

2. PURPOSE AND NEED FOR THE ‘MERCED RIVER PLAN’

This chapter describes the purpose and need for the *Merced Wild and Scenic River Comprehensive Management Plan/Draft Environmental Impact Statement (Merced River Plan/DEIS)* and discusses the issues and opportunities addressed in the plan. Specifically, this chapter includes:

- Statements of the purpose and need for taking action
- The planning context of the plan, including the legal framework, recent legal history, and interrelationships with other plans
- A discussion of issues and opportunities identified during the scoping process and considered in preparation of this plan, and issues dismissed from further analysis.

PURPOSE OF AND NEED FOR THE PLAN

The purpose of the *Merced River Plan/DEIS* is to preserve the Merced River in free-flowing condition, and to protect the water quality and outstandingly remarkable values (ORVs) that make the river worthy of designation, for the benefit and enjoyment of present and future generations. In accordance with WSRA “the plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act” (WSRA Section 3(d)). This plan will fulfill the specific direction of the 1987 legislation designating the Merced River as a component of the National Wild and Scenic River System (16 U.S.C. Section 1274 (a)(62)(A)) and make appropriate revisions to the park’s 1980 *General Management Plan*.

The need for the *Merced River Plan/DEIS* also derives from a 2009 *Settlement Agreement* under which the National Park Service (NPS) agreed to complete a new comprehensive management plan for the Merced Wild and Scenic River by July 2013. The U.S. Forest Service (USFS) and Bureau of Land Management (BLM) completed plans for the river segments within their jurisdiction. The finished plan for the Yosemite segments will complete the management plans needed for the entire Merced Wild and Scenic River.

LEGAL AND POLICY FRAMEWORK

The management of the NPS is guided by the Constitution, public laws, treaties, proclamations, executive orders, regulations, and directives of the Secretary of the Interior and the Assistant Secretary for Fish and Wildlife and Parks. The NPS Organic Act, passed by the U.S. Congress in 1916, provides fundamental management direction for all units of the National Park System. A key management provision in the act is:

“[The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations . . . by such means and measure as conform to the fundamental purpose of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

Congress amended the Organic Act with the 1970 General Authorities Act (16 USC 1a-1 et seq.), which affirms that that all of the nation’s parks—whether they include natural, cultural or historic resources—are

united under the mission, purpose and protection of the Organic Act. The 1978 Redwood National Park Expansion Act also amended the Organic Act, re-affirming the mandate and directing the NPS to manage park lands in a manner that would not degrade park values.

In addition to these key management-related statutes, federal management decisions must be consistent with national laws, including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act of 1966, which define the process used to evaluate and make planning-related decisions. The following provides more detail on the NPS Organic Act and a summary of additional federal laws most relevant to this planning process, including WSRA, the Wilderness Act of 1964, and the 1998 Concessions Management Improvement Act.

National Park Service Organic Act, and National Parks and Recreation Act

The NPS was created by the National Park Service Organic Act of 1916 (USC 2-4) for the purpose of promoting and regulating a system of national parks. This broad mandate has been translated into an extensive set of management policies, which direct all aspects of park management (NPS 2006a).

The NPS has a specific set of policies in place to implement the requirements of law, fulfill management responsibilities under the NPS Organic Act, and guide agency operations. NPS *Management Policies* (2006) is the basic NPS policy document, and the highest level of guidance in the NPS Directives System. Director's Orders are the second level of the Directives System, and they serve as a vehicle to clarify or supplement the *Management Policies*. Reference manuals or handbooks with detailed guidance make up the third level of the NPS Directives System.

Since 1978, the NPS has been required under the National Parks and Recreation Act (16 USC 1a-7) to prepare general management plans for all units of the National Park System. The relationship between the *Merced River Plan* and the *General Management Plan* for Yosemite National Park is described below under "Interrelationships with Other Plans and Projects."

Wild and Scenic Rivers Act Requirements

The segments of the Merced River covered by the *Merced River Plan/DEIS* were part of Yosemite National Park when they were designated as part of Wild and Scenic River System in 1987. As part of the national park, these river segments are also managed under the provisions of the laws, policies, and regulations applicable to all units of the National Park System. Section 10(c) of WSRA specifies that in case of conflicts between the mandates of the two systems, the more restrictive provisions apply.

The following sections of WSRA are most pertinent to the *Merced River Plan/DEIS*:

Section 1: Congressional Declaration of Policy—Explains intent of WSRA in that designated rivers "shall be preserved in free-flowing condition, and ... their immediate environments shall be protected for the benefit and enjoyment of present and future generations" (16 USC 1271), as quoted in the first paragraph of "The Merced Wild and Scenic River" (Chapter 1).

Section 2: Classifications—Requires the river be classified and administered as "wild," "scenic," or "recreational" river segments, based on the condition of the river corridor at the time of designation. The classification of a river segment indicates the level of development on the shorelines, the level of development in the watershed, and the accessibility by road or trail.

Section 3: Congressionally Designated Components, Establishment of Boundaries, Classifications, and Management Plans—Lists rivers that are congressionally designated as National Wild and Scenic Rivers System components. Section 3 requires the administering agency to identify corridor boundaries and to prepare a comprehensive management plan to “provide for the protection of the river values.”

Section 7: Restrictions on Hydro and Water Resource Development Projects—Section 7 (16 USC 1278) is one of the most vital components of WSRA. This provision directs federal agencies to protect the values of designated rivers from adverse effects of “water resources projects” within the bed and banks of the river. Section 7 requires a rigorous process to ensure proposed water resources projects, implemented or assisted by federal agencies within the bed and banks of designated rivers, do not have a “direct and adverse effect” on the values for which the river was designated. It includes procedures to determine whether projects above or below the designated river or on its tributary streams would invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the designated corridor.

Section 10: Management Direction—Section 10 sets forth the management direction for designated river segments and includes the following:

- WSRA shall be administered to *protect and enhance* a river’s ORVs. Insofar as possible, uses that are consistent with this and do not substantially interfere with public enjoyment and use of these values should not be limited (16 USC 1281[a]).
- In administration of a Wild and Scenic River, “primary emphasis shall be given to protecting its aesthetic, scenic, historic, archeologic, and scientific features. Management plans may establish varying degrees of intensity for its protection and development, based on the special attributes of the area” (16 USC 1281[a]).
- Wild and Scenic River segments inside congressionally designated Wilderness are subject to both WSRA and the Wilderness Act. Where the two conflict, the more restrictive (i.e., protective of resources) regulation will apply (16 USC 1281[b]).
- Any component of the National Wild and Scenic Rivers System administered by the NPS will become part of the National Park System and be subject to both WSRA and the acts under which the National Park System is administered. In the case of conflict among these acts, the more restrictive provisions will apply (16 USC 1281[c]).

