

National Park Service
U.S. Department of the Interior



Yosemite National Park
Plant Gathering for Traditional Purposes Environmental Assessment

FINDING OF NO SIGNIFICANT IMPACT PLANT GATHERING FOR TRADITIONAL PURPOSES ENVIRONMENTAL ASSESSMENT

Yosemite National Park

Recommended:

The National Park Service has considered all relevant factors and issues raised during the NEPA process, and the NEPA review for this project is complete.

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Date

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1. Introduction

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [USC] 4321 et seq); the Department of the Interior NEPA regulations (43 CFR Part 46); 516 Departmental Manual 1: U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures, and NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making and its accompanying NPS NEPA Handbook, the National Park Service (NPS) prepared an Environmental Assessment (EA) for Plant Gathering for Traditional Purposes in Yosemite National Park.

The National Park Service (NPS) has completed a comprehensive analysis of a proposal to allow the Tribes who are traditionally associated with Yosemite National Park to gather plants and plant parts for traditional purposes at Yosemite National Park. Yosemite National Park maintains a long-standing and ongoing relationship with seven Traditionally Associated Tribes, regularly engaging in consultation and collaboration. These Tribes include Bishop Paiute Tribe, Bridgeport Indian Colony, Mono Lake Kootzaduka'a Tribe of California and Nevada, North Fork Rancheria of Mono Indians of California, Picayune Rancheria of the Chukchansi Indians, Southern Sierra Miwuk Nation (also known as American Indian Council of Mariposa County), and Tuolumne Band of Me-Wuk Indians. In 2016, NPS issued a new regulation, *§ 2.6 Gathering of plants or plant parts by federally recognized Indian tribes* (36 CFR § 2.6), authorizing Superintendents to establish agreements allowing traditional plant gathering in NPS units. This Plant Gathering Rule establishes a process to develop plant gathering agreements between the NPS and federally recognized Tribes and does not apply to non-federally recognized Tribes. As of the writing of this document, Southern Sierra Miwuk Nation and the Mono Lake Kootzaduka'a Tribe of California and Nevada have not been federally recognized. Both non-federally recognized Tribes have made significant contributions to developing this gathering agreement and the park is committed to pursuing alternative avenues for working with non-federally recognized Tribes to help restore access to traditional plant gathering practices.

The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. The EA is available on the [project page](#) on the PEPC website. Relevant sections of the EA are summarized and incorporated into this FONSI by reference, as indicated. Appendix A describes any changes made between the final draft and the finalized version of the EA. Responses to substantive public comments are summarized in Appendix B. A determination of non-impairment is provided in Appendix C, and mitigation measures for the selected alternative are presented in Appendix D.

2. Selected Alternative and Rationale for the Decision

The NPS analyzed two alternatives in detail in the EA: Alternative A – No Action, and Alternative B – Proposed Action. Based on this analysis, the NPS selected Alternative B, the Plant Gathering Rule Alternative. See Chapter 2 of the EA for a full description of this alternative.

The selected alternative allows the federally recognized Tribes traditionally associated with Yosemite National Park to gather plants and plant parts of approved target species for traditional purposes (see Appendix A of the EA). These plants and plant parts would be gathered with nonmotorized tools at any time in areas without special use designation which prohibits plant collecting. The quantity of plants and plant parts collected for traditional purposes would follow guidance from Traditional Ecological Knowledge (see discussion in the EA on page 1) which allows for a respectful and sustainable use of plants without damaging plant communities, pollinators, wildlife, or habitats. Plant gathering activities would take place under terms specified in an agreement between the NPS (Yosemite National Park) and the federally recognized Tribal governments. Tribal members and NPS staff would monitor and collaborate on plant gathering during biannual meetings.

2.1 Rationale

Gathering plants is an integral component of the cultural identity of the Traditionally Associated Tribes, yet the existing management conditions limit gathering to no more than a pint per person, per day of fruit, berries, nuts, and unoccupied shells as specified in Yosemite's [Superintendent's Compendium](#), per 36 CFR §§ 2.1(c)(1), (c)(2). The selected alternative establishes a framework allowing federally recognized Tribal members to gather plants and plant parts for traditional purposes in a sustainable manner. The thresholds outlined in the EA (see Chapter 2) were established and evaluated by an interdisciplinary team of specialists and were determined to be sustainable. Sustainable use means that the removal of these plant parts would not harm the overall population of the species, and in some cases, would benefit the species by aiding in regeneration and propagation. Additionally, 13 plant species proposed for collection are non-native to Yosemite National Park. Their removal will have a beneficial impact to native vegetation and the ecosystem in Yosemite National Park. The selected alternative best meets the project purpose and need, which is to establish a framework allowing traditional plant gathering, protect park resources, comply with the 2016 NPS Plant Gathering Rule, and maintain collaborative tribal relationships.

3. Mitigation Measures

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. Therefore, NPS recommends multiple mitigation measures and best management practices to protect the natural and cultural resources potentially affected by the project, including effects to Ethnographic Resources, Ethnographic Cultural Landscapes, Special Status Species, and Vegetation. The selected alternative incorporates by reference the stipulations and mitigation measures described in Chapter 2 of the EA and Appendix D of this document.

