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108TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
108–605

PROVIDING FOR NECESSARY IMPROVEMENTS TO FACILITIES AT YOSEMITE NATIONAL PARK, AND FOR OTHER PURPOSES

JULY 14, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2715]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2715) to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2715 is to provide the necessary improvements to facilities at Yosemite National Park.

BACKGROUND AND NEED FOR LEGISLATION

On December 29, 2000, the National Park Service signed a Record of Decision (ROD) for the Yosemite Valley Plan/Final Environmental Impact Statement, which provides for managing natural and cultural resources, facilities, and visitor experiences in Yosemite National Park for the next decade. Congressman George Radanovich (R–CA) has continued to voice his displeasure with the ROD as it relates to the number of campsites and day-use parking spaces in the Yosemite Valley. On April 22, 2002, the Subcommittee on National Parks, Recreation and Public Lands held an

oversight hearing at Yosemite National Park on the implementation of the Yosemite Valley Plan. The National Park Service presented the Subcommittee with a status report on the number of ongoing projects associated with the Yosemite Valley Plan. Meanwhile, prior to the hearing, Congressman Radanovich requested that the National Park Service develop engineering estimates for rebuilding some of the campgrounds in Yosemite Valley that were damaged by the January 1997 flood of the Merced River. The study assessed reconstructed campsites in the Lower Pines and Upper River and Lower River campground areas. The report concluded that based on a 150-foot River Protection Overlay as mandated by the Merced River Plan, three campground areas could accommodate approximately 144 campsites compared with the 361 campsites that were in existence prior to the 1997 flood. The Yosemite Valley Plan calls for only 50 additional campsites to be reconstructed. During the course of the hearing, Congressman Radanovich asked the National Park Service if it could reopen the Yosemite Valley Plan to address only the campsite and day-use parking issues. The Service responded that it could not. It would be required to reopen the entire Plan.

In response, Congressman Radanovich introduced H.R. 2715 to direct the Secretary of the Interior to plan and restore limited camping at Upper and Lower River campgrounds and construct the maximum number of parking spaces (day use) in and around Camp 6. Congressman Radanovich remains very concerned that without reinstating low-impact campsites, overnight stays in the Valley will become an option only for the more affluent visitor. In addition, H.R. 2715 also would: (1) allow essential park facilities to be located outside Yosemite National Park, including administrative and visitor use facilities, and to cooperate and participate with local governments during the process, for which the Administration expressed its support; (2) provide for contracting with Yosemite Area Regional Transportation System for employee and concession employee transportation to and from the park; (3) remove the LeConte Memorial Lodge from the park and restore the grounds of the Lodge site; and (4) prohibit the implementation of an out-of-valley shuttle system using remote parking facilities.

COMMITTEE ACTION

H.R. 2715 was introduced on July 14, 2003, by Congressman George Radanovich (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 22, 2003, the Subcommittee held a hearing on the bill. On October 21, 2003, the Subcommittee met to mark up the bill. No amendments were offered and the bill was then forwarded to the Full Resources Committee by voice vote. On October 29, 2003, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by a roll call vote of 21 to 20, as follows:

COMMITTEE ON RESOURCES
U.S. House of Representatives
108th Congress

Date: October 29, 2003

Convened: 11:27
Adjourned: _____

Meeting on: **HR 2715 - On Reporting to the House, without amendment. (Passed 21 - 20)**

