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SENATE

{ REPORT
109-41

NEW JERSEY COASTAL HERITAGE TRAIL ROUTE APPROPRIATIONS ACT

MARCH 17, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 48]

The Committee on Energy and Natural Resources, to which was referred the bill, S. 48, to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 6 and all that follows through page 2, line 5, and insert the following:

“(a) REAUTHORIZATION.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

‘SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

‘(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

‘(b) USE OF FUNDS.—

‘(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

‘(A) technical assistance; and

‘(B) the design and fabrication of interpretive materials, devices, and signs.

‘(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

‘(A) operation, repair, or construction costs, except for the costs of constructing interpretive exhibits; or

- ‘(B) operation, maintenance, or repair costs for any road or related structure.
- ‘(3) COST-SHARING REQUIREMENT.—
- ‘(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—
- ‘(i) may not exceed 50 percent of the total project costs; and
- ‘(ii) shall be provided on a matching basis.
- ‘(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.
- ‘(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.’.”

2. On page 2, line 7, strike “2” and insert “3”.
3. On page 2, line 8, strike “of enactment of this Act” and insert “on which funds are made available”.

PURPOSE OF THE MEASURE

As ordered reported, the purpose of S. 48 is to authorize appropriations for the New Jersey Coastal Heritage Trail, through September 2007.

BACKGROUND AND NEED

In 1988 the Congress enacted Public Law 100–515 authorizing the New Jersey Coastal Heritage Route. That Act 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 (Heritage Trail) 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 trail is currently operated as an affiliated area of the National Park Service, which provides 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 Heritage Trail and no Federal funds are used for the operation, maintenance or repair of any road structure.

Three of the five theme routes proposed for the Heritage 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 develop-

ment of interpretive media, including brochures, videos and exhibits.

S. 48 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 2010. Under S. 48, 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 Heritage Trail.

LEGISLATIVE HISTORY

S. 48 was introduced by Senators Lautenberg and Corzine on February 16, 2005. During the 108th Congress, the Committee considered identical legislation, S. 2142, also sponsored by Senators Lautenberg and Corzine. The 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 (S. Rept. 108-366), with amendments. S. 2142 passed the Senate, as amended, by unanimous consent on October 10, 2004. The House of Representatives did not consider the bill prior to the sine die adjournment of the 108th Congress.

Language to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route was included as Title IV of H.R. 4492, a bill addressing several National Heritage Areas. H.R. 4492 was passed by The House of Representatives on July 19, 2004, but was not considered in the Senate.

Similar language was also included as a House amendment to S. 1521, a bill authorizing a land conveyance in Nevada. The amended bill, which addressed several heritage areas, was passed by the House on October 4, 2004. The Senate concurred in the House amendment with additional amendments (the New Jersey Coastal Heritage Trail route provision was not affected) on December 7, 2004. However, the House did not take any further action on the Senate amendment.

At its business meeting on February 16, 2005, the Committee on Energy and Natural Resources ordered S. 48 favorably reported, with amendments.

COMMITTEE AMENDMENTS

During its consideration of S. 48, the Committee adopted three clarifying amendments. Amendment #1 amends Section 6 of the route's enabling Act (Public Law 100-515) to authorize the appropriations of such sums as are necessary through September 30, 2007.

The other two amendments direct the Secretary of the Interior to prepare a strategic plan for the route within 3 years after the date funds are made available instead of the 2 years specified in the bill as introduced.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on February 16, 2005, by a unanimous voice vote

of a quorum present, recommends that the Senate pass S. 48, as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1(a) amends section 6 of Public Law 100–515 (16 U.S.C. 1244 note) to authorize the appropriation of such sums as may be necessary to carry out the Act. The previous appropriation ceiling was \$4 million. The rest of the section restates existing provisions in Section 6, except that the authorities provided to the Secretary of the Interior under this section terminate on September 30, 2007.

Subsection (b) requires that the Secretary of the Interior prepare a strategic plan for the Heritage Route not later than 3 years after the date funds are made available.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested, but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 48.

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. 48.

EXECUTIVE COMMUNICATIONS

During the 108th Congress, the Committee considered similar legislation, S. 2567. The views of the Administration on S. 2567 were included in testimony received by the Committee at a hearing on the bill on September 15, 2004, as 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 long-term 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 assistance, prepare and distribute information, and erect signs along the route. The trail links national wildlife ref-

uges, 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. 48, 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 100–515, 100th Congress

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.

* * * * *

[(a) REAUTHORIZATION.—Section 6 of Public Law 100–5–5 (16 U.S.C. 1244 note) is amended—

 [(1) in subsection (b)(1), by striking “\$4,000,000 and all that follows and inserting “such sums as are necessary”, and

 [(2) in subsection (c), by striking “10” and inserting “12”.]

(a) REAUTHORIZATION.—Public Law 100–515 (16 U.S.C. 1244 note) is amended by striking section 6 and inserting the following:

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

 “(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

 “(b) USE OF FUNDS.—

 “(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

 “(A) technical assistance; and

 “(B) the design and fabrication of interpretive materials, devices, and signs.

 “(2) LIMITATIONS.—No funds made available under subsection (a) shall be used for—

 “(A) operation, repair, or construction costs, except for the costs of constructing interpretive exhibits; or

 “(B) operation, maintenance, or repair costs for any road or related structure.

 “(3) COST-SHARING REQUIREMENT.—

 “(A) FEDERAL SHARE.—The Federal share of any project carried out with amounts made available under subsection (a)—

 “(i) may not exceed 50 percent of the total project costs; and

 “(ii) shall be provided on a matching basis.

 “(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of carrying out a project with amounts made available under subsection (a) may be in the form of cash, materials, or in-kind services, the value of which shall be determined by the Secretary.

 “(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, 2007.”.

(b) STRATEGIC PLAN.—

 (1) IN GENERAL.—Not later than [2] 3 years after the date [of enactment of this Act] on which funds are made available, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

 (2) CONTENTS.—The strategic plan shall describe—

 (A) 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

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

