



## Curry Village Rockfall Hazard Zone Structures Project

Finding of No Significant Impact  
Memorandum of Agreement  
Public Comment and Response Report

January 2012



# Yosemite National Park

National Park Service  
U.S. Department of the Interior



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## Yosemite National Park

### Introduction

This Finding of No Significant Impact documents the decision of the National Park Service (NPS) to adopt a plan for the treatment of structures within the rockfall hazard zone at Curry Village in Yosemite Valley, and the determination that no significant impacts on the human environment are associated with that decision.

### Purpose and Need

Curry Village is a concessioner-operated complex of guest and employee accommodations and visitor service structures nestled among talus boulders at the base of Glacier Point within the Yosemite Valley portion of Yosemite National Park. Curry Village, historically known as Camp Curry, is associated with two historic districts listed in the National Register of Historic Places. The Camp Curry Historic District was listed in 1976 (amended 1979). The Yosemite Valley Historic District (listed in 2006) refers to the Camp Curry developed area and includes all of the contributing resources defined in the Camp Curry Historic District, plus additional contributing resources that fall within the Yosemite Valley Historic District's period of significance.

Due to its location at the base of a steep granite cliff, Curry Village is vulnerable to rockfall and related slope movement events (e.g., rockslides, debris flows). In the last decade, several sizable rockfall events have affected occupied areas of the complex, resulting in several injuries and damage to numerous structures. After the most recent significant rockfall event, in October 2008, the National Park Service redefined and expanded the designated rockfall hazard zone at Curry Village and permanently closed all structures within this zone. These structures included visitor accommodations (tent cabins and hard-sided cabins with and without bath), associated visitor support structures (shower house, restrooms, etc.), and concessioner employee housing units at Curry Village. Although some structures have been relocated from the rockfall hazard zone, 72 structures remain within the zone, the majority of which are hard-sided cabins with and without bath. Seventy of these remaining structures are considered historic, and all but one are listed as contributing to the Yosemite Valley Historic District.

Although the National Park Service erected temporary hazard fencing to deter visitors from entering the closure area, the remaining unoccupied structures pose an immediate danger to curious onlookers and visitors who are circumventing the fencing to view or use (e.g., camp in) the abandoned structures. In addition, these structures have not been maintained since they were closed and are deteriorating as a result of environmental damage (e.g., tree fall and snow loading), wildlife infestation, illicit use, and other factors. The disposition of the closed structures needs to be addressed to meet NPS public safety, risk management, and cultural resource preservation guidelines.

## Selected Action and Range of Alternatives Considered

*The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment (EA)*, dated July 2011, describes and analyzes five alternatives, including a No Action Alternative and the following four action alternatives:

- Alternative 1: Remove All Structures (Preferred Alternative),
- Alternative 2: Retain the Majority of Historic Structures,
- Alternative 3: Retain the Most Historically Significant Structures and Representatives of Architectural Types, and
- Alternative 4: Retain Structures with Structural and Historic Integrity.

These alternatives represented a reasonable range of options that satisfied the purpose of and need for the project, met relevant legal requirements, and satisfied park policies and guidelines. The range of alternatives only included alternatives that retained structures in place (e.g., versus relocation) given the ongoing Merced Wild and Scenic River Comprehensive Plan and the stipulations in the 2009 Settlement Agreement regarding that planning effort. Alternatives analyzed identified which structures could be maintained in place until the comprehensive plan for the Merced River is completed and a decision could be made on whether the remaining structures could be potentially relocated in the park.

### **Selected Action – Remove All Structures**

The Selected Action is the same as described as Alternative 1, the Preferred Alternative, in the environmental assessment. There are no clarifications or corrections to the environmental assessment based on public comment or agency consultation. Under the Selected Action, the National Park Service will remove all of the structures located in the rockfall hazard zone project area.