Section 10(e) enables administering federal agencies to enter into cooperative agreements with state and local governments to allow them to participate in the planning and administration of components of the Wild and Scenic Rivers System that include or adjoin state- or county-owned lands.

Section 12: Management Policies—Section 12 directs the managing agency to take management actions on lands under its jurisdiction adjacent to the designated river corridor that may be necessary to protect the river according to the purposes of WSRA.

1982 Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (Secretarial Guidelines)

In 1982, the Secretary of the Interior and Secretary of Agriculture jointly revised the guidelines for implementing WSRA. The revision, called the *National Wild and Scenic River System: Final Revised Guidelines for Eligibility, Classification and Management of River Areas*, is referred to as the Secretarial Guidelines. Published in the *Federal Register* in 1982, the Secretarial Guidelines incorporate changes in

WSRA necessary after more than a decade of use under the original 1970 guidelines¹, facilitating greater consistency in agency interpretation of WSRA. The Secretarial Guidelines reflect new laws and regulations and respond to a 1979 presidential directive to consider river ecosystems in river evaluation and shorten river study time. The Secretarial Guidelines clarify the eligibility of free flowing rivers and river segments, eliminate minimum length guidelines, revise the definition of sufficient flow, revise water quality management, and accelerate the schedule for congressionally authorized studies (USDI and USDA 1982).

Wilderness Act

The Yosemite Wilderness was added to the National Wilderness Preservation System by the 1984 California Wilderness Act. Segments of the Merced Wild and Scenic River corridor within Yosemite National Park are within this congressionally designated Wilderness.

WSRA specifies that both it and the Wilderness Act apply when a Wild and Scenic River is located in designated Wilderness:

“Any portion of a component of the National Wild and Scenic Rivers System that is within the National Wilderness Preservation System, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.”

The National Wilderness Preservation System was established by the Wilderness Act of 1964 (PL 88-577, 16 USC 1131-1136) to secure for present and future generations the benefits of an enduring resource of wilderness. The Wilderness Act requires that areas of designated Wilderness be managed in ways that preserve their wilderness character. A Wilderness area, as defined by the act, is

“an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean. . . an area. . . retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation.”

Congress has delegated the management of the Yosemite Wilderness to the NPS. The *NPS Management Policies 2006* requires the superintendent of each park containing wilderness resources to develop a wilderness management plan or equivalent planning document to guide the preservation, management, and use of these resources. The relationship between the *Merced River Plan* and the *Yosemite Wilderness Management Plan* is described below under “Interrelationships with Other Plans and Projects.”

The NPS is required to consider the effects of commercial use in the Yosemite Wilderness as part of its delegated responsibility to maintain the wilderness character of the lands under its charge. A “Determination of Extent Necessary for Commercial Services in the Wilderness Segments of the Merced Wild and Scenic River Corridor” has been prepared as part of this planning for the Merced River (see Appendix L).

¹ “Guidelines for Evaluating Wild, Scenic and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System under Section 2, Public Law 90-542”

National Environmental Policy Act

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969 (NEPA [42 USC 4341 et seq.]), the NPS has prepared a draft environmental impact statement identifying and evaluating six alternatives (the No Action and five action alternatives) for the *Merced River Plan*. Regulations governing NEPA compliance are set by the President's Council on Environmental Quality (CEQ) (40 CFR Parts 1500-1508). CEQ regulations establish the requirements and process for agencies to fulfill their obligations under the act. This draft environmental impact statement documents compliance with two fundamental NEPA requirements: 1) To make a careful, complete, and analytical study of the impacts of any proposal, and alternatives to that proposal, if it has the potential to affect the human environment, well before decisions are made and 2) To be diligent in involving interested or affected public members in the planning process.

Compliance with the National Historic Preservation Act (see below) is integrated into the NEPA compliance process, using NHPA criteria for the analysis of impacts on cultural resources. The NEPA process is also used to coordinate compliance with other federal laws and regulations applicable to the decisions to be made as part of the *Merced River Plan/DEIS*, including but not limited to the following:

- Americans with Disabilities Act (42 USC 12101 et seq.)
- Clean Air Act (as amended, 42 USC 7401 et seq.)
- Clean Water Act (33 USC 1241 et seq.)
- Endangered Species Act (16 USC 1531 et seq.)
- Executive Order 11593: Protection and Enhancement of the Cultural Environment
- Executive Order 11988: Floodplain Management
- Executive Order 11990: Protection of Wetlands
- Wilderness Act

National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (NHPA [16 USC 470]) directs federal agencies to take into account the effect of any undertaking (a federally funded or assisted project) on historic properties. A "historic property" is any district, building, structure, site, or object, including resources that are considered by American Indians or other communities to have cultural and religious significance, that is eligible for listing in the National Register of Historic Places (NRHP) because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. Section 106 also provides the Advisory Council on Historic Preservation (ACHP) and the state historic preservation officer (SHPO) an opportunity to comment on assessment of effects by the undertaking. Yosemite's section 106 review process is governed by national and park-specific programmatic agreements among the NPS, the Advisory Council for Historic Preservation, and the National Council of Historic Preservation Officers or the California state historic preservation officer (NPS, ACHP, and NCSHPO 2008; NPS, SHPO, and ACHP 1999). As stated above, compliance with NHPA section 106 is integrated into the NEPA compliance process, using NHPA criteria for the analysis of impacts on cultural resources.

The section 106 review process is also used to coordinate compliance with the following federal laws and regulations applicable to the decisions to be made as part of the *Merced River Plan*.

Archaeological Resources Protection Act

The Archeological Resources Protection Act of 1979 (ARPA [16 USC 470aa- 470ll]) prohibits unauthorized excavation of archeological sites on federal land, as well as other acts involving cultural resources, and implements a permitting process for excavation of archeological sites on federal or Indian lands (see regulations at 43 CFR 7). The act also provides civil and criminal penalties for removal of, or damage to, archeological and cultural resources. Historic properties are addressed in Volume 2, Chapter 9.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA [25 USC 3001 et seq. and its implementing regulations at 43 CFR 10]) provides for the protection and repatriation of Native American human remains and cultural items and requires notification of the relevant Native American tribe upon accidental discovery of cultural items. Resources covered by NAGPRA are addressed in Volume 2, Chapter 9, and the process for handling these resources is included in the national and park-specific programmatic agreements.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act of 1979 (AIRFA [42 USC 1996]) preserves for American Indians and other indigenous groups the right to express traditional religious practices, including access to sites under federal jurisdiction. Regulatory AIRFA guidance is lacking, although most land-managing federal agencies have developed internal procedures to comply with the act. Access to American Indian traditional religious practice sites is addressed in the parkwide programmatic agreement (1999 PA) and will be addressed in further detail in the plan-specific programmatic agreement.

