 4 years after the date of the enactment of this section, the Secretary shall prepare a strategic plan for the route.*

(b) **CONTENTS.**—*The strategic plan prepared under subsection (a) shall describe—*

*(1) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the route; and*

*(2) organizational options for sustaining the route.*