The Selected Action maximizes safety for park visitors and employees by removing all attractants from the active rockfall hazard zone and eliminating the need for administrative access to the site. Structures will be removed in accordance with regulations and procedures pertaining to the disposal of federal real property. Removing all structures was identified as the Selected Action as it is the most cost-efficient alternative that immediately improves public and employee safety.

Implementation of the Selected Action will result in the removal of the following 72 structures (Figure 1 and Figure 2):

- 44 historic bungalettes
- 22 bungalows: 21 historic (including Rufus Green Bungalow), 1 nonhistoric (Bungalow 61)
- 3 comfort stations: 2 historic (Rock and Terrace), 1 nonhistoric (Nob Hill Shower House)
- Historic Cabin 101(Nob Hill Cabin)
- Historic Women’s Club/Terrace Clubhouse
- Historic Foster Curry Bungalow/Tresidder House



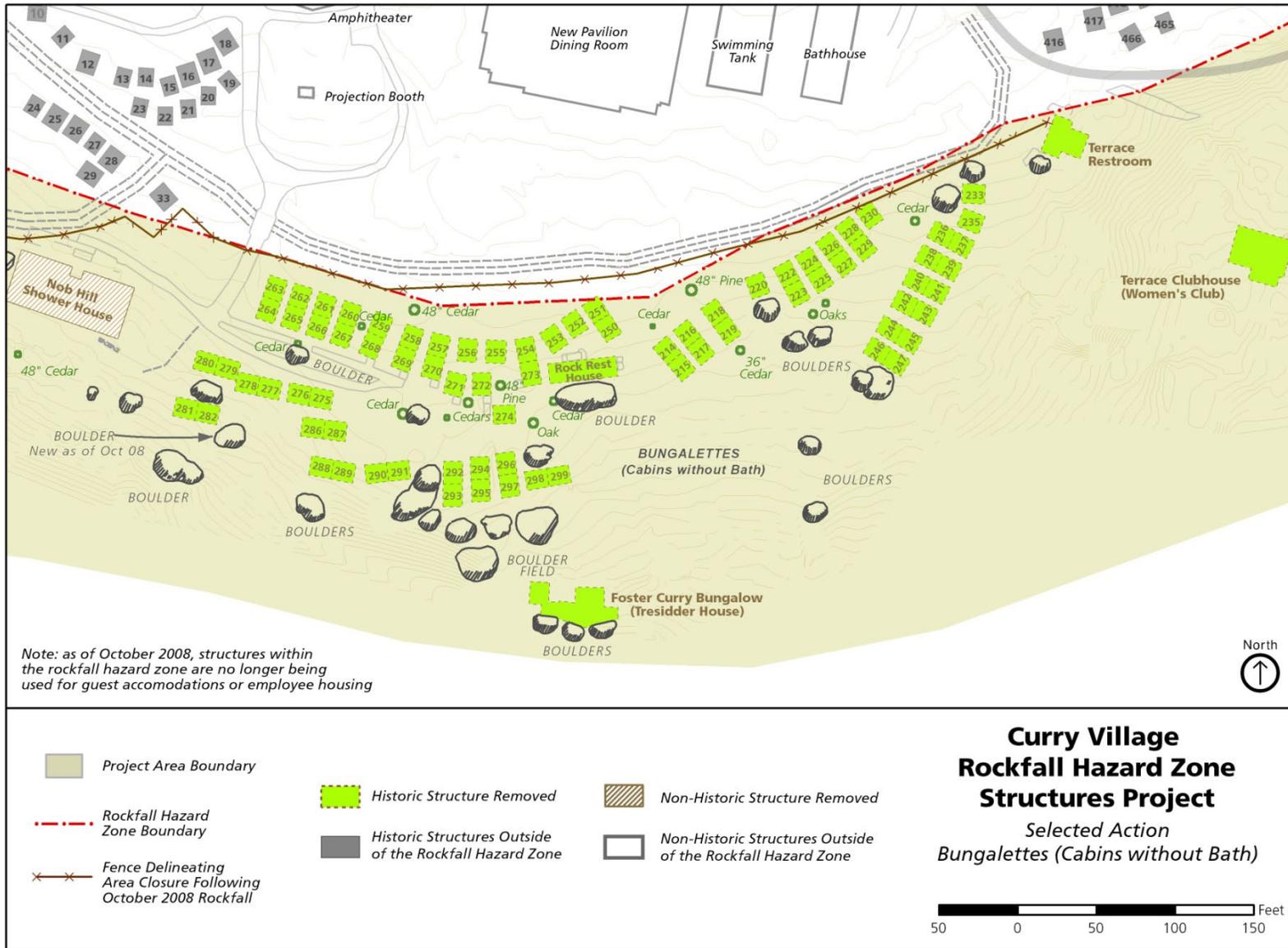


Figure 2. Selected Action – Bungalowettes (cabins without bath)

## **Actions Common to All Action Alternatives**

In addition, the Selected Action includes the following actions that were common to all of the action alternatives (Alternatives 1-4) evaluated in the environmental assessment.

- Before any removal of historic structures occurs, the site and structures will be recorded through photograph documentation, drawings, and written documentation or as otherwise stipulated in a Memorandum of Agreement developed in consultation with the California State Historic Preservation Officer. The final agreement is attached to this Finding of No Significant Impact.
- Nonhistoric structures (Nob Hill Shower House and Bungalow 61) will be removed.
- For historic structures that will be removed, any foundations, retaining walls, and pathways will be retained for the cultural landscape record to denote the location and association of structures within the site and characteristic circulation patterns between structures. Piers and the one chimney will be removed.
- Materials will be salvaged from structures being removed for potential use outside of the rockfall hazard zone. Particular attention will be paid to salvaging historic doors, windows, siding, and masonry. The park's History, Architecture, and Landscapes staff will determine which materials are suitable for salvage.
- When all documentation and salvage of materials is complete, the National Park Service will consider alternative options for removal of the structures, pursuant to relevant federal regulations and procedures governing the disposal of government real property. Eligibility and suitability determinations for the structures will determine what procedures the National Park Service has to follow.