Executive Order No. 13007: Indian Sacred Sites

Executive Order 13007 directs federal agencies with statutory or administrative responsibility for the management of federal lands, to the extent practicable and permitted by law, to accommodate access to and ceremonial use of Indian sacred sites by American Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Access to and ceremonial use of American Indian sacred sites is addressed in the parkwide programmatic agreement (1999 PA) and will be addressed in further detail in the plan-specific programmatic agreement.

1998 Concessions Management Improvement Act (Public Law 105-391)

In 1998, with the objective of improving concessions and increasing competition of contracts, Congress enacted the 1998 Concessions Management Improvement Act. Some of the major changes incorporated into the 1998 act include reduced preferential right situations, franchise fee distribution changes, new competitive bid requirements, and increased accountability and oversight. The 1998 act requires that contracts for visitor facilities and services "... be limited to those that are necessary and appropriate for public use and enjoyment..." of the national park area in which they are located "... and that are consistent to the highest practicable degree with the preservation and conservation of the areas" Title 36 of the Code of Federal Regulations (36 CFR 51) outlines the requirements for the preservation of the parks and administration of commercial service operations. The *Merced River Plan/DEIS* will establish the extent

necessary determination for commercial use in Wilderness areas of the river corridor in compliance with this act. It will also analyze necessary and appropriate public-use facilities in the river corridor.

Merced River Plan's Legal History

In 2009, the NPS settled a long running lawsuit challenging the adequacy of the two prior versions of the Merced River Plan. This section summarizes the history of the lawsuit and the relevance of the *2009 Settlement Agreement* to the development of the *2013 Merced River Plan/DEIS*.

In August 2000, the NPS completed the first iteration of the *Merced Wild and Scenic River Comprehensive Management Plan/Final Environmental Impact Statement (2000 Merced River Plan)*. Two organizations—Friends of Yosemite Valley and Mariposans for the Environment and Responsible Government (formerly Mariposans for Environmentally Responsible Growth)—sued the NPS in the U.S. District Court for the Eastern District of California alleging that the *2000 Merced River Plan* violated both WSRA and NEPA. The district court ruled in the NPS' favor on most issues, and the two plaintiff organizations appealed the case to the U.S. Court of Appeals for the Ninth Circuit Court (Ninth Circuit Court). On appeal, the Ninth Circuit Court reversed the decision of the district court. Of particular importance, the Ninth Circuit Court found that the *2000 Merced River Plan* failed to adequately address user capacities. In its 2003 opinion, the Ninth Circuit Court stated that under WSRA, a comprehensive management plan must include “specific measurable limits on use;” and that it must “deal with or discuss the maximum number of people that can be received” in a Wild and Scenic River corridor. The Ninth Circuit Court also found that the NPS had improperly drawn the boundary for the El Portal segment of the river.

In June 2005, the NPS prepared the *Merced Wild and Scenic River Revised Comprehensive Management Plan/Supplemental Environmental Impact Statement (2005 Revised Merced River Plan)*, in response. Then, in November 2005, the same plaintiffs challenged the *Revised Merced River Plan/SEIS* under WSRA and NEPA.

In 2006, the district court found that the *2005 Revised Merced River Plan* failed to address user capacity in accordance with Ninth Circuit Court's 2003 opinion. The district court also concluded that the *2005 Revised Merced River Plan* failed to comply with NEPA because it was not prepared as a “self-contained” plan, it did not have a true No Action alternative, and because it had an inadequate range of alternatives.

The NPS appealed the district court's ruling to the Ninth Circuit Court. In 2008, the Ninth Circuit Court issued an opinion upholding the district court ruling. The Ninth Circuit Court found that the *2005 Revised Merced River Plan* was “reactionary” because it did not describe an actual level of visitor use that will not adversely affect the ORVs of the Merced River. In the court's view, the *2005 Revised Merced River Plan's* “Visitor Experience and Resource Protection” framework failed to satisfy the user-capacity mandate of the WSRA because the framework did not trigger management action before degradation occurred. The Ninth Circuit Court also held that the plan's interim visitor-use limits were based on current capacities and that the NPS did not demonstrate how such limits would protect and enhance river values. Regarding NEPA, the court held that the range of actions in the alternatives was unreasonably narrow, that the plan should have been prepared as a single, comprehensive document; and that the No Action Alternative should not have included elements of the invalid *2000 Merced River Plan*.

The NPS entered into mediation with the plaintiffs in fall 2008 in an effort to resolve the litigation and agree upon a schedule for preparing the next version of the Merced River Plan. A court-mediated settlement agreement was executed Sept. 29, 2009. The *2009 Settlement Agreement* directs that the Merced River Plan be completed by July 2013. (The settlement originally called for the plan to be completed by December

2012, but in 2011, the parties extended the deadline by six months.) The settlement agreement provides that the NPS will prepare the plan with the assistance of designated user-capacity experts and that there will be extensive, frequent and robust public involvement in the development of the plan. The settlement agreement acknowledges that the new MRP may include both site-specific and programmatic elements. The NPS may also retain the boundaries, classifications and Section 7 process from the *2005 Revised Merced River Plan*. However, the settlement agreement requires NPS to develop revised outstanding remarkable values and a revised user capacity program in accordance with applicable legal directives including the Ninth Circuit Court’s opinions discussed above.

Until the new plan is complete, the settlement agreement limits the types of actions that the NPS can conduct in the river corridor. In general, the NPS may undertake routine, intermittent and operational actions within the corridor. The NPS cannot construct new roads, parking spaces, bridges, large structures or overnight accommodations. The NPS also cannot take actions that would pre-determine user capacity in any segments of the river.

Interrelationships with ‘General Management Plan’ for Yosemite (1980)

The 1980 *General Management Plan* for Yosemite National Park (GMP), as amended by the 1992 *Concession Services Plan*, is the overall management document for Yosemite National Park. The *Merced River Plan/DEIS* will amend parts of the GMP, as directed in the 1987 legislation designating the Merced River as a Wild and Scenic River. In addition, an appendix to the *2009 Settlement Agreement* states that the NPS will “define how the Plan/EIS will amend the 1980 Yosemite General Management Plan” in the *Merced River Plan/DEIS*. Appendix A describes the amendments to the GMP proposed in the *Merced River Plan/DEIS*.

