

Calendar No. 754

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-376

GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

AUGUST 25, 2000.—Ordered to be printed

Filed under authority of the order of the Senate of July 26, 2000

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

REPORT

[To accompany S. 2051]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2051) to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes, 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. SHORT TITLE.

This Act may be cited as the “Golden Gate National Recreation Area Boundary Adjustment Act of 2000”.

SEC. 2. ADDITIONS TO THE GOLDEN GATE NATIONAL RECREATION AREA.

Section 2(a) of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes” (16 U.S.C. 460bb-1(a)) is amended by adding at the end the following: The recreation area shall also include the land, which may only be acquired from willing sellers, generally depicted on the map entitled “Additions to Golden Gate National Recreation Area”, numbered NPS-80,076, and dated July 2000/PWR-PLRPC.

PURPOSE OF THE MEASURE

The purpose of S. 2051 is to revise the authorized boundaries of Golden Gate National Recreation Area in the State of California to include approximately 1,216 acres of land.

BACKGROUND AND NEED

Golden Gate National Recreation Area was established in 1972 to protect important natural and cultural resources in the San Francisco Bay area. The park is located in the city of San Francisco and Marin and San Mateo counties, encompassing 76,000 acres of land and water.

A congressionally authorized boundary study of the park in 1998 identified 15 tracts of land totaling 1,057 acres of lands in San Mateo County that would be logical additions to the park. Addition of these lands would establish a boundary that is more logical, recognizable, and easier to manage than the existing configuration, and would preserve significant natural, scenic, and recreational resources.

In addition, 3 parcels of land totaling 157 acres in Marin County have been identified for possible inclusion in the park. Although privately owned, the properties and their ridgetop trails have been used by the public for decades as a place to enjoy scenic views of San Francisco Bay and to access nearby areas of Golden Gate National Recreation Area. The lands contain resources of the same quality as adjacent parklands, but are currently threatened with development. The Marin County Open Space District in partnership with the Trust for Public Land and the Marin Community Foundation have purchased the largest of the three parcels, and there is substantial local support for inclusion of the lands within the park.

Finally, two properties totaling approximately 3 acres in the city of San Francisco have been proposed for addition to the park. One would help to protect Lobos Creek, which serves as the primary source of drinking water for the Presidio, and the other would resolve a confusing situation with regard to a 1.6-acre tract that is surrounded by the park, but which the Park Service is prohibited from acquiring. The Lobos Creek property has been acquired by the city of San Francisco and cleared of all development, and there is strong local interest in adding the land to the park. Adjacent landowners and the American Land Conservancy have expressed an interest in acquiring the property and donating it to the park. The 1.6 acre tract at the base of Sutro Heights Park has been acquired by the city of San Francisco, which has expressed an interest in donating it to the park. The National Park Service is unable to acquire the property, however, because language in the 1980 legislation that expanded the park boundary prohibited acquisition of the tract. The language was intended to facilitate a development proposal that never occurred, and no purpose is now served by the prohibition.

S. 2051 addresses the issues described above by authorizing the inclusion of the lands within the park's boundary and allowing for their acquisition from willing sellers.

LEGISLATIVE HISTORY

S. 2051 was introduced by Senators Feinstein and Boxer on February 10, 2000. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 2051 on June 29, 2000. At the business meeting on July 13, 2000, the Committee on

Energy and Natural Resources ordered S. 2051 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 13, 2000, by a majority vote of a quorum present, recommends that the Senate pass S. 2051, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2051, the Committee adopted a substitute amendment to clarify the language concerning willing sellers.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title.

Section 2 amends the law which established Golden Gate National Recreational Area (16 U.S.C. 460bb-1(a)) to include lands depicted on the specified map reference. The lands may only be acquired from willing sellers.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 21, 2000.

Hon. FRANK M. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2051, the Golden Gate National Recreation Area Boundary Adjustment Act of 2000.

