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YOSEMITE NATIONAL PARK SCHOOLS

APRIL 28, 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. 136]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 136) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, 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 3, strike line 21 and all that follows through page 4, line 8, and insert the following:

“(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

“(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); and

“(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

“(B) Any unexpended receipts collected through—

“(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note; Public Law 104-134); or

“(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

“(C) Emergency appropriations for flood recovery at Yosemite National Park.”

2. On page 6, line 11, delete “(a)”.

PURPOSE OF THE MEASURE

The purposes of S. 136 are to authorize the Secretary of the Interior to provide supplemental funding and other services necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within or near Yosemite National Park and to authorize the addition of approximately 4,500 acres to the Golden Gate National Recreation Area.

BACKGROUND AND NEED

Title I—Yosemite Schools Funding: The Yosemite Valley, EI Portal and Wawona schools are California public schools that primarily serve the children of employees who live and work in or near Yosemite National Park. Following historic floods in January 1997, the number of families living within Yosemite National Park declined sharply. Because the funding of schools in the State of California is based on average daily attendance, the reduced number of students attending the schools resulted in a corresponding reduction in school funding. This has left inadequate resources to pay for mandated levels of educational services and virtually no funds for construction, maintenance or other operations of the schools. Although funding was included in the FY 2000 Education Appropriations bill for the Mariposa County School District to maintain services at two of the three schools, obtaining special earmarks each year is an inefficient method to obtain school funding.

The three schools, while in different locations, are in a similar situation in that access to other area schools is difficult. Yosemite Valley school is more than 1 hour from the town of Mariposa via a narrow mountainous road. EI Portal school is more than 40 minutes from Mariposa, and Wawona school is 30 minutes from Oakhurst over a narrow mountain road. All three schools are nearly 4,000 feet above sea level, and have many snow days. The roads between Yosemite National Park and the outlying communities are often closed due to weather or rockslide. It is nearly impossible and clearly dangerous to transport the students in these conditions.

Although National Park Service (NPS) funds are not generally used for State educational purposes, there is one precedent. Since 1948, Yellowstone National Park has operated a park-based elementary school under statutory authority (16 U.S.C. 40a) that allows the NPS to provide supplemental funding and facilities. Also, similar authority was provided at Grand Canyon National Park for a short time in the 1970's.

S. 136 would authorize the Secretary of the Interior to provide supplemental funding for 4 years to assist the State of California or local school districts in providing educational services for students attending the three schools.

Title II—Golden Gate National Recreation Area Addition: The Golden Gate National Recreation Area (GGNRA) encompasses approximately 74,000 acres in several units in Marin, San Francisco, and San Mateo counties in northern California. The park’s boundaries have been expanded several times since its establishment in 1972 to provide for the inclusion of additional lands. The most recent addition occurred in 2000, when 1,500 acres were added to the park.

S. 136 would expand the GGNRA boundaries to include approximately 4,762 acres in San Mateo County, known generally as the “Rancho Corral de Tierra” property. Although negotiations to acquire these properties were occurring at the time of the 2000 additions, they were not completed in time for inclusion in that legislation.

The lands to be added to the GGNRA by S. 136 include Montara Mountain and other coastal ridges. Rising 2,000 feet from the nearby coast, the mountain ridges contain the headwaters and most of the watershed for four coastal stream systems, and provide an important riparian habitat for threatened species such as the California red-legged frog and San Francisco garter snake. Montara Mountain is home to two plant species that are found nowhere else in the world: the Montara manzanita and blue lupine. The area also provides important open space and scenic values, with views over the entire San Francisco Bay area.

LEGISLATIVE HISTORY

S. 136 was introduced by Senator Feinstein on January 24, 2005. During the 108th Congress, the Committee considered similar legislation, S. 302 and H.R. 620.

S. 302, the GGNRA expansion bill, was introduced by Senators Feinstein and Boxer on February 5, 2003. At its business meeting on February 26, 2003, the Committee on Energy and Natural Resources ordered S. 302 favorably reported with amendment (S. Rept. 108–15). S. 302 passed the Senate with a technical amendment by unanimous consent on April 3, 2003.

Similar legislation, S. 941, was introduced by Senators Feinstein and Boxer during the 107th Congress. The Subcommittee on National Parks held a hearing on S. 941 on July 26, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered S. 941 favorably reported with amendments (S. Rept. 107–70). S. 941 passed the Senate by unanimous consent on October 17, 2001. The House of Representatives passed the bill amended with several unrelated measures on September 24, 2002. The Senate agreed to the House amendment, with an additional amendment, on November 19, 2002.