The authority for this project's mitigations comes from the following laws, regulations, and policies:

- National Park Service Organic Act (Title 54 of U.S. Code, Chapter 1001, section 100101)
- National Park Service Management Policies (NPS 2006)
- Gathering of Plants and Plant Parts by Federally Recognized Tribes (36 CFR § 2.6)
- Preservation of Natural, Cultural, and Archeological Resources (36 CFR § 2.1)

- Secretary’s Order 3403 Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters
- 301 Department Manual 7 Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Action and Scientific Research (2023)
- NPS Policy Memorandum 22-03 Fulfilling the National Park Service Trust Responsibility to Indian Tribes, Alaska Natives, and Native Hawaiians in Stewardship of Federal Lands and Water

4. Other Alternatives Considered

The NPS considered but dismissed an alternative proposed by the Traditionally Associated Tribes. Under this alternative, the seven Tribes traditionally associated with Yosemite National Park would gather plants and plant parts from approved species within both Yosemite National Park and Devils Postpile National Monument for traditional purposes. However, as previously discussed, non-federally recognized Tribes cannot be included in a plant gathering agreement under the framework of the Plant Gathering Rule. Additionally, the Tribes traditionally associated with Devils Postpile National Monument differ from those traditionally associated with Yosemite. Therefore, it would be more appropriate to develop separate agreements for each site. For these reasons, the Tribal Alternative was considered but ultimately dismissed. The Selected Alternative represents a modified version of the Tribal Alternative.

5. Public Involvement/Agency Consultation

5.1 Public Involvement

The NPS provided two opportunities for public comment during the NEPA process. The NPS accepted public comments for traditional plant gathering during public scoping from January 13, 2025, through February 12, 2025. The impacts of the proposed plant gathering activities were analyzed in an EA, which was open for public comment from August 28 to September 27, 2025. The comment period for the draft EA was announced on social media, the park’s daily email, and through correspondence with Traditionally Associated Tribal governments. The public was invited to provide comments online through the Planning, Environment, and Public Comment (PEPC) system at <https://parkplanning.nps.gov/YOSEgatheringEA> or to mail comments to the park.

5.2 Agency Outreach

The alternatives presented in this EA will not discharge dredged or fill material into US waters or wetlands. The alternatives will also avoid destruction or degradation of wetlands, and modification or development within floodplains. The park has therefore determined that consultation with the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, or the Environmental Protection Agency (EPA) is not necessary for this EA. Additionally, wetlands or floodplains statements of findings are not required for this EA.

The alternatives presented in this EA will have no effect on federally listed threatened and endangered species. Consultation with the U.S. Fish and Wildlife Service (USFWS) is therefore not required for this

EA. The park received confirmation from USFWS that consultation is not required for this plan via email on November 4, 2024.

The alternatives presented in this EA will have no effect to historic properties. In accordance with Yosemite's 2020 Programmatic Agreement with the Advisory Council on Historic Preservation and the California State Historic Preservation Officer, when a proposed undertaking finds no historic properties affected, further consultation is not required. As such, the park will not complete consultation with the California State Historic Preservation Officer for this EA but has shared the final draft of the EA for informational purposes.

5.3 Tribal Outreach & Coordination

Since receiving the formal request for a gathering agreement from Bridgeport Indian Colony on August 4, 2022, the park and interested Tribal members developed an interdisciplinary team to meet regularly, develop a plant list, and plan for the EA process. The draft EA is the culmination of collaborative discussions and planning among the park and Tribal Nations. Tribal members were invited to read and comment on the draft EA before it opened for public comment. The Traditional Gathering EA was discussed at six all-Tribes meetings. The NPS also notified the Traditionally Associated Tribes of both the public scoping and public comment periods.

6. Finding of No Significant Impact

6.1 Potentially Affected Environment

This project includes limited gathering of plants and plant parts from 289 vascular plant taxa throughout Yosemite National Park. Potentially affected resources include ethnographic resources, ethnographic cultural landscapes, special status species, and vegetation. Ethnographic resources considered in the EA include plant resources and traditional practices of importance to Traditionally Associated Tribes. The cultural landscapes considered in the EA are geographic areas throughout the park that are associated with the Traditionally Associated Tribes whose continued use and connection to the land follows long-established cultural practices. Plants at Yosemite include over 1,683 vascular plant species. 177 of these are non-native species, and many of these non-natives are invasive. Yosemite maintains a list of 161 taxa of special status plants, that fall into 14 categories ranging from federally listed threatened or endangered species to those species that are limited in distribution in California but are common in Yosemite.

See Chapter 3 of the EA for additional details about the potentially affected environment.

6.2. Degree of Effects of the Action

The NPS considered the following actual or potential project effects in evaluating the degree of effects (40 CFR 1501.3(b)(2)) for the selected alternative. As summarized below and documented in Chapter 3 of the EA, the selected action has the potential for adverse and beneficial impacts on ethnographic

resources, ethnographic cultural landscapes, special status species, and vegetation. The NPS did not identify any significant adverse effects from implementing the selected action.