The *Merced River Plan/DEIS* reflects the overarching goals and objectives of the GMP. The NPS has implemented or partially-implemented many river-related actions of the GMP, and the results of these actions are considered elements of the No Action Alternative described in “Alternatives” (Chapter 8). Some GMP actions have not been implemented to date, and the NPS considered inclusion of a comprehensive GMP alternative that would include all the outstanding GMP actions in the Merced River corridor in the *Merced River Plan/DEIS*. The NPS did not carry this idea forward, as a comprehensive GMP alternative would not be feasible as a stand-alone alternative. For example, some GMP actions do not meet the requirements of WSRA, as the Congress designated the Merced Wild and Scenic River in 1987 after the GMP was established in 1980. A stand-alone “GMP alternative” would be missing some components required in a comprehensive Wild and Scenic River management plan (Table 2-1). Instead, outstanding actions of the GMP in the river corridor are considered as part of the range of alternatives in the *Merced River Plan/DEIS* if they are actions that guide river protection and public use in the river corridor, protect and enhance river values, and establish a visitor capacity that is protective of these values. The NPS used the planning framework described in “Alternatives” (Chapter 8) to determine which GMP actions would be included in the alternatives.

GMP Actions Presented in the ‘Merced River Plan/DEIS’

The NPS has implemented many GMP actions that continue to play a substantial role in protecting and enhancing Merced River values. In 1982, construction began on a large tertiary sewage treatment plant in El Portal, and since that time, the system has had regular upgrades that help to protect the water quality of the Merced River. In 1984, Congress designated 95% of Yosemite as part of the National Wilderness Preservation System, and about 70% of the Merced River corridor became designated Wilderness. In the years between

1985 and 1986, the NPS permanently closed the hydroelectric plant and penstock in Segment 3 (the Gorge). The Cascades Dam was removed in 2003, and, soon after, a small dam upstream of Happy Isles was removed. As a result of these actions to restore the free-flowing condition of the river, the Merced River's main stem from its headwaters to the western border of the El Portal Administrative Site is free of all impoundments. The replacement bridge over the South Fork Merced River in Wawona was constructed without in-channel piers, enhancing the free-flowing condition of the river. In addition, the NPS restored the Wawona Covered Bridge in 1983 to address structural safety hazards. Many river-related ecological restoration actions, including removal of underground infrastructure in meadows and the river channel, protect and enhance river values.

Types of 'MRP/DEIS' Actions that Differ from the 'General Management Plan'

A key goal of the GMP is to “markedly reduce traffic congestion,” ultimately leading to removal of private vehicles in Yosemite Valley. The *Merced River Plan/DEIS* examines a range of alternatives that markedly reduce traffic congestion and are feasible under current conditions. Alternatives 2-6 propose enhancements to circulation and parking, expand the regional public transit system, and propose new service between Fresno and Yosemite Valley. These actions reflect the ultimate goals of the GMP. While reducing traffic congestion, none of the alternatives proposes the complete removal of private vehicles in Yosemite Valley for reasons that include:

- The infrastructure to support a system to transport all visitors into Yosemite Valley is not in place, and the funding required to develop a large internal system is not available.
- The large amount of buildable land required for satellite parking lots in El Portal, Crane Flat, and Wawona (as proposed in the GMP) is not available due to resource constraints and other issues.
- The complex planning process required to develop an external regional transportation system is not possible to complete within the court-mandated timeframe to complete this plan.

The *Merced River Plan/DEIS* uses a more detailed approach to address the issues of visitor use and user capacity than the GMP. Since establishment of the GMP, a legal record has been established for the Merced River, interpreting the mandates of the WSRA and Secretarial Guidelines with regard to the issues of visitor use and user capacity. The GMP does not propose limits on the number of day users in the park but acknowledges that this may be necessary sometime in the future. The GMP achieves appropriate overnight- and day-use levels by limiting the number of overnight accommodations, campsites, and day-use parking spaces available. It directs the park to restrict access when the park reaches these capacities. The U.S. Court of Appeals for the Ninth Circuit stated “although the WSRA does not preclude basing user capacity limits on current capacity limits, NPS’ decision to base many of its interim limits on current capacity limits was not ‘founded on a reasoned evaluation of the relevant factors’ ” (Yosemite I, 348 F.3d at 793). The NPS must “adopt specific limits on user capacity” that “describe an actual level of visitor use that will not adversely impact” river values. The *Merced River Plan/DEIS* adopts a process to address user capacity that meets this mandate, as described in “Visitor Use and User Capacity” (Chapter 6).

The 1997 flood was the largest flood in the Merced River corridor since the establishment of the Happy Isles Gauging Station in 1916. This flood changed the landscape of the river corridor, making some GMP actions infeasible. For example, before the 1997 flood, the GMP prescribed 768 total campsites in Yosemite Valley (not counting Backpackers Campground). After the flood, the NPS removed campsites damaged by the flood, and 466 campsites remain in Yosemite Valley. The *Merced River Plan/DEIS* evaluates areas in Yosemite Valley for potential new campsites and proposes campsite totals ranging from 450 campsites (Alternative 2) to

739 campsites (Alternative 6). All campsite totals are lower than prescribed in the GMP because some campsite locations of the GMP would not protect and enhance river values as directed by WSRA.

The *Merced River Plan/DEIS* does not include some GMP actions related to the level of commercial services in Yosemite Valley. The Opinion of the Eastern District of California in 2008² refers to levels of facilities and services operating within the river corridor, and the need to ensure that all facilities and services protect and enhance the river's unique values. The *Merced River Plan/DEIS* expands on the GMP objective "to permit only those levels and types of accommodations and services necessary for visitor use and enjoyment of Yosemite" and meet the mandates of WSRA. The *Merced River Plan/DEIS* evaluates every major facility in the river corridor as to whether it is essential, or necessary to meet the visitor experience desired under each alternative (see "Facilities and Services Analysis" Chapter 7). For example, the Merced River Plan's Alternative 5, as well as the GMP, retains 232 units at Housekeeping Camp, but the plan's Alternative 5 also proposes removal of the small grocery store at Housekeeping Camp.

Some actions prescribed in the GMP ultimately differed after they went through a site-specific NEPA planning process. For example, the GMP specifies a parking area with 50 parking spaces at the base of the trail to lower Yosemite Falls. In the environmental assessment process to develop a site-specific plan for the area, the NPS determined that the parking area would not fit the overall design vision for the area, and selected an alternative to relocate the parking and convert the area to natural conditions. Under Alternatives 2-6 in the *Merced River Plan/DEIS*, the Lower Yosemite Falls area remains in its current configuration, as described in the No Action alternative.