H.R. 620, the Yosemite Schools bill, was introduced by Congressman Radanovich on February 5, 2003 and passed the House of Representatives by voice vote on March 25, 2003. The Subcommittee on National Parks held a hearing on H.R. 620 on September 9, 2003 (S. Hrg. 108–193). At the business meeting on March 24, 2004, the Committee on Energy and Natural Resources ordered H.R. 620 favorably reported (S. Rept. 108–255), with an amendment in the nature of a substitute and an amendment to the title. The amendment incorporated the text of S. 302 into H.R. 620, along with several unrelated measures, and passed the Senate by

unanimous consent on December 7, 2004. The House of Representatives did not consider the bill prior to the sine die adjournment of the 108th Congress.

A bill similar to the original version of H.R. 620, H.R. 3421, was introduced in the 107th Congress by Congressman Radanovich and passed the House on April 30, 2002. At the business meeting on October 8, 2004, the Committee on Energy and Natural Resources ordered the bill, with amendments, to be favorably reported, but the Senate failed to act prior to adjournment.

At a business meeting on February 16, 2005, the Committee on Energy and Natural Resources ordered S. 136 favorably reported, with an amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on February 16, 2005, by a voice of a quorum present, recommends that the Senate pass S. 136, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 136, the Committee adopted an amendment to clarify that funds collected in accordance with the Federal Lands Recreation Enhancement Act (P.L. 108-447) and the Recreation Fee Demonstration Program (Section 315 of P.L. 104-134) cannot be used to fund the schools. The Federal Lands Recreation Enhancement Act repealed the Recreation Fee Demonstration Program, although funds collected under the later program may continue to be expended. The Committee amendment clarifies that no revenues from either fee program may be transferred to the schools.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a table of contents.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

Section 101(a) authorizes the Secretary of the Interior to provide funds to the two named school districts for fiscal years 2006 through 2009 for educational services to dependents of park and concession employees. The Secretary's authority to make payments to the schools terminates if the State of California or local education agencies fail to provide funding to the schools that is no less than the amount provided in FY 2005.

Subsection (b) allows payments only for educational services that may be funded under this title and prohibits the funds from being used for construction, construction contracts or major improvements.

Subsection (c) limits payments to the school district to the lesser of \$400,000 in any fiscal year or the amount necessary to provide the educational services that are normally available to students in the State of California.

Subsection (d) allows the Secretary to use funds available to the National Park Service from appropriations, donations or fees, except that fee revenues collected under the Land and Water Conservation Fund Act, the Federal Lands Recreation Enhancement

Act, the Recreation Fee Demonstration Program or any other law authorizing the collection or expenditure of entrance or use fees at units of the National Park System may not be used.

Section 102 provides the authority for the Secretary to locate park facilities outside of Yosemite National Park to support a transportation system.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL
RECREATION ADJUSTMENT ACT

Section 201 entitles this title the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.”

Section 202 amends section 2(a) of Public Law 92–589 to include several parcels of land comprising approximately 4,500 acres known as the “Rancho Corral de Tierra Additions” to be included within the park boundary. This section also states that the Secretary may only acquire the described parcels of land from a willing seller.

COST AND BUDGETARY CONSIDERATIONS

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

S. 136—A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the state of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes

Summary: S. 136 would modify the boundary of the Golden Gate National Recreation Area (GGNRA) in California. The bill also would authorize the Secretary of the Interior to make payments to two California school districts that serve families of Yosemite National Park employees.

CBO estimates that implementing S. 136 would cost \$24 million over the 2006–2010 period, assuming appropriation of the necessary amounts. The legislation could increase direct spending, but we estimate that any such effects would be insignificant. Enacting the bill would not affect revenues. S. 136 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit two California school districts.

Estimated cost to the Federal Government: For this estimate, CBO assumes that S. 136 will be enacted by the start of fiscal year 2006 and that amounts necessary to implement the legislation will be appropriated for each fiscal year as needed. The estimated budgetary impact of S. 136 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2005	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	16	2	2	2	2
Estimated Outlays	0	16	2	2	2	2

Basis of Estimate

GGNRA additions

Title II of S. 136 would expand the boundary of the GGNRA to include the 4,076-acre Rancho Corral de Tierra and over 300 acres of property in the Devil's Slide area. Based on information provided by the National Park Service (NPS), CBO estimates that the agency would spend \$15 million in 2006 to purchase the Rancho Corral de Tierra from the Peninsula Open Space Trust, a local nonprofit organization, which acquired the property in 2001 for \$29.7 million. (We expect that the organization would recover the balance of the land's purchase price from private and state sources.)

The cost of acquiring land within the Devil's Slide area is less certain because formal property appraisals have not yet been completed and because it is unclear how much of this acreage might be acquired by the state of California for a proposed highway diversion. Based on information provided by the NPS, CBO estimates that the agency would purchase about 300 acres of land within the Devil's Slide area for a total cost of \$5 million over the 2006–2010 period.