Even though the agreement and permits will be between the NPS and federally recognized tribes only, the analysis described in Chapter 3 of potential environmental impacts from traditional gathering activities in the selected alternative wouldn't change if all seven Traditionally Associated Tribes were part of the agreement. Any future requests by other Tribes outside of the seven Traditionally Associated Tribes would need to be evaluated through a separate NEPA process.

Beneficial and Adverse, and Short-term and Long-term Effects of the Selected alternative

The selected alternative will result in mostly long-term beneficial impacts to ethnographic resources, ethnographic cultural landscapes, and vegetation. As described in the EA, the selected alternative has the potential for adverse impacts on ethnographic cultural landscapes, special status species, and vegetation, however, no potential for significant adverse impacts was identified that would require analysis in an Environmental Impact Statement (EIS). Whether taken individually or as a whole, the impacts of the selected alternative, including reasonably foreseeable effects, do not reach the level of a significant effect because adverse impacts associated with implementation will be minimal, and is discussed further in the EA. The selected action will result in substantial long-term beneficial impacts. Best management practices, mitigation measures, and ongoing collaboration, as outlined above and in the EA, will further minimize any potential adverse impacts.

Traditional plant gathering would result in long-term beneficial impacts to ethnographic resources by providing a mechanism for federally recognized tribes to gather plants for traditional purposes and exercise traditional practices that connect Tribal members to ethnographic resources on their ancestral lands. Furthermore, the selected alternative would result in indirect beneficial effects, including increased health and wellness of Tribal members due to increased interactions and physical activity with nature (Maller et al. 2006), and by ensuring cultural continuance and nutritional food availability (Long et al. 2016).

The selected alternative would also have beneficial impacts to ethnographic cultural landscapes by reinvigorating long-term landscape stewardship, reestablishing connection to the land, continuing cultural practices within the park, restoring Tribal dignity, increasing the recognition of Tribal sovereignty, legitimizing cultural uses and practices associated with ethnographic cultural landscapes, and continuing to strengthen the trust and co-stewardship relationships among the federally recognized Tribes and the NPS. Because the selected alternative does not include non-federally recognized tribes, these communities will continue to be negatively impacted due to restricted access to traditional gathering practices. This limitation hinders their ability to engage in cultural and resource management activities, leading to ongoing adverse effects on their cultural heritage and well-being. The park is, nonetheless, committed to pursuing alternative avenues for working with non-federally recognized Tribes to help restore access to traditional plant gathering practices.

Although there would be minor, short-term, direct adverse impacts to specific target plants, sustainable plant gathering is widely recognized for its positive, long-term effects on both vegetation communities

and plant biodiversity, particularly when guided by traditional ecological knowledge (Anderson 1993, 2005; Berkes 2012; Blackburn and Anderson 1993a; Bloom and Deur 2020; Deur and Turner 2005; Turner and Peacock 2005). Traditional gathering and plant management includes social and cultural guidelines that prevent over-exploitation, protect rare or vulnerable species, and ensure that plants can regenerate naturally. For example, gatherers may only take a portion of a plant, avoid harvesting during reproductive seasons, or rotate gathering areas to allow ecosystems time to recover. Thus, traditional gathering practices support the resilience and sustainability of plant communities while maintaining the cultural and spiritual relationships that people have with the land.

The selected alternative will have no direct impacts on special status plant (SSP) species in the eight most rare categories on Yosemite's SSP list (priority categories 1-8), since these species are not included in the traditional plant gathering list. Under the selected alternative, five taxa on the Yosemite SPP list would be authorized for collection, following limits and conditions described in Chapter 2, *Stipulations and Mitigations*. These limits and conditions have been evaluated by an interdisciplinary team of specialists, in coordination with the Traditionally Associated Tribes, and have been determined to support sustainable use. Although there would be minor, short-term, direct adverse impacts to individual plants, the collection of plants and plant parts under these guidelines is not expected to result in long-term adverse effects on population viability. Although the collection of misidentified plants could pose a risk to SSPs, the mitigation measures associated with the selected alternative are designed to minimize this potential impact.

Because the selected alternative is limited to plant gathering and does not include the full range of traditional land management practices, certain long-term negative impacts on vegetation communities are expected to persist. Many Indigenous stewardship techniques, such as fire, pruning, clearing underbrush, weeding, tilling, selective harvesting, scattering seeds, smoking, and "knocking" dead wood out of trees, are integral to maintaining ecosystem health and promoting the growth of culturally significant plant species (Anderson 1988, 1990, 1993a, 1993b, 1996, Deur and Bloom 2021, Lewis 1973). The exclusion of these practices, particularly prescribed fire, limits the ability to restore and sustain the ecological conditions necessary for producing high-quality materials, such as those used in traditional basketry. Fire, for example, can play a critical role in reducing competition from invasive species, stimulating new growth in fire-adapted plants, and maintaining open understory conditions. Without these interventions, vegetation may become overgrown, less diverse, and less resilient to stressors such as drought, pests, and climate change. Although these effects are adverse, they would not be significant under NEPA because they do not rise to the level of causing substantial degradation of vegetation communities or irreversible loss of plant biodiversity. The impacts are partially mitigated by ongoing co-stewardship initiatives, such as efforts to promote black oak health and reintroduce cultural burning. These efforts are expected to incrementally reduce the severity of adverse effects over time. Additionally, the selected alternative does not preclude future implementation of broader traditional land management practices, which could further improve vegetation conditions in the long term.