The comprehensive alternatives proposed in the *Merced River Plan/DEIS* integrate GMP actions that meet the purpose and need of the plan and integrate additional actions necessary actions to meet the requirements of the WSRA. While the GMP is the overarching management document for Yosemite, the *Merced River Plan/DEIS* does not evaluate a stand-alone GMP alternative, as it would not meet the purpose and need of the plan and the requirements of the WSRA. In addition, the GMP does not include necessary actions to protect and enhance river values, address user capacity issues, or remove facilities that are not essential or necessary under WSRA. The *Merced River Plan/DEIS* will amend the GMP to meet the requirements of WSRA, the Secretarial Guidelines, and the legal record. In the future, the Tuolumne River Plan and the Wilderness Stewardship Plan are expected to amend additional portions of the GMP. The NPS plans to prepare a comprehensive document integrating recent amendments to the GMP, after the respective Record of Decisions are signed.

Interrelationships with other Plans and Projects

In addition to the complex legal framework of the *Merced River Plan/DEIS*, the following Yosemite-specific plans play a role in the planning framework.

- ***Concession Services Plan (1992)***. This plan supplements the 1980 *General Management Plan for Yosemite National Park*. Revisions to certain concession services action items of the General Management Plan are described, and the environmental consequences of those items are evaluated. The final plan reduced overall lodging, replaced lodging at Yosemite Lodge with economy cabins and cottages rather than motel units, retained 150 tent cabins at Curry Village (rather than 100), and increased food service seats, among other actions.

² *Friends of Yosemite v. Kempthorne*, 520 F.3d 1024, 1035-36 (Ninth Circuit, 2008) [hereafter *FYVIII*].

- ***Fire Management Plan (2004)***. This plan guides a complex fire management program, which oversees wildland fire suppression, wildland fire used to achieve natural and cultural resource benefits, fire prevention, prescribed fire, fire ecology research, and the use of mechanical methods to reduce and thin vegetation in and around communities. Actions prescribed in the *Fire Management Plan* will help achieve natural resource goals of the *Merced River Plan/DEIS*.
- ***Scenic Vista Management Plan (2010)***. This plan describes a program to document, protect, re-establish, and maintain Yosemite's important viewpoints that is consistent with the natural processes and human influences that created them. The plan is adopted for the viewpoints within the Merced River corridor, but the analysis and specific actions related to those viewpoints would be directed by the *Merced River Plan/Final EIS*.
- ***Invasive Plant Management Plan Update (2011)***. This plan updates the *2008 Invasive Plant Management Plan* to create a more comprehensive and adaptive plan for protecting Yosemite's natural and cultural resources from non-native, invasive plants. This plan may be amended when the Tuolumne River and Merced river plans are completed.
- ***Ahwahnee Comprehensive Rehabilitation Plan (2012)***. This plan brings The Ahwahnee into compliance with the California Historical Building Code (2010), improves operational efficiencies, enhances visitor experience, and protects and preserves the historic integrity of this National Historic Landmark. The Ahwahnee is within the Merced River corridor, and proposed rehabilitation of the cultural landscape at The Ahwahnee is largely deferred to future site planning efforts, pending finalization of the *Merced River Plan/DEIS*.
- ***Curry Village Rock-Fall Hazard Zone Structures Plan (2012)***. This plan re-aligns the boundary of the previous rock-fall hazard zone in Curry Village in response to recent scientific inquiry. To reduce rock-fall risk, the NPS closed or repurposed structures within the updated rock-fall hazard zone.
- ***Yosemite Wilderness Management Plan (1989)***. The Yosemite Wilderness was established by the California Wilderness Act of 1984. The Committee Report accompanying the 1984 act contains recommendations for managing Yosemite Wilderness regarding operational and environmental impacts. The *Yosemite Wilderness Management Plan* responded to those recommendations in addition to a number of objectives identified through condition reports and other research. The objectives of the *Yosemite Wilderness Management Plan* that pertain to the *Merced River Plan* regard: 1) Human-Induced Change: NPS will impose limits on human-induced change and will establish maximum use levels and quotas to accomplish this objective. 2) Wilderness Experience: Visitors can find a variety of wilderness experiences in keeping with traditional use patterns and select the degree of crowding, solitude, and human impact they wish to experience. 3) Wilderness Values: NPS will provide educational and interpretive media and programs to facilitate greater understanding and appreciation of wilderness values and to help visitors minimize resource impacts. 4) Wilderness Facilities: Facilities, including safety railings, in Yosemite wilderness will be limited to those currently present or specifically proposed in this plan. Further facilities would compromise NPS responsibilities in wilderness management.
- ***Yosemite Wilderness Stewardship Plan (n progress)***. This plan is in the early stages of data collection, and public scoping has not commenced. Decisions made in the *Merced River Plan/DEIS* regarding wilderness values, wilderness facilities, use limits, designated camping areas, the Merced Lake High Sierra Camp, and restoration activities may be revisited in the forthcoming Yosemite Wilderness Stewardship Plan as part of the park's overall wilderness planning effort. The *Merced River Plan/DEIS* will not constrain the range of alternatives to be considered in the wilderness stewardship plan, and Wilderness Stewardship Plan decisions may supersede those made in the Merced River Plan. Stewardship strategies developed for the wilderness plan may affect day and overnight use of other trails that lead to the Merced River corridor. Such changes could, in turn, affect use levels. Any such changes would be evaluated comprehensively in the Yosemite Wilderness Stewardship Plan.

- ***Tuolumne Wild and Scenic River Comprehensive Management Plan (in progress)***. The NPS is preparing a comprehensive management plan for the Tuolumne River in Yosemite, designated as a Wild and Scenic River in 1984. The NPS expects the *Tuolumne Wild and Scenic River Comprehensive Management Plan/Draft Environmental Impact Statement* to be released about the same time as the *Merced River Plan/DEIS*. While the two river corridors do not overlap, these two plans have a similar approach and organization.
- ***Mariposa Grove of Giant Sequoias Restoration Plan (in progress)***. The Mariposa Grove of Giant Sequoias lies outside the Merced River corridor, but some visitor parking and transit facilities that serve the Mariposa Grove are located in the river corridor in Wawona. Decisions in the *Merced River Plan/DEIS* concerning land uses in Wawona would influence the span of decisions made during the Mariposa Grove planning process.
- ***Half Dome Trail Stewardship Plan (in progress)***. The purpose of this plan is to respond to an urgent need to address safety and wilderness character on the Half Dome trail. Visitor safety and Wilderness resource protection are necessary for the management of park operations. While the project area of the Half Dome Trail Stewardship Plan is well outside of the Merced River corridor, the establishment and management of use standards on the Half Dome trail may affect use patterns along trails in the river corridor between Happy Isles and Little Yosemite Valley. The user-capacity management for Wilderness areas in the Merced River corridors may affect day and overnight use of trails that access Half Dome. *The Half Dome Trail Stewardship Plan* would be amended if the river plans determine that protection and enhancement of river values requires adjustments to the use of the Half Dome trail.