Finally, CBO estimates that the cost to develop property added to the GGNRA would total about \$500,000 in 2007. We also estimate that annual costs to administer the new lands would be roughly \$300,000 starting in 2006.

Yosemite school payments

For each of fiscal years 2006 through 2010, title I of S. 136 would authorize the Secretary of the Interior to pay a total of up to \$400,000 to two California school districts that serve the families of Yosemite National Park employees. To make those payments, the bill would authorize the Secretary to use appropriated funds, donations, or offsetting receipts from certain fees collected by the NPS. Because CBO expects that there will be little or no receipts or donations available to the NPS for new uses, we estimate that implementing the bill would result in new discretionary spending of \$400,000 a year through 2009, assuming appropriation of the necessary amounts. If any receipts or donations are deemed to be available for the payments, discretionary spending for this purpose would be less. Mandatory expenses would increase, but we estimate that any new mandatory spending would be insignificant.

Intergovernmental and private-sector impact: S. 136 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit two California school districts.

Estimate prepared by: Federal Costs: Megan Carroll and Deborah Reis Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Selena Caldera.

Estimate 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. 136.

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. 136.

EXECUTIVE COMMUNICATIONS

On February 16, 2005, 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 Title II of S. 136. These reports had not been received when this report was filed. During the 108th Congress, the Committee considered legislation similar to Title I (H.R. 620). The views of the Administration on Title I were included in testimony received by the Committee at a hearing on H.R. 620 on September 9, 2003, as follows:

STATEMENT OF RICHARD RING, ASSOCIATE DIRECTOR FOR ADMINISTRATION, BUSINESS PRACTICES, AND WORKFORCE, DEVELOPMENT, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 620, which would authorize assistance to the State of California or local educational agencies for educational services for students attending schools in Yosemite National Park and would authorize park facilities to be established outside the boundary of the park. This legislation was passed by the House on March 25, 2003.

The Department supports H.R. 620, as we believe that students who attend schools in Yosemite National Park should have access to educational services that are comparable to those that students elsewhere in California receive. The funding authorized by this bill would be a strictly limited provision of assistance to address a particularly severe situation for schools located in a national park. The Department also supports authorizing expenditures for facilities outside Yosemite, as this would enable the National Park Service to contribute to the regional transportation system being developed to serve Yosemite's visitors and employees.

Schools have been located within Yosemite National Park for over 125 years to serve the needs of park employees and their children. At present, two elementary schools

are located within the park, at Wawona and in Yosemite Valley. A third elementary school and a small high school are located in El Portal, the park's administrative site located on federal property just outside the park boundary. Most high-school age students attend the larger county high school in Mariposa because of the lack of opportunity for a comprehensive program at the El Portal school.

The Yosemite Valley School has 42 students in grades kindergarten through eighth grade, divided into three classes. The amount of funding from the State of California, according to a formula based on average daily attendance, supports only two teachers.

The school principal also serves as a teacher.

The elementary school in El Portal has 53 students in seven grades, divided into multigraded classrooms. The Wawona school mirrors the old "one-room" schoolhouse, with 16 children in grades K-8, and one teacher. Because the current funding formula provides for only one teacher, the school is unable to serve more than 20 students. Consequently, in years when the maximum teacher-student ratio is reached, parents are left with the choice of either home-schooling their children or transporting them on their own to schools elsewhere.

Because the schools in the park are located in remote areas, students at the Yosemite schools lack services that are normally available to students that attend schools elsewhere in the state. For example, access to teachers to serve students with special needs is very limited, and road and weather conditions can often restrict teachers' abilities to reach the park. Many facilities are in need of repair or do not meet state or federal standards.

The quality of education that students receive in these schools suffers as a result of lack of funding and staffing. For example, because teachers in the Yosemite schools are responsible for multiple grade levels, they are at a disadvantage compared to teachers who are able to focus on the curriculum and standards for one grade. In addition to their educational duties, teachers must also tend to administrative duties normally performed by other employees. As a result, they are unable to give the time or attention necessary to provide the quality of education that the students deserve.

Recruitment and retention of employees at Yosemite National Park is also adversely affected by the quality of the park schools. Many highly qualified National Park Service employees with school-age children who might otherwise be interested in applying for jobs at Yosemite are discouraged from doing so because of the school situation. Park employees often cite the schools as a major factor in their decision to transfer from Yosemite to other assignments.

H.R. 620 authorizes the Secretary of the Interior to provide funds to the two school districts that administer schools at Yosemite for educational services to students who are dependents of park employees or who live on federal property in or near the park. The bill prohibits funds

from being used for facility construction or major improvements, and limits the amount of funding that may be provided to the lesser of \$400,000 annually or the amount necessary to provide students with educational services comparable to those received by other public school students in California. The bill allows funding for this purpose to be derived from appropriations, donations and fees, except that it prohibits the use of fees collected under the Land and Water Conservation Fund Act, from the Recreational Fee Demonstration program, and from the National Park Passport program. The legislation also prohibits the use of emergency appropriations for Yosemite flood recovery for this purpose.