Degree to Which the Selected Alternative Affects Public Health and Safety

Yosemite National Park has an active invasive plant management program, which includes the use of approved herbicides to treat certain invasive species, as outlined in the 2010 Invasive Plant

Management Environmental Assessment. Additionally, some areas of the park contain hazardous materials, primarily resulting from historic trash disposal. These sites are currently under assessment for remediation, with cleanup activities already underway in some locations.

To protect Tribal gatherers, the park's annual Invasive Species Management workplan and the locations of herbicide treatments and hazardous material sites will be communicated through the coordination and meeting strategies established in the agreements with the federally recognized Tribes. Furthermore, five high-priority invasive plant species that are regularly treated with herbicides have been removed from the gathering list to avoid potential health risks. Through effective coordination and information sharing, the selected alternative is not expected to result in any significant impacts on human health and safety.

Economic Effects

The selected action authorizes limited, sustainable gathering of plants and plant parts by federally recognized Tribal members for traditional purposes within Yosemite National Park. These activities are non-commercial and are not anticipated to result in measurable changes to employment, income, spending, output, property values, or other economic factors at the local, county, state, or national level. No closures, restrictions, or changes in land management are proposed that would adversely affect local businesses or economic activity. While the selected alternative may provide indirect, qualitative benefits through the revitalization of Tribal cultural practices and enhanced opportunities for visitor education, these are not considered direct economic impacts. Based on the analysis provided in the Environmental Assessment, the degree of economic effect is minimal and does not approach the threshold of significance under NEPA. Economic effects alone do not require the preparation of an Environmental Impact Statement for this action.

Effects on the Quality of Life of the American People

The selected action does not authorize collection of plants for commercial use. As such, it does not affect the broader public's access to products extracted from federal lands, as gathering is restricted to traditional uses by Tribal members only. Additionally, the selected action does not affect the provision of public services such as emergency response, water supply, transportation, education, or social services at the local, state, or national level. No changes to public infrastructure or service delivery are proposed or anticipated.

Visitor experience and recreational access for the public will be maintained, with no closures or restrictions proposed. The presence of traditional gathering activities is expected to enrich visitor understanding of the park's cultural heritage through interpretive and educational opportunities, while not diminishing the quality of recreational opportunities or visitor services. Enhanced opportunities for learning, interpretation, and research related to cultural, historic, and natural resources are anticipated through ongoing collaboration between the National Park Service and Tribal communities.

Importantly, the selected alternative provides long-term beneficial effects for the way of life and culture of federally recognized Traditionally Associated Tribes. By restoring access to culturally significant plants and landscapes, the action supports the continuation of traditional practices, intergenerational knowledge transfer, and revitalization of cultural heritage. The action also supports stewardship and passive use values by incorporating Traditional Ecological Knowledge and sustainable gathering practices, which are expected to maintain or enhance ecosystem health for current and future generations.

These effects have been evaluated at the local level and, where applicable, at broader scales. The selected action is not anticipated to result in adverse effects on the quality of life for the public at the county, state, or national level. Rather, it is expected to provide long-term, beneficial effects for Tribal members and to potentially enhance the cultural and educational experience of park visitors. Based on the analysis provided in the Environmental Assessment, the degree of effect on quality of life does not approach the threshold of significance under NEPA.

7. Conclusion

As described above, the selected alternative does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). This finding is based on consideration of the Council on Environmental Quality and NPS guidance on the criteria for significance, regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference) and as summarized above.

8. References

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Appendix A: Errata Indicating Text Changes to EA

No changes were made to the EA due to public comments or additional internal reviews. Non-substantive changes, such as page numbers, grammar, punctuation, spelling, and reference alphabetization, are not included in this document.

**Appendix B:
Response to Substantive Public Comments**

The National Park Service opened the Traditional Plant Gathering EA for public review and comment from August 28, 2025, through September 27, 2025.

The National Park Service received 34 comments from 19 correspondences, documented on the NPS PEPC website.

Responses to all substantive comments are included here. Substantive comments are those that:

- question, with reasonable basis, the accuracy of the information in the NEPA document;
- question, with reasonable basis, the adequacy of the information in the NEPA document;
- present reasonable alternatives other than those presented in the NEPA document; or
- cause changes or revisions in the proposal.