“Cumulative Actions” (Appendix B) describes additional plans related to the *Merced River Plan/DEIS*.

Comprehensive Wild and Scenic River Management Plan Requirements

WSRA and the Secretarial Guidelines direct managing agencies to develop a Comprehensive Wild and Scenic River Management Plan for each designated river. Table 2-1 displays the specific elements included in the *Merced River Plan/DEIS* that encompass the Comprehensive Wild and Scenic River Management Plan (Figure 1-2). These elements include those mandated in WSRA, the Secretarial Guidelines, and recommendations of the Interagency Wild and Scenic Rivers Coordinating Council (referred to as the Interagency Council from this point). The Interagency Council is not a decision-making body, rather its goal is to improve interagency coordination in administering WSRA, improving service to the American public and enhancing protection of important river resources. The Interagency Council recommends inclusion of the following key components in a comprehensive river management plan (Interagency Council 2010):

- A description of resource conditions including detailed description of river values (free-flowing condition, water quality, and ORVs)
- Goals and desired conditions to protect a river’s free-flowing condition, water quality, and ORVs
- Direction for visitor use and capacity management
- A framework for future development and activities on federal lands in the river corridor
- A monitoring strategy specifically related to protecting the river’s free-flowing condition, water quality, and ORVs

TABLE 2-1: ELEMENTS OF THE COMPREHENSIVE WILD AND SCENIC RIVER MANAGEMENT PLAN

Objective	Primary Reference ¹	Chapter in the Draft Merced River Plan/DEIS
Document river boundaries and classify river segments as wild, scenic, or recreational	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 3 [d]) • Secretaries' Guidelines (Section II) 	Chapter 3: Merced Wild and Scenic Boundaries and Segment Classifications
Provide a clear process for protection of the river's free-flowing condition in keeping with Section 7 of the Wild and Scenic Rivers Act	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 7) 	Chapter 4: Section 7 of the Wild and Scenic River Act – Determination Process for Water Resources Projects
Clearly describe the river's outstandingly remarkable values (ORVs), which are the unique, rare, or exemplary river-related characteristics that make the river eligible for inclusion in the National Wild and Scenic Rivers System	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 3[d]) • Interagency Council (2010) 	Chapter 5: River Values and Their Management
Establish a management program to protect and enhance the river's outstandingly remarkable values, free-flowing condition, and water quality	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 3[d]) • Secretarial Guidelines (Section III) • Interagency Council (2010) 	Chapter 5: River Values and Their Management
Determine the type and location of lands and facilities (both current and future) that provide for public use while protecting and enhancing river values	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 3[d]) • Secretarial Guidelines (Section III) 	Chapter 5: River Values and Their Management (Existing Facilities Analysis) Chapter 6: Visitor Use and User Capacity Chapter 8: Alternatives
Address user capacities; determine the quantity and mixture of recreation types and other public uses that can be allowed without causing adverse effects or degradation of river values	<ul style="list-style-type: none"> • Wild and Scenic Rivers Act (Section 3[d]) • Secretarial Guidelines (Section III) • Interagency Council (2010) 	Chapter 6: Visitor Use and User Capacity (Note that user capacity determinations build on information in Chapter 5) Chapter 7: Facilities and Services Analysis Chapter 8: Alternatives
¹ Secretarial Guidelines – <i>National Wild and Scenic Rivers System: Final Revised Guidelines for Eligibility, Classification and Management of River Areas</i> ; Interagency Council – Interagency Wild and Scenic Rivers Coordinating Council		

IDENTIFICATION OF PLANNING ISSUES: PUBLIC AND INTERNAL SCOPING

The NPS sought to understand and consider input from the public, NPS staff, subject-matter experts, culturally-associated American Indian tribes, and other federal, state, and local agencies, as part of an extensive public planning process for the *Merced River Plan/DEIS*. The NPS conducted an open process, referred to as “scoping,” to identify and determine the scope of issues to be addressed in the environmental analysis.

During public scoping periods, the NPS collected written comments and conducted public workshops. The NPS considered 1,464 correspondences received since 2007 as part of this current planning process, as well as those received during earlier iterations of the Merced River Plan (see “Legal History” section in this chapter). Public workshops provide an opportunity for the public, the NPS planning team, and subject-matter experts to interact. Since 2007, the NPS has held approximately 40 Merced River Plan public workshops or webinars related to the *Merced River Plan/DEIS*:

- 2007 Public Scoping (three public meetings or webinars)
- 2009 Public Scoping (10 public meetings or webinars)
- 2010 ORV Interim Public Comment Period (seven public meetings or webinars)

- 2011 Baseline conditions report interim public comment period (six public meetings or webinars)
- 2011 alternative development workshop interim public comment period (six public meetings or webinars)
- 2012 preliminary alternative concepts workshops (six public meetings or webinars)

The NPS will continue facilitating workshops throughout the development of the final *Merced River Plan/EIS*. “Consultation and Coordination” (Chapter 10) includes a complete list of public meetings to date and more detail on the plan’s scoping process.

Internal scoping, including consultation with culturally associated tribes, other public agencies, and park staff, began with a comprehensive review of the river’s outstandingly remarkable values, and continued through development of this draft plan. The interests and concerns of the tribes and other government agencies will continue to be gathered concurrently with the general public process throughout the development of the final plan.

Issues and Opportunities to be Addressed in the ‘Merced River Plan/DEIS’

The NPS analyzed public comments submitted in the period from 2007 to 2012 to assist with identification of issues and opportunities to be addressed in the *Merced River Plan/DEIS*. Throughout this time, the internal planning process generated additional issues and opportunities. Table 2-2 lists the issues and opportunities identified during this period. The NPS integrated the issues, opportunities, and associated actions into a range of alternatives. In general, the *Merced River Plan/DEIS* addresses issues that would protect and enhance river values; facilitate appropriate visitor use and associated user capacity in the river corridor; and determine appropriate types, sizes, and suitable locations of facilities needed to support visitor use. Issues considered outside the scope of this plan are described in the “Issues Beyond the Scope and Direction of this Plan” section in this chapter (see Table 2-3).