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

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

S. 2051—Golden Gate National Recreation Area Boundary Adjustment Act of 2000

S. 2051 would expand the boundaries of the Golden Gate National Recreation Area to include about 1,200 acres of land in three California counties. Assuming appropriation of the necessary amounts, CBO estimates that the National Park Service (NPS) would spend \$17.5 million over the next five years to implement the bill. Of this amount, \$16 million would be used to purchase about 525 acres of land (the rest of the acreage is expected to be donated to the government by either nonprofit organizations or local governments). The remaining \$1.5 million would be used to restore and develop the new lands for recreational purposes. Once

all lands have been acquired, the NPS would incur additional operating expenses of about \$1.2 million annually.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 2051 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The 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. 2051. 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. 2051, as ordered reported.

EXECUTIVE COMMUNICATIONS

Legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2051 had not been received at the time the report on S. 2051 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JACQUELINE LOWEY, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the position of the Department of the Interior on S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area. The Department of the Interior supports this bill with amendments discussed in this testimony.

The Golden Gate National Recreation Area (GGNRA) was created in 1972 to protect important and natural and cultural resources in the San Francisco Area. The park is located in three California counties, San Francisco, Marin, and San Mateo, and is one of the largest urban national parks in the world, encompassing 76,500 acres of land and water. Its size is reflective of the quantity and quality of natural and cultural resources that exist in the San Francisco area. Congress created this park in 1972 to ensure that people in the primarily urban Bay Area would only be minutes away from experiencing the values of these splendid resources.

S. 2051 would expand the boundaries of the Golden Gate National Recreation Area by adding 20 parcels of land totaling 1,216 acres. Most of this land, over 1,057 acres, is

located in San Mateo County. Approximately 157 acres of this land are in Marin County, and approximately 3 acres are located in San Francisco.

We anticipate that a significant number of these tracts would be acquired by donation, representing more than one half of their estimated value. Funding for the purchase of other tracts would be subject to the availability of appropriations and NPS priorities. These proposals are intended to correct imperfections in the park's original boundaries and do not represent significant new management obligations. The addition of this land will contribute to the purpose for which the park was created and will help the park's staff to more effectively carry out their responsibilities as defined by approved plans and policies.

SAN MATEO COUNTY

The San Mateo County additions are proposed in accordance with a 1998 boundary study that was authorized by an act of Congress. The study found that 15 tracts of land, ranging in size from a few acres up to several hundred acres, and totaling 1,057 acres, met the criteria established by the NPS for additions of lands to units of the National Park System. The additions will preserve significant natural and scenic resources and provide additional recreational opportunities. A boundary that is more logical, recognizable and easier to manage will be established.

These lands are logical additions to the San Mateo County portion of GGNRA. This part of the park, south of San Francisco, has a varied topography, consisting of magnificent coastal bluffs, with ridges that run inland to steep canyons. In several locations, the park's boundary in San Mateo runs along a ridge line, just inland from the coast. Most of the lands that would be added to the park are contiguous to this boundary, and in several places would link the hills within the park to the coast, enhancing recreational opportunities for park visitors, and protecting important resources.

While most of the land is contiguous to existing park land, these additional parcels are not all contiguous to one another. One of the parcels to be added is at San Pedro Point, at the southern end of the San Mateo portion of GGNRA, several of the parcels are adjacent to Mori Ridge and Sweeny Ridge, in the central part of the San Mateo portion of GGNRA, and some parcels are adjacent to Milagra Ridge, in the northern part of the San Mateo portion of GGNRA.

In studying these and other potential boundary adjustments, the National Park Service applies criteria that include an evaluation of whether the added lands will be feasible to administer considering size, configuration, ownership, costs, and other factors. In the case of these San Mateo properties, the tracts appear on a map to be a "patchwork" rather than a neatly drawn line. However, the NPS boundary study confirmed that these lands were feasible for us to administer and that their configuration was

based on careful consideration of topographic features. The lines for the proposed additions also were drawn to exclude areas that were already developed and include the remnant open spaces that were consistent with the purposes of the park. Parks such as Santa Monica Mountains National Recreation Area, Gateway National Recreation Area, and Chattahoochie River National Recreation Area have boundaries that were developed as a result of similar considerations.

The Pacifica City Council passed a resolution in 1998 endorsing the addition of these lands to the park. Numerous community groups also support the permanent protection of these natural areas.