Impacts and Monitoring

Concern Statement: Two commenters expressed concern about the potential ecological impacts of native plant gathering in Yosemite. One commenter emphasized the need for careful monitoring and the importance of maintaining open communication and partnership with Tribal communities. One commenter expressed apprehension that allowances for cultural or traditional use could unintentionally lead to expanded activities—such as guided experiences or tours—that may increase trampling and disturbance in sensitive areas.

NPS Response

The selected alternative was developed through extensive consultation with Traditionally Associated Tribes and an interdisciplinary team of NPS specialists. It supports traditional gathering practices by incorporating Traditional Ecological Knowledge and includes robust mitigation measures to avoid adverse impacts to sensitive plant species, landscapes, and habitats (EA Chapter 2.2.1; FONSI Appendix D). These include:

- Species-specific gathering limits based on population thresholds and plant life form.
- Exclusion of federally listed threatened or endangered species from the gathering list.
- Avoidance of sensitive habitats such as meadows, wetlands, and riverbanks when possible.
- Biannual monitoring and coordination meetings between NPS and Tribal representatives to assess impacts and adaptively manage gathering practices.
- Education and training provided by Tribal knowledge holders to ensure sustainable harvesting techniques are followed.

The EA (Chapter 3) and FONSI (Section 6.2) conclude that the selected alternative will result in no significant adverse impacts. Rather, traditional gathering practices are expected to have long-term beneficial effects on plant communities by promoting biodiversity, regeneration, and ecological resilience (FONSI Section 6.2; EA 3.5.2.2).

Regarding concerns about potential expansion into commercial or organized activities, the agreement explicitly prohibits commercial use and limits gathering to traditional purposes only. Group sizes are restricted, and access is limited to foot travel (FONSI Appendix D; EA 2.2.1). Any future proposals for expanded use would require separate environmental review and compliance.

Agreement and Special Use Permits

Concern Statement: A commenter expressed concern that the five-year permit cycle under Alternative B may not align with traditional tribal plant tending practices, which often operate on longer, more adaptive timelines. They noted that frequent permit renewals and layered compliance documentation could create administrative complexity and confusion, potentially hindering effective participation by tribal practitioners. While recognizing Alternative B as the most viable option presented, the commenter cautioned that its short-term structure could lead to bureaucratic challenges and misalignment with the slower, cyclical nature of traditional ecological knowledge (TEK).

NPS Response:

The 2024 Policy Memorandum 24-01 (*Guidance for Implementing 36 CFR 2.6—Plant Gathering by Federally Recognized Tribes for Traditional Purposes*) provides specific guidance for implementing the Plant Gathering Rule, including the terms and conditions of agreements with Tribes and permits that authorize traditional gathering. The memo states that: “the agreements may be authorized for up to 10 years,” and “NPS managers may issue a permit for the duration of five years, based on the requirements outlined in the plant gathering agreement.”

These timeframes are not arbitrary but follow NPS policy. While the park acknowledges that this may introduce administrative complexity, the framework allows for adaptive management through biannual coordination meetings and collaborative monitoring.

Concern Statement: A commenter expressed concern about the potential for individuals to act outside the formal frameworks established by the Agreement. They noted that not all individuals identifying with Traditionally Associated Tribes consistently adhere to the processes set by their respective Tribal governments. The commenter emphasized the complexity of managing such situations, particularly given the Park’s limited role in internal Tribal matters and the challenges of influencing visitor behavior as a non-unified group.

NPS Response:

The selected alternative was developed to provide a structured, transparent, and collaborative framework for traditional plant gathering that reflects both federal legal requirements and Tribal sovereignty.

To ensure accountability and minimize unauthorized or misrepresented gathering:

- Only enrolled members of federally recognized Tribes who are authorized under the agreement may gather plants, and each Tribe identifies its own method for designating authorized gatherers.
- The agreement includes clear stipulations on species, quantities, methods, and locations for gathering, and biannual coordination meetings are held to review activities and address any issues.
- Monitoring and reporting responsibilities are shared between Tribal representatives and NPS staff to ensure compliance and resource protection.
- The agreement does not extend legal protection to individuals acting outside its terms. Unauthorized gathering remains subject to enforcement under existing park regulations.

Importantly, the agreement is grounded in a co-stewardship model, where NPS and Tribal governments share responsibility for monitoring, addressing emerging issues, and ensuring traditional practices are respected and sustained. Biannual meetings between NPS and Tribal representatives provide a forum to review activities, adapt practices, and maintain accountability. This collaborative approach acknowledges that Tribal governments are best positioned to guide and educate their members, while the NPS ensures that park resources are protected in accordance with federal law.

Interpretation and Education

Concern Statement: Commenters emphasized the importance of a robust public education and interpretation program to promote understanding and respect for traditional tribal gathering practices. They expressed concern that without proactive outreach—such as interpretive displays, trained park staff, and informed volunteers—tribal members may face misunderstanding, scrutiny, or conflict from visitors unfamiliar with the Agreement. Specific concerns were raised about how ground-level disputes might arise when tribal practitioners are observed gathering, particularly during solitary or low-profile activities, and how these interactions might be handled by park staff or the public. Commenters also noted that while increased visibility can foster awareness, it may unintentionally invite conflict or resentment from some visitors. Additionally, they recommended that trained park partners and volunteers be allowed to assist tribal gatherers, provided they are properly coached in respectful and responsible collection practices.