- When all documentation, salvage of materials, and removal is completed, any remaining structural debris will be removed and natural succession will be allowed to occur.
- Any utilities above grade will be removed, and buried utilities will be capped and abandoned in place, according to NPS and pertinent state and local codes and procedures.
- Interpretive materials (e.g., signs) will be installed outside of the rockfall hazard zone to inform visitors of the cultural and geologic setting of the area or as otherwise stipulated in a Memorandum of Agreement with the State Historic Preservation Officer. Historic photos and documentation will be used in the interpretation of the historic development Curry Village, the impacts of geologic processes on Curry Village over time, and management decisions regarding the disposition of the structures within the rockfall hazard zone (e.g., why structures were removed).

## **Other Alternatives Considered and Analyzed**

### **No Action Alternative**

The No Action Alternative is required by the National Environmental Policy Act and *NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making*, to provide the baseline against which to compare the other alternatives. Under this alternative, all 72 structures within the zone would remain closed in place and would not be maintained. The National Park Service would continue to fence off the area to use.

### **Alternative 2: Retain the Majority of Historic Structures**

The goal of Alternative 2 is to retain as many historic structures as possible for potential future relocation. Alternative 2 would result in the stabilization, mothballing, and maintenance of 68 historic structures. All

but two historic structures (Cabin 101/Nob Hill Cabin and Women's Club/Terrace Clubhouse) and two nonhistoric structures (Bungalow 61 and Nob Hill Shower House) would be retained.

### **Alternative 3: Retain the Most Historically Significant Structures and Representatives of Architectural Types**

Alternative 3 would result in the stabilization, mothballing, and maintenance of a representative sample of 5 to 16 historic structures located in the rockfall hazard zone. Retention of 5 structures would represent the minimum number necessary to retain the most historically significant structures and representation of architectural types. Retention of 16 structures would represent a more comprehensive sample of structures that provides a larger representation of clustering within the landscape.