MARIN COUNTY

Marin County is located north of the city of San Francisco. The land to be added to GGNRA in Marin County consists of three parcels, totaling 157 acres. This land is now threatened with development, which county officials have acted vigorously to avert. The proposal to add these lands to the park was initiated by the President of the Marin County board of Supervisors. A draft feasibility study has determined that this land meets the criteria for inclusion into the park. The draft study is presently in the administrative review process.

The draft study states that this land exhibits resources of the same quality as adjacent parklands and currently separates the park from Marin City, one of the few ethnically and racially diverse communities in the county. This land is within easy walking distance of a federally owned public housing development. Not only would this addition reduce the visual and physical threat of urban encroachment and improve non-automobile access to the park, but it will also significantly enhance the potential to fulfill the park's mandate to serve under-represented populations. To further the goal of adding these lands to the park, the Marin County Open Space District in partnership with the Trust for Public Land and the Marin Community Foundation purchased the largest of the three parcels (94 acres) in October of 1999 for \$2.35 million. The smallest parcel (10.71 acres) was recently sold, and has been under the threat of residential development. The remaining 52-acre parcel is on the market.

SAN FRANCISCO

The language of the 1980 legislation that expanded the park boundary near the Cliff House in San Francisco prohibited the Park Service from acquiring a 1.6-acre parcel at the base of historic Sutro Heights Park. This created a confusing situation because the revised boundary clearly surrounded the prohibited tract. Conceived during the legislative process to facilitate a development proposal that never happened, this prohibition is obsolete. The City of San Francisco now owns the property and has expressed the desire to donate it to the National Park Service. We

are asking that the prohibition be rescinded to allow the Park Service to accept the property. Doing so will permanently protect the visual integrity of one of the park's most popular ocean viewpoints.

The other San Francisco property covered by this bill is located at the southwest corner of the Presidio of San Francisco. During a 1997 storm event, a major sewer failure caused the total collapse of a residence Lobos Creek. The property has been acquired by the City of San Francisco and cleared of all development. Adjacent landowners and the American Land Conservancy have expressed an interest in acquiring the property and donating it to the park. Strong local sentiment has been expressed against rebuilding on the property and in favor of adding it to the park. This proposed addition is a rare opportunity to increase our ability to protect and enhance Lobos Creek. The creek is a unique ecological resource as well as the primary source of drinking water for the Presidio. Residential development borders this bank of Lobos Creek and any opportunity to lessen this encroachment should be seized. S. 2051 would bring this property within the boundary of the park.

AMENDMENTS

The final sentence of S. 2051 states "All transactions concerning the Golden Gate National Recreation Area shall involve willing sellers and willing buyers." We believe this sentence should either be deleted or amended. While the National Park Service has no intention or desire to compel the sale of property, we believe it is important to have this authority available, as it can be used for the benefit of a landowner, such as in matters of clearing up title to a property, and for tax purposes. In any event, if this language is to remain in the bill, it needs to be amended to ensure that it does not affect other aspects of operations at GGNRA. As written, the language would apply to "all transactions" at GGNRA, not just property sales. If implemented, this language could have an effect on concessions contracts, Memorandums of Understanding, and other transactions entered into by the National Park Service, to further the mission of GGNRA. As this result is clearly not intended, we propose amending the language of the bill by deleting the final sentence, and inserting after the word "land" on page 2, line 2, the clause: "which may only be acquired from willing sellers, as". The resulting amendment would read "The recreation area shall also include the land, which may only be acquired from willing sellers, as generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80,073 and dated January, 2000/PWR-PLRPC."

This concludes my testimony. I would be happy to answer any of your questions.

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. 134, 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

* * * * *

COMPOSITION AND BOUNDARIES

SEC. 2. (a) The recreation area shall comprise 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, 166-010-12, 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 Recreation Area Addition Act of 1992. *The recreation area shall also include the land, which may only be acquired from willing sellers, generally depicted on the map entitled "Additions to Golden Gate National Recreation Area", number NPS-80,076, and dated July 2000/PWR-PLRPC.*

* * * * *