☐ Attendance ☒ Recorded Vote Vote Number 23 Total: Yeas 21 Nays 20

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Pombo, CA, Chairman	✓			Mr. Peterson, PA	✓		
Mr. Rahall, WV		✓		*Mr. Tom Udall, NM*		✓	
Mr. Young, AK				Mr. Gibbons, NV	✓		
Mr. Miller, CA		✓		*Mr. Mark Udall, CO*		✓	
Mr. Tauzin, LA				Mr. Souder, IN	✓		
Mr. Markey, MA		✓		*Mr. Acevedo-Vilá, PR*		✓	
Mr. Saxton, NJ	✓			Mr. Walden, OR	✓		
Mr. Kildee, MI		✓		*Mr. Carson, OK*		✓	
Mr. Gallegly, CA				Mr. Tancredo, CO	✓		
Mr. Faleomavaega, AS		✓		*Mr. Grijalva, AZ*		✓	
Mr. Duncan, TN				Mr. Hayworth, AZ	✓		
Mr. Abercrombie, HI		✓		*Mr. Cardoza, CA*		✓	
Mr. Gilchrest, MD	✓			Mr. Osborne, NE			
Mr. Ortiz, TX				*Ms. Bordallo, GU*			
Mr. Calvert, CA	✓			Mr. Flake, AZ	✓		
Mr. Pallone, NJ		✓		*Mr. Hinojosa, TX*		✓	
Mr. McInnis, CO	✓			Mr. Rehberg, MT	✓		
Mr. Dooley, CA				*Mr. Rodriguez, TX*		✓	
Mrs. Cubin, WY				Mr. Renzi, AZ	✓		
Mrs. Christensen, VI		✓		*Mr. Baca, CA*		✓	
Mr. Radanovich, CA	✓			Mr. Cole, OK	✓		
Mr. Kind, WI				*Ms. McCollum, MN*		✓	
Mr. Jones, NC	✓			Mr. Pearce, NM	✓		
Mr. Inslee, WA		✓		Mr. Bishop, UT	✓		
Mr. Cannon, UT	✓			Mr. Nunes, CA			
Mrs. Napolitano, CA		✓		Mr. Neugebauer, TX	✓		
				Total	21	20	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2715, a bill to provide for necessary improvements to facilities at Yosemite National Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 2715—A bill to provide for necessary improvements to facilities at Yosemite National Park

Summary: H.R. 2715 would establish development priorities for the Yosemite National Park in California. The bill would direct the

National Park Service (NPS) to use funds made available through donations, user fees, or appropriations (including previously appropriated amounts) to carry out specified development priorities. Finally, H.R. 2715 would encourage the NPS to use public-private partnerships to provide housing for park and concessionaire employees, a major priority under both current park policy and the legislation.

CBO estimates that enacting H.R. 2715 would have no significant net impact on the federal budget over the next 10 years. Most of the projects specified in the bill are already considered park priorities by the NPS and are authorized to be implemented using previously appropriated funds or amounts that may be made available in future appropriation acts. Implementing three new projects specified by the bill could cause the NPS to reprogram about $15 million of funds previously appropriated for other Yosemite priorities, but we expect that this would cause little or no change in the timing of expenditures.

H.R. 2715 would not have a significant effect on revenues or direct spending (including offsetting receipts). CBO estimates that enacting the bill would have no impact on the spending of park donations or fees because such collections are already available for expenditure without further appropriation.

This legislation 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.

Estimated cost to the Federal Government: H.R. 2715 would address development needs for Yosemite National Park, including the construction of visitor and employee facilities and the restoration of park resources damaged by severe flooding in the late 1990s. In order to accomplish these and other park goals, the most recent versions of the Yosemite general management plan (GMP), the Yosemite Valley Plan, and other policy documents call for more than 200 separate projects to be accomplished over 20 years at a cost of more than $400 million. Because of continuing controversy and litigation over the level of development acceptable to local groups and environmental organizations, there has been little progress on these plans, and recent court decisions in the debate may delay implementation of these plans indefinitely. CBO estimates that enacting the bill would have little or no impact on the level or timing of federal expenditures to develop Yosemite.

Development priorities

H.R. 2715 would direct the NPS to allocate funds available for Yosemite (including previously appropriated amounts) for specific priorities: constructing certain campgrounds and employee housing, removing an existing facility, developing parking, transportation, and traffic management services, and assisting in local land planning efforts. Most of these projects have already been established as park priorities under the GMP and Yosemite Valley Plan and will be carried out under existing authority using funds provided by previous or future appropriations.