TABLE 2-2: ISSUES IDENTIFIED IN PUBLIC SCOPING

General Planning Issues
General <ul style="list-style-type: none"> • The NPS should detail the specifics of project components, such as the types of campgrounds or the location of road alignments. • The NPS should conduct formal consultation on the Merced River Plan/DEIS with American Indian tribes who claim traditional association with Yosemite National Park.
Actions to Protect and Enhance River Values
General Restoration <ul style="list-style-type: none"> • The NPS should prioritize protection and enhancement of resource-based river values over recreational values. • The NPS should not ecologically restore the Merced River corridor to a static snapshot but should protect a dynamic ecological system. • The NPS should consider the ecological impacts of removing facilities in the river corridor. • The NPS should use a 150-foot riparian buffer for all infrastructure, rather than the 100-year floodplain. Biological <ul style="list-style-type: none"> • The NPS should restore the ecological function of Yosemite Valley meadows. • The NPS should partially restore Yosemite Village Day-use Parking Area (Camp 6) to natural conditions. • The NPS should manage conifers in Yosemite Valley to restore views and the ecological function of meadows.

TABLE 2-2: ISSUES IDENTIFIED IN PUBLIC SCOPING

Actions to Protect and Enhance River Values (continued)
<ul style="list-style-type: none"> • The NPS should examine the impacts of stock use on non-native plant dispersal, water quality, birds, native vegetation, and the visitor experience. • The NPS should consider additional mitigation measures for continued use of stock animals. • The NPS should map critical habitat for recovery of special-status wildlife species and address actions to protect and enhance this habitat. • The NPS should remove parking at the El Portal Administrative Site from sensitive areas. • The NPS should designate river access points and direct visitor use to resilient beach locations. • The NPS should allow roadside parking on edges of meadows, with fencing to protect meadow resources.
<p>Hydrology/Geology/Free-Flowing Condition/Water Quality</p> <ul style="list-style-type: none"> • The NPS should restore riverbanks by removing riprap and restoring riparian vegetation. • The NPS should remove Sugar Pine, Ahwahnee, and Stoneman bridges to protect and enhance the free-flowing condition of the river. • The NPS should not remove the historic bridges as they provide opportunities for scenic viewing that is protective of other river values. • The NPS should consider the use of holding panels to protect bridges and river flow with openings, arches, or culverts to accommodate high flow without causing additional impacts to free-flowing condition. • The NPS should reduce the number of units at Housekeeping Camp to protect the river. • The NPS should remove or relocate campsites that are too close to the river, so as to protect riparian habitat. • The NPS should consider the full effects of adding remote parking in El Portal, including the impact on the river. • The NPS should remove unnecessary, abandoned, or inappropriate infrastructure, such as the Greenemeyer sand pit, and allow site restoration.
<p>Scenic and Cultural Resources</p> <ul style="list-style-type: none"> • The NPS should identify goals, measurable objectives, and management prescriptions that explain specifically how the agency will define, protect, and enhance the cultural outstandingly remarkable value (ORV). • The NPS should retain historic bridges due to their important cultural value and their ability to provide for traffic flow on peak days in Yosemite Valley. • The NPS should adequately define and collaboratively monitor the ethnographic component of the cultural ORV in Yosemite Valley. • The NPS should protect and enhance traditional cultural resources (including archeological sites, scenic resources, and natural resources with traditional cultural uses) that represent a continuum of cultural heritage connecting contemporary people to the archeological sites of their ancestors in the park. • The NPS should consider removing the abandoned sewage treatment plant at El Portal but take measures to protect the prehistoric burials in the area and consult with traditionally associated American Indians. • The NPS should protect archeological resources by removing infrastructure and visitor uses from sensitive areas.
User Capacity, Land Use and Facilities Management
<p>Facilities and Services</p> <ul style="list-style-type: none"> • The NPS should clearly explain the process for analyzing major facilities in the river corridor. • The NPS should remove/relocate obsolete or unnecessary infrastructure. • The NPS should not reduce facilities with the assumption that the removal benefits the majority of people. The NPS should first identify appropriate visitor facilities and services necessary for the protection and enhancement of ORVs before determining transportation, user capacity, and parking requirements. • The NPS should not remove facilities, such as the Wawona Golf Course, if they are located outside the WSRA corridor and the 100-year floodplain. • The NPS should not remove, relocate, or re-design facilities, services, or activities that do not have a direct or indirect adverse effect on river values. • The NPS should not develop visitor facilities in the west end of Yosemite Valley because development should be concentrated in the east end of the Valley.

TABLE 2-2: ISSUES IDENTIFIED IN PUBLIC SCOPING

User Capacity, Land Use and Facilities Management (continued)
<ul style="list-style-type: none"> • The NPS should establish a limit for or reduce the amount of rafts on the river. • The NPS should allow year-round paddling on all sections of the Merced River, including the South Fork. • The NPS should provide more picnic areas in developed areas of the park. • The NPS should end use of commercial day rides within Yosemite Valley and close the commercial stables. • The NPS should remove or reduce hiker-stock conflicts on trails. • The NPS should continue to allow horseback riding in the Merced River corridor. • The NPS should continue stock support for trail maintenance. • The NPS should maintain the Wawona Impoundment to supply water to the Wawona community. • The NPS should consider development of camping, housing, office space, and parking in El Portal. • The NPS should not consider construction of administrative facilities in Section 35 in Wawona. • The NPS should improve access for people with disabilities. <p>Visitor Overnight Services (Campgrounds and Lodging)</p> <ul style="list-style-type: none"> • The NPS should maintain or increase the number of campsites in Yosemite Valley. • The NPS should develop increase and improve high-density walk-in camping, such as Camp 4, to reduce the sprawling nature of traditional campgrounds and their associated impacts to the natural landscape. • The NPS should not decrease the capacity of Yosemite Valley's Backpackers Campground. • The NPS should segregate camping by type (RV, tent, and walk-in campgrounds) to support each person's camping experience to the fullest. • The NPS should reduce campsites within the park and not rebuild those lost in the 1997 flood. • The NPS should not develop additional campgrounds west of Yosemite Lodge in Yosemite Valley. • The NPS should restore Upper and Lower River Campgrounds to natural conditions. • The NPS should replace the concessioner stables area in Yosemite Valley with additional camping. • The NPS should consider developing more group campgrounds in Yosemite Valley. • The NPS should increase camping and decrease lodging to improve access for lower-income families and to reduce the operational needs. • The NPS should not remove Yosemite Lodge or re-purpose the area as camping because it provides a mid-priced lodging opportunity. • The NPS should not reduce visitor lodging capacity in the park due to the loss of transient occupancy taxes for Mariposa County. • The NPS should remove the High Sierra Camps and restore the site. • The NPS should retain the High Sierra Camps at their current capacity. • The NPS should reduce the capacity of the Merced Lake High Sierra Camp. • The Merced Lake High Sierra Camp should be managed to protect its historic value. <p>Housing</p> <ul style="list-style-type: none"> • The NPS should remove employee housing complexes that are at risk from rock falls. • The NPS should consider negative impacts on El Portal's limited infrastructure, services, and community atmosphere before building high-density housing for concession employees. <p>Transportation</p> <ul style="list-style-type: none"> • The NPS should articulate how current and proposed transportation strategies affect ORVs. • The NPS should support private vehicle access to Yosemite Valley because it is more sustainable than out-of-park public transportation. • The NPS should encourage alternative transportation. • The NPS should not switch to a shuttle-only transportation system. • The NPS should implement a system to allow pedestrians to cross the road safely and not impede traffic. <p>The NPS should construct pedestrian underpasses and roundabouts to improve traffic flow in Yosemite Valley.</p>

