

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

September 24, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff— Bill Ball  
Subcommittee on Water, Power and Oceans (x58331)

Markup: **H.R. 6434 (Rep. Frank Pallone, Jr.)**, to amend section 7 of Public Law 100-515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration  
**September 27, 2018; 10:15 AM, 1324 Longworth HOB**

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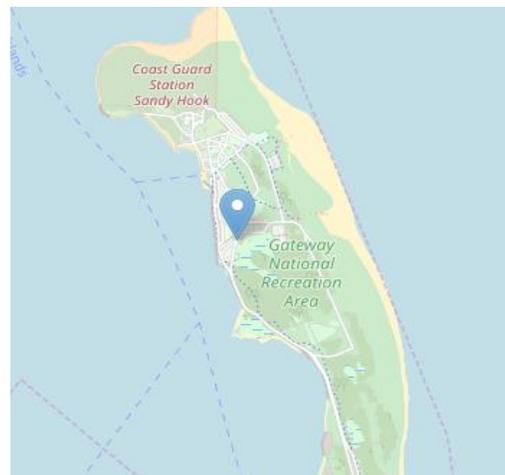
## Summary of the Bill

Currently, the James J. Howard Marine Sciences Laboratory, owned by the State of New Jersey, is operated by the National Oceanic and Atmospheric Administration (NOAA) and sits on National Park Service (NPS) land that is leased by the State. H.R. 6434 would transfer NPS's ground lease with the State to NOAA so that the agency may operate the lab.

## Background

The Gateway National Recreation Area is a unique asset of NPS that encompasses roughly 27,000 non-contiguous acres of land across New York and New Jersey.<sup>1</sup> This land makes up three distinct park units: Jamaica Bay, Staten Island, and Sandy Hook. The Sandy Hook unit, which is located within the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark in New Jersey, is the home of the James J. Howard Marine Science Laboratory.<sup>2</sup>

The James J. Howard Sciences Laboratory opened in October 1993 and replaced a previous marine science laboratory that was destroyed by a fire in 1985.<sup>3</sup> The Lab was dedicated and named after the late Congressman James J. Howard who was a staunch



Location of the James J. Howard Marine Sciences Laboratory on the Sandy Hook peninsula, New Jersey.

Source: The Department of Commerce

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<sup>1</sup> <https://www.nps.gov/gate/planyourvisit/basicinfo.htm>

<sup>2</sup> [Id](#)

<sup>3</sup> [Sandy Hook: A New Lab, A New Era. The New York Times: New Jersey Weekly. Arthur Kamin. October 10, 1993](#)

supporter of the original marine science laboratory.<sup>4</sup> Located on the Sandy Hook peninsula, the Lab houses both State and federal researchers to conduct studies and research in nearshore and offshore ecology. According to the Department of Commerce, this research strives for “a better understanding of both coastal and estuarine organisms and the effects of human activities on nearshore marine populations.”<sup>5</sup>

Under Public Law 100-515, NPS was granted the authority to enter into a lease with the State of New Jersey for the property and buildings that were to comprise the Lab upon completion.<sup>6</sup> Under the law, the State remains in control of the property as long as it is used as a marine science lab.<sup>7</sup> Accordingly, in 1991 New Jersey and NPS entered into a 99 year ground lease to operate the facility.<sup>8</sup> While the State continues to operate the Lab, in 2016 it expressed interest in transferring the lease to NOAA as the Lab houses a number of NOAA researchers.<sup>9</sup>

H.R. 6434 authorizes the transfer of lease from New Jersey to NOAA as long as both are willing parties.<sup>10</sup> According to a letter to the Committee from the bill sponsor, “[a]ll parties including the State of New Jersey, NOAA, and the NPS are supportive of this transfer.”<sup>11</sup>

### **Major Provisions of H.R. 6434**

*Section 1* of the legislation amends Section 7 of Public Law 100-515 by striking a reversion clause and inserting a new subsection that authorizes New Jersey to transfer its current ground lease with NPS to NOAA. This section also requires that NOAA and NPS enter into an agreement pertaining to use of the land and facilities under the lease, stipulating that the land can be used for no purpose other than operation and support of the James J. Howard Marine Science Laboratory.

### **Cost**

The Congressional Budget Office has not completed a cost estimate of this bill.