We want to note that the proposal to assist Yosemite schools has been refined considerably since it was first introduced last Congress. The initial proposal was an indefinite authorization of funding with no limit on the dollar amount that could be spent or restriction on the use of the funds. During the last Congress, the Department worked closely with this committee, the House Resources Committee, and the House and Senate Appropriations Committees to set limits on the amount, duration, use, and source of the funding authorized by this legislation. The result is that the proposal in its current form is now a tightly drawn authorization of a limited amount of federal assistance for what is a unique educational situation.

We strongly believe that any assistance for schools authorized by this bill should be supplemental to Yosemite's annual budget and should not result in a reduction of the amount of funding available for park operations and maintenance.

H.R. 620 also authorizes the Secretary to provide assistance for transportation systems and facilities outside the boundary of Yosemite National Park. It does so by extending to Yosemite the same authority Congress provided Zion National Park in 1996 to enter into agreements and expend funds outside the boundaries of the park. This bill explicitly allows appropriations to be used for 'transportation systems' along with other administrative and visitor use facilities.

This provision would allow the park to contribute financially to the regional transportation system that serves the park's visitors and employees. Developing this system has been a goal of the park since the adoption of the 1980 General Management Plan.

In 1999 Mariposa, Merced, and Mono counties created a Joint Powers Authority as an entity to implement the Yosemite Area Regional Transportation System (YARTS) and entered into a Cooperative Agreement with Yosemite National Park. Now in its fourth successful year, YARTS provides an attractive alternative for visitors and employees without having to replace the use of private cars. In 2001, YARTS carried over 38,000 passengers, including park employees, during Yosemite's prime visitor season (May through September). Many of these visitors chose to leave

their cars at their motels or other locations outside the park. By choosing YARTS to access the Yosemite Valley, over 11,000 parking places were made available during the summer.

During the initial two years, the National Park Service participated in the funding of this project using fee demonstration program authority. In its third year of operations, that funding was no longer available, and YARTS had to reduce the number of runs it provides. The regional transportation system is an important means to solve Yosemite's parking and congestion issues by reducing the amount of infrastructure development within the park, and thus substantially reducing the funding requirements for implementing the Yosemite Valley Plan. The Department believes that a small amount of federal assistance will help make YARTS an even bigger success.

In addition, the authority provided by H.R. 620 would enable the National Park Service to establish visitor contact facilities in the park's gateway communities, as is called for in the Yosemite Valley Plan.

In order to assure that the park has the ability to contribute to YARTS through all available transportation authorities, we suggest amendment H.R. 620 to make the transportation fee authority provided under Title V of the National Parks Omnibus Management Act of 1998 (P.L. 105-391) applicable to parks that fund transportation services through a cooperative agreement. The existing language allows parks to use that authority only in cases where transportation services are provided through a service contract. The text of this proposed amendment is attached.

Mr. Chairman, this concludes my remarks. I would be happy to respond to any questions that you or the other members of the subcommittee 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 S. 136, 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 92-589

AN ACT To establish the Golden Gate National Recreation Area in the State of California, and for other purposes

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

* * * * *

COMPOSITION AND BOUNDARIES

SEC. 2. (a) **【The recreation area shall comprise】** (1) INITIAL LANDS.—*The recreation area shall compromise the lands, waters,*

and submerged lands generally depicted on the map entitled: 'Revised Boundary Map, Golden Gate National Recreation Area', numbered NRA-GG-80,003-K and dated October 1978, plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979'. The authority of the Secretary to acquire lands in the tract known as San Francisco Assessor's Block number 1592 shall be limited to an area of not more than one and nine-tenths acres. Notwithstanding any other provision of this subchapter, the Secretary shall not acquire the Marin County Assessor's parcels numbered 199-181-01, 199-181-06, 199-181-08, 199-181-13, and 199-181-14, located in the Muir Beach portion of the recreation area. For the purposes of this subchapter, the southern end of the town of Marshall shall be considered to be the Marshall Boat Works. [The following additional lands are also hereby included within the boundaries of the recreation area: Marin County Assessor's parcel numbered 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-101-12, 166-010-13, and 119-235-10. The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980. The recreation area shall also include those lands acquired pursuant to the Golden Gate National Recreational Area Addition Act of 1992. The recreation area shall also include the lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80,076, and dated July 2000/PWR-PLRPC.]

(2) *ADDITIONAL LANDS.*—*In addition to the lands described in paragraph (1), the recreation area shall include the following:*

(A) *The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.*

(B) *Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980.*

(C) *Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).*

(D) *Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80-076, and dated July 2000/PWR-PLRPC.*

(E) *Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS-80,079E, and dated March 2004.*

(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.

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