TABLE 2-2: ISSUES IDENTIFIED IN PUBLIC SCOPING

User Capacity, Land Use and Facilities Management (continued)
<ul style="list-style-type: none"> • The NPS should consider an East Yosemite Valley day-use parking permit system. • The NPS should not construct pedestrian underpasses or roundabouts. • The NPS should use other transportation management tools before using a day-use parking permit system. • The NPS should develop parking in West Yosemite Valley. • The NPS should use real-time data to educate the visitor on the number of private vehicles allowed on a daily basis during the summer peak period. • The NPS should expand shuttle service between Wawona and other park locations. • The NPS should provide areas other than the Wawona Store for buses to park. • The NPS should develop remote parking lots outside of Yosemite Valley. • The NPS should develop additional employee parking at the El Portal Warehouse. <p>Visitor Experience and User Capacity</p> <ul style="list-style-type: none"> • The NPS should clearly define how user capacity will be determined. • The NPS should consider the impact of seasonal and location differences when evaluating user capacity. • The NPS should enforce user capacity to enhance the visitor experience and effectively protect resources. • The NPS should consider the socioeconomic impact of user capacity on surrounding gateway communities. • The NPS should establish a monitoring plan to ensure the effectiveness of use limits. • The NPS should maximize the use of the Merced River corridor as a recreational attraction and enable full accommodation of increased levels and intensities of visitor use. • The NPS should regulate access to sensitive areas within the park. • The NPS should not limit access to the park. • The NPS should establish user capacity based on vehicles rather than individual park visitors. • The NPS should not increase visitation because this would adversely affect the recreational ORV due to additional crowding and congestion at specific visitor-use areas. • The NPS should address how day use in Wilderness areas affects high-encounter rates and impacts to wilderness character. • The NPS should reduce the trailhead quotas for Wilderness areas to improve the wilderness experience.

Issues beyond the Scope and Direction of this Plan

This section describes the issues raised during public scoping and workshops that the NPS considered outside the scope and direction of the *Merced River Plan/DEIS*. “Alternatives” (Chapter 8) describes additional actions that were considered but dismissed in the plan. The NPS removed issues from consideration if they were:

- Outside the scope of the plan
- Already decided by law, regulation, or other higher-level decision
- Not relevant to the decision to be made
- Missing a valid cause and effect relationship
- Associated with small effects relative to the decision to be made
- Conjectural and not supported by scientific or factual evidence
- Unreasonable or infeasible because they would be cost prohibitive, violate law or policy, or contribute to other resource concerns or hazards

- Inconsistent with the facilities and services analysis criteria (See Chapter 7)

The following issues were considered beyond the scope and direction of the *Merced River Plan/DEIS*:

TABLE 2-3: ISSUES IDENTIFIED IN PUBLIC SCOPING BEYOND THE SCOPE OF THE 'MERCED RIVER PLAN/DEIS'

Actions to Protect and Enhance River Values	
<ul style="list-style-type: none"> • The NPS should design "smokeless campsites" with no fire rings in a portion of all Valley campgrounds to enhance the visitor experience for people with aversions to campfire smoke. • The NPS should eliminate roadside parking from El Capitan Meadow to enhance views and protect the meadow. • The NPS should allow roadside parking on the edges of meadows, which can be fenced to protect meadow resources. • The NPS should develop seasonal campgrounds in areas that are known to flood annually. • The NPS should increase development in Wilderness areas. • The NPS should change the Wilderness boundaries within Yosemite. • The NPS should consider altering the bridges over the Merced River to accommodate peak flood events and to correct unnatural widening of the river channel. 	
User Capacity, Land Use and Facilities Management	
<p>Facilities and Services</p> <ul style="list-style-type: none"> • The NPS should develop more trails and other recreation opportunities throughout the park to disperse visitor use. • The NPS should consider moving administrative offices out of Yosemite Valley to El Portal or Mariposa. • The NPS should locate the concessioner general offices and the NPS administrative offices together, whether in Yosemite Valley, El Portal, or Mariposa, to maximize collaboration. • The NPS should not remove the Curry Village ice rink, Happy Isles snack stand, or Yosemite Lodge and Ahwahnee pools. • The NPS should encourage bicycle use through a non-profit bicycle exchange or park-run operation offering reasonable prices. • The NPS should not issue special-use permits for large, private events. <p>Visitor Overnight Services (Campgrounds and Lodging)</p> <ul style="list-style-type: none"> • The NPS should develop additional campgrounds outside of the river corridor. • The NPS should implement a tiered camping fee structure for its premium campsites. <p>Transportation</p> <ul style="list-style-type: none"> • The NPS should construct a remote parking area and visitor center in Foresta. • The NPS should increase the frequency and expand shuttle service between Yosemite Valley, Glacier Point, and Mariposa Grove. • The NPS should partner with local communities to develop remote transit centers and expanded public transportation. <p>Visitor Experience and User Capacity</p> <ul style="list-style-type: none"> • The NPS should manage permit and reservation systems that cannot be abused by speculative buyers and scalping. • The NPS should encourage the use of the larger Sierra Nevada environment surrounding Yosemite. • The NPS should address recreational opportunities that are accessed in the Merced River corridor, such as climbing, but do not necessarily occur in the river corridor. 	