NPS Response:

The park intends to utilize existing NPS visitor education infrastructure, such as the Indian Cultural Program, and work with NPS law enforcement staff to support public understanding of traditional gathering in the park. Additionally, the park will continue collaborating with the Traditionally Associated Tribes to identify public interpretation and education opportunities that are also respectful of Tribal gatherers.

While the gathering agreement is limited to federally recognized Tribal members, the agreement allows non-Tribal members to accompany gatherers for educational purposes. However, per the requirements of 36 CFR § 2.6, only authorized Tribal members may collect plants outside of what is allowed in the

Superintendent's Compendium. This ensures that gathering remains culturally appropriate and sustainable, while still allowing for shared learning.

Non-Federally Recognized Tribes

Concern Statement: Commenters expressed strong concern that the current plan does not explicitly include non-federally recognized tribes, particularly the Southern Sierra Miwuk Nation and the Mono Lake Kootzaduka'a Tribe of California and Nevada, despite their deep ancestral ties to Yosemite. They stressed that their cultural practices have long contributed to the park's ecological balance without causing harm and emphasized that exclusion based on federal recognition status is inequitable.

A commenter acknowledged the limitations of the 2016 NPS Plant Gathering Rule, which restricts agreements to federally recognized tribes, but emphasized strong support for the park's efforts to find alternative avenues for including non-federally recognized tribes. They noted that these tribes have long-standing cultural ties to the park and have actively participated in consultation, and that their involvement aligns with the intent of existing management plans.

NPS Response

The NPS acknowledges the deep cultural and historical connections that non-federally recognized Tribes, including the Southern Sierra Miwuk Nation and the Mono Lake Kootzaduka'a Tribe of California and Nevada, have to Yosemite National Park. These Tribes have been integral to the development of the plant gathering agreement and have long-standing relationships with the park through consultation and collaboration.

The 2016 NPS Plant Gathering Rule (36 CFR § 2.6), however, legally limits formal gathering agreements to federally recognized Tribes. Accordingly, this EA and the resulting agreement, developed under the authority of that rule, cannot include non-federally recognized Tribes, despite their significant contributions and traditional ties.

That said, the park is committed to pursuing alternative avenues to support access for non-federally recognized Tribes. The park will continue to work with these Tribes through co-stewardship initiatives, consultation, and collaborative projects that honor their cultural practices and support their continued connection to ancestral lands.

**Appendix C:
A Non-Impairment Determination**

Impairment Prohibition

The Organic Act of 1916 directs the U.S. Department of the Interior and the NPS to manage units “to conserve the scenery, natural and historic objects, and wildlife in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 U.S.C. § 100101(a)). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress” (54 U.S.C. § 100101(b)(2)). National Park Service Management Policies 2006, section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

Impairment Definition

According to NPS Management Policies 2006 Section 1.4.5, an impairment is an impact that, “in the professional judgment of the responsible NPS manager, would harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values”. To determine impairment, the National Park Service must evaluate the “particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts. An impact on any park resource or value may constitute impairment, but an impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

Per Section 1.4.6 of the NPS Management Policies 2006, the “park resources and values’ that are subject to the non-impairment standard include:

- the park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and

physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established."

Impairment Determination

The purpose of Yosemite National Park is to:

...preserve the dynamic natural setting within the park's boundaries, including soaring granite domes, dramatic cliffs, towering waterfalls, ancient sequoia groves, expansive wilderness terrain, and free-flowing wild and scenic rivers; to celebrate the cultural and historic traditions of the Central Sierra Nevada, including thousands of years of human history; to perpetuate the American conservation ethic; and to provide opportunities for scientific exploration, recreation, education, and inspiration for generations to come. (Foundation Document, Yosemite National Park, 2016)

The Foundation Document includes park significance statements and describes the park's fundamental resources and values, all of which highlight resources that may be impacted by visitor and other uses. These fundamental resources and values include:

- Unique geologic landscapes
- Dramatic and inspirational scenery
- Wilderness and wild and scenic river designations
- Abundance and quality of water resources
- Giant sequoias
- Ecological diversity
- Enduring human connections
- Diverse recreational experiences
- Educational opportunities
- Global leadership in conservation

This non-impairment determination has been prepared for the selected action described in this Finding of No Significant Impact and Chapter 2 of the EA. Resources that were carried forward for detailed

analysis in the EA and for which a non-impairment determination has been made include ethnographic resources, ethnographic cultural landscapes, special status species, and vegetation. Any impacts on other resources that will be subject to a non-impairment determination (see NPS 2006, section 1.4.6) are minimal, requiring no further analysis in the EA (see Table 1 in the EA) and will not result in impairment.