### **Alternative 4: Retain Structures with Structural and Historic Integrity**

Alternative 4 would result in the stabilization, mothballing, and maintenance of 40 historic structures that are considered to have both structural and historic integrity. The structures selected to remain were those that retained sufficient structural and historic integrity to warrant stabilization for potential relocation outside of the rockfall hazard zone.

### **Actions Considered but Dismissed**

The National Park Service considered a range of actions when developing possible alternatives for the Curry Village Rockfall Hazard Zone Structures Project. The following actions were analyzed, considered, and dismissed because they did not fully satisfy the objectives of this planning effort. Actions were dismissed for one of the following reasons:

- The action would not satisfy the project's purpose and need.
- Less environmentally damaging options were available.
- The action would cause unacceptable environmental, cultural, or social impacts.
- The action would present unacceptable risks or constraints with an associated increase in costs.
- The action would conflict with the guidance and direction provided in the park's *General Management Plan*.

### **Stabilize, Mothball, and Maintain All Structures**

This action included retaining all structures in the rockfall hazard zone project area, including nonhistoric structures. Retaining all structures would not meet the project purpose and need because it would not reduce or eliminate the attractive nuisance and safety hazards in the rockfall hazard zone. In addition, retaining nonhistoric structures in the historic district provides little advantage beyond that offered by the Alternative 2: Retain Majority of Structures, while increasing risks and costs.

### **Relocate Historic Structures Outside of Yosemite Valley**

The National Park Service considered whether historic structures within the Curry Village rockfall hazard zone could be relocated elsewhere in the park.

The 2009 Settlement Agreement regarding the Merced River Plan (<http://www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf>) calls for any decisions about relocation and/or reuse of facilities from the rockfall hazard zone within Yosemite Valley to be postponed

until a Record of Decision for the Merced River Plan has been signed. Therefore, the National Park Service considered moving structures to an interim location outside of Yosemite Valley until the Record of Decision is signed. Current planning efforts in the Merced and Tuolumne Wild and Scenic River corridors (which, in addition to Yosemite Valley, encompass developed areas at Wawona and Tuolumne Meadows) limit the range of suitable locations for these structures to relatively few areas of the park. Moving structures to a location outside of Camp Curry would diminish the historic integrity of the structures and would not provide any advantage beyond alternatives that retain structures in place until a later decision can be made on whether the structures could potentially be relocated within the Camp Curry area.

### **Retain the Nob Hill Shower House for Storage of Salvaged Materials**

This action included retaining a relatively new, nonhistoric building in the rockfall hazard zone project area for storage of salvaged materials from demolished structures. While this action would reduce the need to haul materials to and from storage facilities outside of the park, it was dismissed because it would increase employee exposure to rockfall risk. In addition, it would expose the historic materials to risk from rockfall damage.

## **Environmentally Preferable Alternative**

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) and NPS NEPA guidelines require that “the alternative or alternatives which were considered to be environmentally preferable” be identified (CEQ Regulations, section 1505.2).

“Environmentally preferable” is defined as “the alternative that will promote the national environmental policy as expressed in NEPA’s section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources” (CEQ 1981).

Section 101 of NEPA states that:

*It is the continuing responsibility of the Federal Government to . . . (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

The Selected Action will best fulfill the responsibilities of the National Park Service to identify the alternative that will promote national environmental policy as expressed in NEPA section 101.

The No Action Alternative and Alternatives 2, 3, and 4 would retain historic structures in the rockfall hazard zone. Alternative 2 would best meet criteria (4) and (6) because it would stabilize, mothball, and maintain the greatest number of historic structures within the rockfall hazard zone. However, leaving structures in the rockfall hazard zone would result in the continued potential for risks to life and safety from unauthorized use. The National Park Service would make every effort to restrict visitor access to this area under these alternatives, but it is not possible to detect and deter all unauthorized use. In addition,

alternatives that maintain structures within the rockfall hazard zone also continue to put park staff at risk as they patrol and maintain the facilities.