Three of the specified projects, however, represent new legislative priorities that would otherwise not be implemented under existing authority (because those projects have been found to be in-

consistent with existing park plans). We estimate that carrying out these projects—rebuilding the upper and lower river campgrounds and removing the Le Conte Memorial—would cost about $15 million. Under H.R. 2715, the NPS could reprogram previously appropriated development funds for these new purposes. CBO expects, however, that implementing the new projects would occur at the same pace as spending on existing priorities, so any net effect on federal spending over the next 10 years would be negligible.

Employee housing provisions

H.R. 2715 also would address the ongoing shortage of housing for concessionaire staff and federal employees at Yosemite, primarily by directing the NPS to enter into partnerships with private entities whenever possible. To facilitate the execution of such agreements with offsite developers, the bill would waive an existing statutory limitation on the value of occupancy guarantees that the agency may offer. CBO estimates that enacting these provisions would have no significant impact on the federal budget because they would not change the agency's ability to use public-private partnerships.

Current NPS plans for Yosemite call for constructing or renovating more than 2,000 housing units (beds) for federal and concessionaire employees. CBO estimates that building the necessary units within or near the park will cost over $200 million over the next 10 years, assuming appropriation of the necessary amounts. (Of this amount, $27 million has already been appropriated for a dormitory within park boundaries.)

The NPS is already authorized to construct needed housing or acquire it through lease-purchase, rental agreements, and other arrangements with private partners—subject to appropriation in advance of the amounts necessary to cover all federal contractual obligations. In conjunction with these partnerships, the agency may also guarantee the occupancy of up to 75 percent of the units provided under contract, provided that the total value of all outstanding NPS guarantees does not exceed $3 million. This guarantee is also subject to the availability of appropriated funds for the full cost of any federal commitment. The NPS has been unable to use these financing mechanisms at Yosemite because market conditions and other factors—most notably the limited scale of individual projects, scarcity of appropriated funds, and constraints on potential rental rates—make it unlikely that any partnership would be profitable for a private developer.

Intergovernmental and private-sector impact: This legislation contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Patrice Gordon.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We are strongly opposed to H.R. 2715. This legislation would make significant and controversial changes to the approved plans for the preservation and use of Yosemite National Park, one of the crown jewels of our National Park System.

H.R. 2715 is micro management at its worst. The bill would dictate campsite locations and parking spaces and direct the removal of a National Historic Landmark from the park. Even the Bush Administration has recognized the shortsighted and divisive nature of these provisions and has testified against them.

The Yosemite Valley Plan is a far-reaching public document that was developed over a long period of time with considerable public input. Adhering to legislative and legal requirements, the National Park Service (NPS) held numerous public hearings and meetings, undertook all necessary National Environmental Policy Act (NEPA) analyses, and completed a plan for the Valley that has withstood legal challenges from all sides.

It should come as no surprise that H.R. 2715 has generated significant interest and concern from numerous individuals and organizations. Many of the provisions of the bill run directly counter to the Yosemite Valley Plan.

The Administration testimony on H.R. 2715 pointed out the numerous problems with the legislation, none of which were addressed by the Resources Committee. The legislations's passage by a single vote in Committee is evidence of its controversial nature.

As an example of the problems with H.R. 2715 is the bill's direction to remove the LeConte Memorial, a National Historic Landmark, from the park. This provision is opposed by the Administration and numerous individuals and organizations see it as a misplaced attempt to send a message to the Sierra Club, which offers public programs in the building.

We in Congress can do many good things but dictating parking spaces and campsites and moving National Historic Landmarks are not among them. As NPS Director Mainella has noted, you cannot reopen portions of the plan without affecting other aspects. If we were to go down this road, the end result would be to unravel the Yosemite Valley Plan, with the Valley being no better off than when we started.

Instead of proceeding with controversial and divisive legislation, we should be focusing our efforts on seeing that the approved Yosemite Valley Plan is carried out in a careful and deliberate manner. H.R. 2715 will hinder what is in the long-term interest of both the park and its visitors and we must therefore oppose the legislation.

NICK RAHALL.
EDWARD J. MARKEY.
MARK UDALL.
RAUL M. GRIJALVA.
BETTY MCCOLLUM.
JAY INSLEE.

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