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SENATE

{ REPORT  
{ 110-287

### NEW JERSEY COASTAL HERITAGE TRAIL AUTHORIZATION ACT

APRIL 10, 2008.—Ordered to be printed

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

### R E P O R T

[To accompany S. 1039]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1039) to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

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

“(A) technical assistance;

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

“(C) the preparation of the strategic plan.”

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

“(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.”

(3) Subsection (c) is amended by striking “2007” and inserting “2011”.

#### PURPOSE

The purpose of S. 1039 is to extend the authorization for the New Jersey Coastal Heritage Route by four years, from 2007 through 2011.

## BACKGROUND AND NEED

In 1988 Congress enacted Public Law 100–515, which authorized the Secretary of the Interior 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 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, 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.

During the 109th Congress, Public Law 109–338 was enacted re-authorizing Federal funding for the New Jersey Coastal Heritage Trail Route until September 30, 2007, while also requiring a strategic plan to be prepared by the Secretary of the Interior three years after funds are made available. Because the sunset date has passed, an extension of authority is necessary to allow adequate time to complete the preparation of the strategic plan. The strategic plan is an important tool to help the trail develop a long-term management strategy that includes a variety of options for sustainability of the trail. In order to carry out this provision, S. 1039 extends the authorization for Federal funding for the trail to September 30, 2011, to match the time period for the completion and transmittal of the strategic plan.

## LEGISLATIVE HISTORY

S. 1039 was introduced by Senators Lautenberg and Menendez on March 29, 2007. The Subcommittee on National Parks held a hearing on the bill on September 27, 2007. (S. Hrg. 110–266.)

During the 109th Congress, the Committee considered a similar measure, S. 48, except that it extended the authorization for Federal funding for the trail only through September 30, 2007. S. 48 was ordered reported by the Committee on February 16, 2005 (S. Rept. 109–41). The text of the bill was incorporated as an amendment to S. 203, which became Public Law 109–338.

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1039 favorably reported, with an amendment in the nature of a substitute.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1039, if amended as described herein.

## COMMITTEE AMENDMENT

During its consideration of S. 1039, the Committee adopted an amendment in the nature of a substitute. The amendment incorporated recommendations made by the National Park Service to authorize the Secretary of the Interior to use Federal funding to complete the strategic plan for the New Jersey Coastal Heritage Trail Route.

## SUMMARY OF S. 1039

S. 1039 amends section 6 of Public Law 100–515 to extend the authorization for the New Jersey Coastal Heritage Trail Route from September 30, 2007 through September 30, 2011, and to authorize the Secretary of the Interior to use appropriated funds to prepare a strategic plan for the route.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

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S. 1039 would reauthorize funding for the Coastal Heritage Trail in New Jersey. Specifically, the bill would authorize the appropriation of whatever amounts are necessary for interpretive activities through 2011. (That authorization expired in 2007.) Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that the federal government would spend \$3 million over the 2009–2011 period to implement the bill. That spending would support strategic planning and other authorized activities for the trail. Enacting the bill would not affect direct spending or revenues.

S. 1039 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 Matthew Pickford. This estimate was approved by Theresa Gullo, 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. 1039. 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. 1039, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 1039, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in Rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the September 27, 2007 subcommittee hearing on S. 1039 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the Department of the Interior's views on S. 1039 a bill to extend the authorization for the New Jersey Coastal Heritage Trail Route for an additional four years.

The Department supports enactment of this bill with two amendments.

The Act of October 20, 1988 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 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, 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.

Extending the authorization of the trail would enable the National Park Service to complete implementation of the trail plan, as supported by the public and our partners. Without additional time and funding, the New Jersey

Coastal Heritage Trail Route will be left incomplete. 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. Additionally, commitments to trail partners would go unfulfilled, and many additional natural and cultural resources would not receive the partnership assistance leveraged by the trail.

Public Law 109-338, the National Heritage Areas Act of 2006, reauthorized federal funding for the New Jersey Coastal Heritage Trail Route until September 30, 2007, while also requiring a strategic plan to be prepared by the Secretary three years after funds are made available. The current sunset date of September 30, 2007 does not provide adequate time to complete the preparation of the strategic plan. The strategic plan is an important tool to help the trail develop a long-term management strategy that includes a variety of options for sustainability of the trail. In order to carry out this provision, the authorization for federal funding for the trail should be extended to September 30, 2011, to match the time period for the completion and transmittal of the strategic plan.

The Department recommends two amendments to the bill. First, we recommend that the long title of the bill be amended to use the generally accepted name of the trail, which is the New Jersey Coastal Heritage Trail Route. Second, the current authorization of appropriations for the New Jersey Coastal Heritage Trail Route is limited to the Secretary providing technical assistance and funds for the design and fabrication of interpretive materials, devices and signs. All federal funds under the enabling legislation require a non-federal, one-to-one match. We recommend that S. 1039 be amended to authorize the Secretary to use federal funding to complete the strategic plan since the current authorization does not allow for funds to be used for this purpose.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or other members of the committee may 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 the bill S. 1039 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

An Act To Provide for the Establishment of the Coastal Trail Route in the State of New Jersey, and for Other Purposes

(Approved October 20, 1988)

*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").

\* \* \* \* \*

**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.】

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

*(A) technical assistance;*

*(B) the design and fabrication of interpretive materials, devices, and signs; and*

*(C) the preparation of the strategic management plan.*

(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]** *2011*.

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