In addition, Alternatives 2, 3, and 4 would require ongoing maintenance of vegetation to protect remaining structures, which would limit the amount of naturalization allowed to occur in the project area.

The Selected Action, best meets NEPA section 101 criteria (1), (2), (3), and (5) by removing all structures from the rockfall hazard zone project area to provide the maximum reduction in threats to public health and safety. Compared with other project alternatives, the Selected Action will also provide better conditions for natural processes to prevail.

## **Why the Selected Action Will Not Have a Significant Effect on the Human Environment**

In considering the ten criteria for significant impact as defined by CEQ regulation 40 CFR 1508.27, it was determined that the Selected Action will not have a significant effect. All criteria were considered, and it was determined that none of the significance criteria are triggered under the Selected Action. Specifically,

- No highly uncertain or controversial impacts, unique or unknown risks, elements of precedence, or cumulatively significant effects have been identified.
- Implementation of the Selected Action will not violate any federal, state, or local laws.
- Removing unoccupied structures (70 historic and 2 nonhistoric) from the rockfall hazard zone at Curry Village will not significantly determine future actions at Curry Village or in Yosemite Valley.
- Mitigation measures will be executed to resolve the adverse effect on the Yosemite Valley Historic District resulting from public safety actions as specified in a Memorandum of Agreement between the National Park Service and the State Historic Preservation Officer, and are therefore not determined to be significant.
- Adverse impacts on special-status species will be avoided or mitigated (see Mitigation, below) so that they have been determined not to be significant.

Based on the following summary of effects, and as discussed in the environmental assessment, the Selected Action (Alternative 1, as analyzed in the environmental assessment) is determined not to have a significant effect on the human environment.

### **Geohazards**

Removal of all of the structures from the project area will substantially reduce the existing threat to public health and safety from rockfall. This risk will not be entirely eliminated because the area closure will be lifted after the structures are removed - temporary fencing will be removed and visitor use will be allowed in the active rockfall hazard zone, just as it is in other geologically active areas in the park. In the short-term, NPS employees and contractors who are removing the structures in the project area will be exposed to additional risk during project implementation. However, in the long term, the removal of the structures and the temporary fencing will remove the primary attractants that have been drawing illicit visitor use to this area, reducing the threat to life-safety from rockfall hazards. The inherent risk to property from rockfall damage will be eliminated with implementation of the Selected Action.

## **Wildlife**

Fence removal and naturalization of the project area will increase habitat quality, resulting in a long-term beneficial impact on wildlife.

Temporary disturbance from removal of structures will result in minor adverse impacts on wildlife. Implementation of mitigation measures (see ‘Mitigation,’ below) with a focus on limiting demolition activities during breeding seasons and conducting detailed surveys immediately before removing structures will minimize impacts on wildlife.

## **Special-Status Species**

The National Park Service has determined that no special-status plant species occur or are likely to occur in the project area, or will be affected by the Selected Action.

The project will occur in suitable habitat for special-status bird and bat species, but the application of mitigation measures (see ‘Mitigation,’ below) with a focus on limiting activities during breeding seasons and conducting detailed surveys at each structure immediately before project implementation will minimize the potential for impacts on habitat or individuals. Therefore, the Selected Action may affect, but is not likely to adversely affect special-status species.

## **Visitor Experience and Recreation**

The Selected Action will result in an adverse impact on the quality of the visitor experience due to construction activities and the permanent removal of 72 structures (70 of which are historic) from the park. This adverse impact might be offset by a long-term beneficial impact from removal of the deteriorating structures, removal of security fencing, and installation of interpretive materials that illustrate the significance of the historic site, the historic structures, and rockfall hazards.