Ethnographic Resources

The NPS Management Policies 2006 defines ethnographic resources as “objects and places, including sites, structures, landscapes, and natural resources, with traditional cultural meaning and value to associated people.” For millennia humans have lived in, interacted with, and stewarded the landscapes in what today is known as Yosemite National Park. The descendants of the first peoples maintain a deep connection to the landscape through customary practices that are interwoven with the traditions and histories of their Tribes, reflecting the significance of these activities to their unique cultures. Traditional activities include gathering plants and plant parts for ceremonial use, object manufacture, or sustenance.

The selected action will increase access for federally recognized Tribes to culturally significant plants and landscapes within the park. This enhanced access supports the continuation of traditional plant gathering practices, which are vital to maintaining living cultural traditions among Traditionally Associated Tribal communities. By facilitating renewed relationships with important species and places, the selected action strengthens intergenerational knowledge transfer and reinforces the integrity of ethnographic resources. As a result, the selected action will not impair ethnographic resources; rather, it will contribute to their preservation and vitality over time.

Ethnographic Cultural Landscapes

A cultural landscape is “a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values (NPS 2025).” Ethnographic landscapes are a type of cultural landscape and can include large geographic areas that are associated with contemporary groups whose continued use and connection to the land follows long-established cultural practices.

The selected alternative increases access for federally recognized Tribes to culturally significant plants and places, supporting the continuation of traditional gathering practices and intergenerational knowledge transfer. These practices are known to enhance the health of native plant communities and reinforce cultural connections to the landscape. A plant gathering agreement would also strengthen co-stewardship and Tribal sovereignty. While non-federally recognized Tribes remain excluded, the overall effect is beneficial and does not rise to the level of impairment under NPS Management Policies.

Special Status Species

Park staff maintains a special status plant (SSP) list composed of 161 taxa. The species are binned into 14 categories according to their standard rationales for inclusion. SSP priority categories 1-8 are considered the rarest across all categories. Yosemite National Park’s SSP list categories 1-8, listed by effective

priority, includes, one federally threatened species, four state-listed taxa, 13 Forest Service Sensitive taxa, and 68 species listed by the California Native Plant Society (CNPS). Priority categories 9-14 are related to distribution and are referred to as “park sensitive.” Yosemite’s SSP list categories 9-14, listed by effective priority, includes 29 limited distributions in the park and CA taxa, six Sierra Nevada endemic taxa, three of limited distribution in CA and common in the park taxa, one Forest Service Watch list taxon, 49 wide distribution in CA and limited distribution in the park taxa, and four widespread but uncommon or poorly documented in CA and common in the park taxa.

No federally listed threatened or endangered species are proposed for gathering, and the federally protected whitebark pine will remain excluded. Five “park sensitive” species on Yosemite’s Special Status Plant (SSP) list (priority categories 9–14) are included in the gathering list, but collection will occur under clearly defined limits and mitigation measures developed in coordination with Traditionally Associated Tribes and park resource specialists. These measures are designed to ensure sustainable use and avoid long-term adverse effects on populations. Additional safeguards, including species-specific guidance and identification protocols, minimize the risk of misidentification and inadvertent collection of higher-priority SSP taxa. Therefore, the selected alternative will not result in impairment to special status species.

Vegetation

Yosemite National Park lies within several ecological transition zones, resulting in exceptionally high plant diversity for its size. Over 1,683 vascular plant species have been identified in the park, including 1,506 native and 177 non-native species. Many of the non-native species are invasive and can significantly disrupt natural plant communities once established.

Plant gathering by federally recognized Tribes will occur under clearly defined limits and conditions developed in coordination with Tribal partners and evaluated by an interdisciplinary team. These measures ensure sustainable use, with thresholds in place to protect plant populations and prevent overharvesting. Traditional gathering practices, informed by generations of ecological knowledge, are expected to support plant regeneration, biodiversity, and long-term ecosystem health. Additionally, plant gathering activities will include removing some non-native species, providing added ecosystem benefits. While minor, short-term impacts to individual plants may occur, the overall effect on vegetation communities will be beneficial and does not constitute impairment under NPS Management Policies.

Conclusion

The NPS does not anticipate that implementing the selected action will constitute an impairment of the park’s resources or values. This conclusion is based on consideration of the park’s purpose, significance, fundamental resources and values, a thorough analysis of the environmental impacts described in the environmental assessment, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the NPS Management Policies (2006).

**Appendix D:
Selected Alternative Mitigation Measures**

The agreement between the NPS and the federally recognized Tribes would include the following mitigations and stipulations in its terms and conditions, per the Plant Gathering Rule.

