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Author Information

Keep Private: No
Name: Kevin Proescholdt
Organization: Wilderness Watch
Organization Type: P - Conservation/Preservation
Address: PO Box 9175
Missoula, MT 59807
USA
E-mail: kevinp@wildernesswatch.org

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Comments: Wilderness Watch
P.O. Box 9175
Missoula, MT 59807
March 15, 2012

Mr. Don L. Neubacher, Superintendent
Yosemite National Park
P.O. Box 577
Yosemite, CA 95389

ATTN: Half Dome Plan

Dear Mr. Neubacher,

The following are comments by Wilderness Watch on the Half Dome Trail Stewardship Plan Environmental Assessment (EA), dated January 2012. Wilderness Watch, as you may know, is the only national wilderness conservation organization solely focused on the protection of Wildernesses in the National Wilderness Preservation System. Congress designated Half Dome as part of the Yosemite Wilderness in 1984.

For the reasons detailed below, Wilderness Watch supports Alternative E - Remove the Cables, but without the mandated commercial services that Alternative E requires.

1. Removing the Cables is the only Right Option for Wilderness. Alternative E is the only option that abides by the directives of the 1964 Wilderness Act, 16 U.S.C. 1131-1136.

Retaining the cable system violates the legal definition of Wilderness. Section 2 (c) of the Wilderness Act defines Wilderness in part as: "A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain" and "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements" which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable" and "has outstanding opportunities for solitude or a primitive and unconfined type of recreation...." The cable system violates all these components of the definition of Wilderness.

Retaining the cable system violates the Wilderness Act's primary directive to preserve wilderness character. The Wilderness Act requires the National Park Service (NPS) to preserve Half Dome's wilderness character. Section 4(b) of the Wilderness Act requires that "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character." The cable system does not preserve but degrades wilderness character.

Retaining the cable system violates the Wilderness Act's prohibitions on structures and installations. Section 4(c) of the Wilderness Act further prohibits structures and installations in Wilderness by requiring that "there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area." The cable system on Half Dome is precisely the structures and installations prohibited by the Act: cables, stanchions, wooden steps, permanent rock bolts, and more.

In the EA, the NPS attempts to sidestep the requirements of the Wilderness Act by calling the cable system a handrail, and needed for visitor safety reasons. In 1980, Professor Joseph L. Sax wrote a seminal book entitled *Mountains Without Handrails: Reflections on the National Parks*. Among his many suggestions, Sax suggests (on page 61), "Rather than seeking mainly to serve the wide variety of recreational preferences visitors bring with them, park managers would encourage all visitors--whatever their past experiences or skills--to try more challenging and demanding recreation." Yet retaining the cable system on Half Dome would fly in the face of this needed suggestion, and would make Half Dome the exact opposite of Sax's epigrammatic title: a Mountain With Handrails.

Consistent with Sax's work, the Park Service's own policies suggest that providing handrails for visitors to climb mountains is inappropriate in Wilderness:

"Park visitors need to accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena that are inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate risks that are normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations, including those associated with ethnographic and cultural resources."
(NPS Management Policies 6.4.1)

The rationale for accepting wilderness "on its own terms" goes beyond the absence of structures; it strikes at the heart of our relationship to Wilderness. By yielding our uses and demands we learn one of the most important lessons from Wilderness--the need for restraint. The ability to accept places as they are, and to let them be. This is the message the NPS can promote by making a decision to remove the cables.

2. The NPS Must Reduce Visitor Levels to Those at Time of Wilderness Designation.

Correspondences - Half Dome Trail Stewardship Plan - PEPC ID: 29443

The Preferred Alternative C, 300 People per Day, is wholly inadequate for preserving wilderness character. A reduction in visitation to this level, while certainly a step in the right direction, will still allow crowding and destroy the "outstanding opportunities for solitude or a primitive and unconfined recreation" that the NPS is required to provide by the Wilderness Act, section 2(c). Removing the cable system will immediately lower visitation to a level that does protect and restore wilderness character.