In addition, there will be a beneficial impact on public health and safety through removal of all structures that are attracting unauthorized entry into the closed area and installation of interpretive materials describing rockfall hazards in the area. Overall, the Selected Action will result in a long-term, beneficial impact on visitor experience and safety.

## **Park Operations and Infrastructure**

The Selected Action will result in a long-term, beneficial impact on park operations from a reduction in workload and a decrease in threats to life-safety. There will be a local, short-term, minor, adverse impact on NPS Visitor Protection, Resources Management and Science, and Facilities Management staff from increased workloads and increased safety risks during project implementation.

## **Historic Sites, Buildings, and Cultural Landscapes**

With implementation of the Selected Action, all structures within the rockfall hazard zone at Camp Curry will be removed, including 70 historic structures, all but one of which are listed as contributing to the Yosemite Valley Historic District. Structures that contributed to the origin of the National Park Rustic style will be removed, as would examples of architectural design and construction that are unique to Camp Curry. The proposed activities will alter, directly and indirectly, characteristics of the Yosemite Valley Historic District that qualify the property for inclusion in the National Register of Historic Places in a manner that will diminish the integrity of the property’s setting, workmanship, feeling, materials,

association, and design. Therefore, the Selected Action will result in an adverse effect on the Yosemite Valley Historic District.

The adverse effect will be resolved through application of a Memorandum of Agreement between the National Park Service and the California State Historic Preservation Officer, attached to this document. The Memorandum of Agreement stipulations include updating the National Register nominations affecting the project area to reflect changes to the districts; completing Historic American Building Survey and Historic American Landscape Survey documentation (e.g., drawings, photos, written report); salvage of features, materials, and objects that might be reused in the rehabilitation of structures outside the rockfall zone; preparing interpretive materials to inform the public about the interface of historic resources, natural resources, and management decisions at Curry Village; and adhering to site-cleanup stipulations such as materials and features to be left in place and landscape treatment.

## **Archeological Resources**

With mitigation and avoidance measures in place (see ‘Mitigation,’ below), ground-disturbing activities under the Selected Action will have no adverse effect on archeological resources, including one historic site near the project area that contributes to the Yosemite Valley Historic District. Should an inadvertent discovery be made, it would be addressed through monitoring and discovery stipulations as defined in the Memorandum of Agreement.

## **Cumulative Impacts**

CEQ regulations (section 1508.7) describe a cumulative impact as follows:

*...a “Cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

The analysis of cumulative impacts in *The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment* did not identify any significant cumulative impacts. Curry Village has been in continuous operation for over 110 years. The Camp Curry Historic District was listed in the National Register of Historic Places in 1976 (amended in 1979) and all of the contributing resources defined in that listing, along with additional resources, are contributing resources to the Yosemite Valley Historic District (listed in 2006). While past actions have added, rehabilitated, or removed structures from Curry Village, the general layout of the historic developed area, with tent cabins, hard-sided cabins, and amenities such as a store, pool, and ice rink, has not changed significantly since 1936.

Past actions, including the original construction of and subsequent modifications to associated facilities in Curry Village have had some long-term adverse impacts on natural resources and the risk to public health and safety associated with development in an area prone to rockfall. Recently completed, present, and the majority of reasonably foreseeable future actions may impact Curry Village to some degree, but are not anticipated to have a significant impact on public health and safety, visitor experience, or cultural and natural resources.

There will be a long-term, cumulative, beneficial impact on natural resources analyzed in the environmental assessment as natural succession will occur once structures are removed from the rockfall hazard zone. There will be a long-term, cumulative, beneficial impact to visitor experience due to the improvements the Selected Action will have related to public and employee safety and operations.

There will be an adverse effect on the Yosemite Valley Historic District under the Selected Action, as defined by 36 CFR 800 for implementing section 106 of the National Historic Preservation Act, as amended (16 USC 470f). The adverse effect will be resolved with implementation of the project-specific Memorandum of Agreement between the National Park Service and the State Historic Preservation Officer. The final agreement is attached to this Finding of No Significant Impact.