- Tribal Members will only gather plants and plant parts of approved plant species found within Yosemite National Park for traditional purposes (Appendix A).
- Tribes and NPS staff will meet biannually to discuss gathering activities, identify any emerging issues or improvements that could be made to the permit, and to optimize protection of park resources, while allowing for traditional gathering activities to occur. The following topics will be discussed (See Appendix B for additional biannual monitoring meeting topics and information):
 - Anticipated gathering and specific areas desired for gathering during the upcoming year.
 - Proposals for adding or removing plant taxa from the gathering list. Changes to the list will be approved through a separate compliance process.
 - Traditionally Associated Tribes will present monitoring outcomes and report on any activities which may necessitate intervention by the Traditionally Associated Tribes and the NPS.
 - NPS will address other resource information and concerns, such as interactions with the public, visitor education, and identification and protection of threatened or endangered animal species.
- To ensure the sustainable harvest of species, Tribes are responsible for monitoring outcomes throughout the park for all approved species.
- A Tribal representative from each Tribe should serve as a main contact for Tribal members and NPS to contact for any concerns and to coordinate gathering activities with other Tribes. Tribes will track, to the extent feasible, gathering information by their members, to inform coordination and reporting.
- To the best of their abilities, Tribal governments will provide education and trainings through elders and traditional practitioners to Tribal members to prevent potential negative impacts or over harvesting.
- Gatherers will use traditional gathering methods, primarily gathering by hand and hand tools such as traditional digging sticks. When necessary, clean and sharpened non-mechanized hand tools such as but not limited to scissors, pruning shears, trowels, soil knives, rakes, hoes, handsaws, loppers, weed wrenches, digging bar, forked weeders, pickaxes, and shovels may be used to gather the plants or plant parts.
- Minimal ground disturbance by hand or hand tools may be necessary for traditional gathering. Any artifacts found will be left in place. If a gatherer finds cultural items to be vulnerable or at risk of loss/impact, they are encouraged to contact the park Tribal Liaison to discuss appropriate measures to address threats or impacts.
- No federally threatened or endangered plants or plant parts are to be harvested. Special status plant (SSP) species may be collected without further species-specific analysis if:
 - They are Yosemite SSP priority 9-14. These categories are related to distribution and are referred to as “park sensitive.” EA mitigations are sufficient to avoid negative impacts to these categories. See section 3.4.1 for detailed description of Yosemite’s ranking priority categories.
 - SSP species that are to be avoided during gathering, within the same genus as common species, are indicated in table notes (Appendix A).

- Gathering of plants and plant parts will be harvested at different times throughout Yosemite National Park according to plant lifecycles and seasons, guided by Traditional Ecological Knowledges and follow Department of Interior protocols (BLM, NPS, and USFWS 2025). Gathering will be conducted within the following limits:
 - See Appendix A for plant parts and limits customized to life form (annuals, perennials, shrubs and trees, and non-natives). There are no limits for non-native plants.
 - At a minimum (50) or more individual plants should be present in the observable population before gathering.
 - No single plant loses more than an estimated 50% of its available aboveground biomass in stems, leaves, flowers, or fruits.
 - When removing the entire plant is permitted, less than an estimated 20% of plants will be gathered from any one population.
 - No more than an estimated 20% of the seed is to be collected from a population of over 50 individuals on a single day.
 - Limbing or felling mature trees is not permitted in this agreement or special use permit.
- Prior to gathering, vegetation will be examined for obvious signs of nesting birds and other animals.
- Firewood collection is not authorized through this agreement and special use permit– protocols for firewood collection are described in a separate agreement.
- Seeds and soil are to be removed from footwear and all tools when moving from site to site to reduce the potential introduction of non-native plants and spread of disease, including future diseases.
- The intent of the gathering agreement is for traditional purposes only, not for commercial purposes.
- To minimize impacts on sensitive locations, like meadows, riverbanks, and wetlands, gatherers should avoid traveling in large, closely-knit groups. Instead, they should spread out to disperse impacts and reduce soil compaction. When accessing riverbanks, use sandy, resilient shorelines to protect riparian vegetation. If the same plant or plant part can be gathered from a less sensitive location, that site should be preferred.
- Non-Tribal members may accompany federally recognized Tribal Members for educational purposes. Gathering of plants or plant parts by non-Tribal members is prohibited except for those plants and quantities listed in the Superintendent's Compendium.
- The Tribe may identify their method for identifying authorized gatherers. The Tribe may choose to list the title, or a description of the positions authorized to harvest under the agreement and subsequent permit. Superintendents may issue the permit in the name of the Tribal leader who retains discretion to authorize individual enrolled Tribal members, societies, and clans to collect plants and plant parts within the park. The NPS and the Tribe may decide an oral communication process is best to meet Tribal privacy concerns while relaying appropriate information under the agreement.
- Vehicle travel is permitted only on open public roads. Vehicles must park only in designated parking areas, including pullouts. Collecting locations are to be accessed by foot. Use of stock is also permitted when in accordance with current Yosemite National Park policy and regulations.
- Group size is limited to a maximum of 8 people in Wilderness when travelling off trail more than ¼ mile from established trails or roads and up to 35 people for day use travel on established trails to reduce impacts to vegetation, soils, and cultural resources. When off trail, groups will disperse

to reduce impacts to vegetation, wildlife habitat, or soils. Any group exceeding size limitations must split into subgroups and comply with the above size limitations. Subgroups must begin at different trail heads or on separate days, and the subgroups must always travel and camp at least ¼ mile apart.