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<sup>4</sup> [Id](#)

<sup>5</sup> <https://www.commerce.gov/locations/nefsc-james-j-howard-marine-sciences-laboratory#15/40.4581/-74.0028>

<sup>6</sup> [Public Law 100-515, Section 7, signed October 20, 1988](#)

<sup>7</sup> [Id](#)

<sup>8</sup> Representative Frank Pallone, letter to Representatives Rob Bishop and Raul Grijalva, August 29, 2018.

<sup>9</sup> [Id](#).

<sup>10</sup> [H.R. 6434 – To amend section 7 of Public Law 100-515 \(16 U.S.C. 1244 note\) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration, Sponsored by Frank Pallone \(D-NJ\). Introduced July 18, 2018](#)

<sup>11</sup> Representative Frank Pallone, letter to Representatives Rob Bishop and Raul Grijalva, August 29, 2018

## Administration Position

The Administration has not taken a position on this legislation. However, according to a letter to the Committee from the bill sponsor, both federal agencies involved support the transfer authorized by the bill.<sup>12</sup>

## Anticipated Amendments

None anticipated.

## Effect on Current Law (Ramseyer)

### **Showing Current Law as Amended by H.R. 6434**

[text to be added highlighted in yellow; text to be deleted bracketed and highlighted in blue]

## Public Law 100-515

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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 Jersey, all use of the property and improvements thereon shall revert, without consideration, to the National Park Service.]

(b)Transfer From the State to the National Oceanic and Atmospheric Administration-

(1) IN GENERAL- Notwithstanding any other provision of law, or the provisions of the August 13, 1991, Ground Lease Agreement (“Lease”) between the Department of the Interior and the State of New Jersey (“State”), upon notice to the National Park Service, the State may transfer without consideration, and the National Oceanic and Atmospheric Administration may accept, all State improvements within the land assignment and right of way, including the James J. Howard Marine Sciences Laboratory (“Laboratory”), two parking lots, and the seawater supply and backflow

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<sup>12</sup> Representative Frank Pallone, letter to Representatives Rob Bishop and Raul Grijalva, August 29, 2018

pipes as generally depicted on the map entitled “Gateway National Recreation Area, James J. Howard Marine Science Laboratory Land Assignment”, numbered 646/142,581A, and dated April 2018 (“Map”) and any related State personal property.

(2) LEASE AMENDMENT- Upon the transfer authorized in paragraph (1), the Lease shall be amended to exclude any obligations of the State and the Department of the Interior related to the Laboratory and associated property and improvements transferred to the National Oceanic and Atmospheric Administration. However, all obligations of the State to rehabilitate Building 74 and modify landscaping on the surrounding property as depicted on the Map, under the Lease and pursuant to subsection (a), shall remain in full force and effect.

(3) USE BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION- Upon the transfer authorized in paragraph (1), the Administrator of the National Oceanic and Atmospheric Administration is authorized to use the land generally depicted on the Map as a land assignment and right of way and associated land and appurtenances for continued use of the Laboratory, including providing maintenance and repair, and access to the Laboratory, the parking lots and the seawater supply and back flow pipes, without consideration, except for reimbursement to the National Park Service of agreed upon reasonable actual costs of subsequently provided goods and services.

(4) AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION- Upon the transfer authorized in paragraph (1), the Director of the National Park Service and the Administrator of the National Oceanic and Atmospheric Administration shall enter into an agreement addressing responsibilities pertaining to the use of the land assignment within the Sandy Hook Unit of the Gateway National Recreation Area as authorized in paragraph (3). The agreement shall prohibit any new construction on this land, permanent or nonpermanent, or significant alteration to the exterior of the Laboratory, without National Park Service approval.

(5) RESTORATION-

(A) Notwithstanding any provision of the Lease to the contrary, if the State does not transfer the improvements as authorized in paragraph (1), and these improvements are not used as or in support of a marine science laboratory, the State shall demolish and remove the improvements and restore the land in accordance with the standards set forth by the National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.

(B) If the National Oceanic and Atmospheric Administration accepts the improvements as authorized in paragraph (1) and these improvements are not used as or in support of a marine science laboratory, the National Oceanic and Atmospheric Administration shall be responsible for demolishing and removing these improvements and restoring the land, in accordance with the standards set forth by the

National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.