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DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY ACT

OCTOBER 19, 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. 1627]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1627) to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1627 is to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability of establishing a unit of the National Park System in Delaware.

BACKGROUND AND NEED

The coastal zone of Delaware plays an important role in the history, culture and economy of the State. The shoreline extends for approximately 260 miles and no part of the State is more than 8 miles from tidal waters. The Atlantic coastline consists of a series of barrier beaches and dunes from Cape Henlopen to Fenwick Island. The coastal resources of Delaware are an integral part of the State's aesthetics and economy. Over 24 miles of sandy beaches, including 12 miles within State parks, and a diverse array of wildlife, including 45 terrestrial, over 280 marine, and over 200 avian species, are a part of the State's coastal zone.

The study is to include consideration of Fort Christina. Located in present day Wilmington, Fort Christina was the first permanent settlement in the Delaware Valley. Fort Christina commemorates the colony of New Sweden when Peter Minuit's expedition landed from the Swedish ships Kalmar Nyckel and Fogel Grip about March 29, 1638.

More than 5 million people visit this area each year. The development pressure is intense, putting additional stress on the coastal environment. Authorization of a study is the first step toward determining appropriate protection strategies for this area.

LEGISLATIVE HISTORY

S. 1627 was introduced by Senators Carper and Biden on September 7, 2005. Similar legislation, S. 2899, was introduced by Senators Carper and Biden in the 108th Congress.

The Subcommittee on National Parks held a hearing on S. 1627 on September 22, 2005. At its business meeting on September 28, 2005 the Committee on Energy and Natural Resources ordered S. 1627 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 1627 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Delaware National Coastal Special Resources Study Act."

Section 2(a) directs the Secretary of the Interior (Secretary) to conduct a special resources study of the coastal region of the State of Delaware for possible inclusion in the National Park System.

Subsection (b) provides for inclusion in the study one or more sites, including Fort Christina.

Subsection (c) directs the Secretary to consult with the State of Delaware, coastal region communities and the general public in preparing and conducting the study.

Section 3 directs the Secretary to include 7 themes as part of the study: history of indigenous people; colonization and establishment of the frontier; founding of the Nation; transportation; coastal defense; the Underground Railroad; and the coastal environment.

Section 4 states that the Secretary shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing the findings of the study not later than one year after funds are made available.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1627—Delaware National Coastal Special Resources Study Act

S. 1627 would direct the Secretary of the Interior to conduct a special resource study of sites in the coastal region of Delaware to

determine their national significance and to evaluate the suitability and feasibility of including them in the National Park System. CBO estimates that carrying out the proposed study would cost about \$150,000 over the next year, assuming the availability of appropriated funds. Enacting S. 1627 would not affect direct spending or revenues.

S. 1627 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 Deborah Reis. 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. 1627. 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. 1627, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 1627 were included in testimony received by the Committee at a hearing on the bill on September 22, 2005 as follows:

STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on S. 1627, a bill to authorize the Secretary of the Interior to conduct a Special Resources Study along the coastal region of the State of Delaware. The Department supports enactment of the legislation with one amendment regarding the time period provided for the study.

While the Department supports the authorization of this study, it is important that future funding requests go towards completing previously authorized studies. There are currently 25 studies in progress, and we hope to complete and transmit 6 to Congress by the end of 2005. Therefore, the Department will focus the funding provided towards completing these studies.

The coastal region of the state of Delaware has a long and distinguished history of Native American occupation, colonial settlement and contributions to this nation's heritage. The region was populated by the Lenni Lenape and Nanticoke tribes before the period of European discovery. Early explorations of Delaware's coastline were made by the Spaniards and Portuguese in the sixteenth century, by

Henry Hudson in 1609 under the auspices of the Dutch, by Samuel Argall in 1610, by Cornelius May in 1613, and by Cornelius Hendricksen in 1614. During a storm, Argall was blown off course and sailed into a strange bay, which he named in honor of his governor—Lord De La Warr.

In 1631, 11 years after the landing of the English pilgrims at Plymouth, Massachusetts, the first white settlement was established by the Dutch. This was followed in 1638 by the first Swedish settlement at “The Rocks” on the Christina River, where a fort was built called “Fort Christina” after the young queen of Sweden. Fort Christina in Wilmington, with a monument created by the noted sculptor Carl Milles and presented by the people of Sweden, perpetuates the memory of these first settlers and preserves “The Rocks” where they first landed.

In the autumn of 1655, Peter Stuyvesant came from New Amsterdam with a Dutch fleet, subjugated the Swedish settlements, and established the authority of the Colony of New Netherlands throughout the area. The Dutch were eventually replaced by the English. In 1776 at the time of the Declaration of Independence, Delaware not only declared itself free from the British Empire, but also established a state government entirely separate from Pennsylvania. The State became the first to ratify the United States Constitution on December 7, 1787.

The importance of the Delaware Bay and River to coastal defense during the American Revolution, the War of 1812 and the Civil War was marked by the establishment of fortifications to thwart enemy ships from traversing the Delaware River to Philadelphia. Many of these resources remain to remind current generations of past struggles for independence, early nationhood, and preservation of the Union. Delaware became an important component of the Underground Railroad prior to the elimination of slavery during the Civil War. The Delaware River was and remains an important transportation link connecting Delaware and portions of Pennsylvania and New Jersey to world markets.

The coastal region of Delaware also contains important natural resources adjacent to and including Delaware Bay and the Delaware River. It provides resource-based recreational opportunities for fishing, boating, swimming and crabbing. Delaware Bay is a major staging area for shorebird migration with truly spectacular numbers visible during the peak of migration. The region is replete with state parks and wildlife areas that protect resources and provide important opportunities for the public to appreciate and enjoy Delaware’s natural treasures.

The region also has played an important role in industry, including the exploitation of water power. The outbreak of the Civil War, for example, found Wilmington with a strong industrial base, which responded to meet the great demands of waging war. Wilmington products included ships, railroad cars, gunpowder, shoes, tents, uniforms, blankets and other war-related goods. By 1868, Wil-

mington was producing more iron ships than the rest of the country combined and it rated first in the production of gunpowder and second in carriages and leather. Industries thrived along the Delaware, especially the chemicals and materials company that was founded by the Dupont family in the 19th century and continues to be one of the largest chemical-related companies in the world.

The Department suggests one amendment to S. 1627. Section 4 of the bill requires that a report on findings, conclusions and recommendations of the study be submitted to the Senate and House authorizing committees no later than one year after funds are made available to carry out the Act. We believe it more feasible to provide that this occur no later than three years after funds are made available based on the number of Special Resource Studies currently being conducted by the Department.

If this study is authorized, the Department expects to coordinate this study with the recently authorized Captain John Smith Chesapeake National Historic Watertrail study, which will be evaluating resources along the Chesapeake Bay and its tributaries including portions in the State of Delaware.

Mr. Chairman, that concludes my testimony. I will be pleased to answer any questions from members of the Committee.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1627, as ordered reported.