The NPS must at a minimum establish a visitation level that retains the opportunities for solitude on Half Dome that existed when the Yosemite Wilderness was established. As noted on page 1-4 of the EA, the evidence suggests that visitation levels at the time of designation were 100 to 200 people per day. While this level of use is still far above what almost anyone will concede exceeds an "outstanding opportunity for solitude" in a wilderness setting, it at least adheres to the NPS policy of nondegradation, which suggests each area "will be measured and assessed against its own unimpaired standard." (NPS 6.3.7) The proposed action, while an improvement over the current substantially impaired condition, allows for substantial degradation to the situation that existed when the Yosemite Wilderness was established.

Alternative D, 140 people per day, most closely matches this level, but even this level may exceed the actual use in 1984. The NPS must reduce visitation to Half Dome to the level that existed in 1984 at the time of wilderness designation. This is consistent with the House Report language referred to in Appendix C-4, "The [NPS] has implemented various mechanisms and restrictions to guide and control visitor use...and is admonished to continue to institute such actions in a timely manner as may be necessary to assure the perpetual retention of wilderness resource character and the opportunity for visitors to experience the solitude of wilderness in this type of area system-wide."

3. The Proposal to Authorize Commercial Services Violates the Wilderness Act and Case Law.

The prohibition on commercial enterprise is one of the most restrictive in the Wilderness Act. The reasons are many, they are not lost on Yosemite National Park officials, and were discussed at length at the recent "commercial outfitting and the Wilderness Act" conference at Stanford University in which Yosemite officials played a major role.

As the Ninth Circuit court found in the Wilderness Society case, "These statutory declarations show a mandate of preservation for wilderness and the essential need to keep commerce out of it." (emphasis added). Despite the letter and intent of the law, much of the Half Dome "Determination of Extent Necessary (DEN)" analysis strives to invite commerce in. In this regard, we believe the document is remarkably at odds with both the spirit and letter of the law.

"A rose by any other name is still a rose"

The definition and interpretation of commercial services is overly-broad and includes prohibited commercial enterprise. For example, commercial filming is a commercial enterprise, not a service, and can not be included in Wilderness. The primary purpose of commercial filming is to make money, not to experience Wilderness, as the DEN suggests, and therefore it should not be allowed. The exception might be an NPS-sponsored film in which NPS controls the message and distribution of the film and where profit isn't the motive, but this is a far cry from what NPS proposed to allow.

In addition to Wilderness Act violations, the DEN's approach to authorizing filming and other "education services" begs the question of whether the NPS is inserting itself into questionable First Amendment territory. Unless NPS at Yosemite controls the content, message, and distribution of the films or educational programs it authorizes in Wilderness, how can NPS assure that these programs serve a necessary wilderness purpose? NPS might want to rethink the can of worms it is opening in its attempt to broaden heretofore accepted interpretations of what

constitutes an appropriate commercial service in Wilderness.

The definition of what would not qualify as "Proper" activities is good as far as it goes, but it needs to include other generally prohibited uses such as structures and installations. This is especially pertinent to Half Dome, since the commercial services may ostensibly be relying upon the structures and installations associated with cable system in conducting their trips. Similarly, because commercial enterprise is prohibited in Wilderness many of the commercial activities previously mentioned can not be considered proper activities for commercial services. While photography, drawing, painting, and scientific research are legitimate wilderness activities, they are not appropriate in wilderness if conducted as part of a commercial enterprise.

Finally, much of the DEN is a recitation of possible activities that might occur in wilderness from recreation to education to conservation, etc. But nowhere does it explain why it is necessary for any of these activities to occur on the Half Dome trail, nor why commercial entities are necessary in order for these activities to occur at all. We're very hard-pressed to understand why any educational service is needed on the trail that can't be met elsewhere in Yosemite or otherwise, or is not already being met in spades by the tens-of-thousands hiking/climbing the route. The DEN attempts to shoehorn in commercial education entities by creating a distinction between "formal" and "informal" educational activities, but there is nothing in the DEN to support the claim that commercial education programs are needed.

Please accept Wilderness Watch's comments as part of the record for this issue.

Sincerely,

Kevin Proescholdt
Conservation Director

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