## Mitigation

The mitigation measures and best management practices presented in Table 1 have been incorporated into the Selected Action to avoid or reduce adverse impacts on park resources.

**Table 1.  
Mitigation Measures and Best Management Practices Incorporated into the Selected Action**

Mitigation Measures and Best Management Practices	Responsibility	Critical Milestones
<i>CONSTRUCTION MEASURES</i>		
Prior to entry into the park, steam-clean heavy equipment to prevent importation of non-native plant species, tighten hydraulic fittings, ensure hydraulic hoses are in good condition and replace if damaged, and repair all petroleum leaks.	Yosemite National Park, Project Manager; Contractor	Prior to and concurrent with project activities
Inspect the project to ensure that impacts stay within the parameters of the project area and do not escalate beyond the scope of the environmental assessment, as well as to ensure that the project conforms with all applicable permits or project conditions. Store all construction equipment within the delineated work limits.	Yosemite National Park, Project Manager; Contractor	Prior to and concurrent with project activities
Implement compliance monitoring to ensure that the project remains within the parameters of National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance and decision documents.	Yosemite National Park, Project Manager; Contractor	Concurrent with project activities
Provide a project orientation for all construction workers to increase their understanding and sensitivity to the challenges of the special environment in which they will be working.	Yosemite National Park, Project Manager	Prior to and concurrent with project activities
If deemed necessary, demolition/construction work on weekends or federal government holidays may be authorized, with prior written approval of the Superintendent.	Yosemite National Park, Project Manager	Prior to and concurrent with project activities
Remove all tools, equipment, barricades, signs, surplus materials, and rubbish from the project work limits upon project completion. Remove all debris from the project site.	Yosemite National Park, Project Manager; Contractor	Upon completion of project activities
The Construction Contractor will prepare a Health and Safety Plan to address all aspects of Contractor health and safety issues compliant with OSHA standards and other relevant regulations. The Plan will be submitted for park review and approval prior to construction.	Contractor	Prior to and concurrent with project activities
Develop and implement a comprehensive Spill Prevention/Response Plan that complies with federal and state regulations and addresses all aspects of spill prevention, notification, emergency spill response strategies for spills occurring on land and water, reporting requirements, monitoring requirements, personnel responsibilities, response equipment type and location, and drills and training requirements. The spill prevention/response plan will be submitted to the park for review/approval prior to commencement of construction activities.	Contractor	Prior to project activities

**Table 1.  
Mitigation Measures and Best Management Practices Incorporated into the Selected Action**

Mitigation Measures and Best Management Practices	Responsibility	Critical Milestones
<i>CONSTRUCTION MEASURES (CONTINUED)</i>		
A construction work schedule will be prepared by the construction contractor for the project that minimizes effects on wildlife in adjacent habitats and peaks in visitation. The work schedule will be submitted for park review and approval prior to construction.	Contractor	Prior to and concurrent with project activities
Supervisory construction personnel will attend an environmental protection briefing provided by the park prior to working on site. This briefing is designed to familiarize workers with statutory and contractual environmental requirements and the recognition of and protection measures for archeological sites, sensitive habitats, water resources, and wildlife habitats.	Contractor	Prior to and concurrent with project activities
The park will develop a Communications Strategy Plan to alert necessary park and concessioner employees, residents and visitors to pertinent elements of the construction work schedule.	Yosemite National Park, Project Manager	Prior to and concurrent with project activities
Provide proper and timely maintenance for vehicles and equipment used during construction to reduce the potential for mechanical breakdowns.	Yosemite National Park, Project Manager; Contractor	Prior to and concurrent with project activities
<i>HYDROLOGY AND WATER QUALITY</i>		
Where working areas are adjacent to or encroach on live streams, barriers will be constructed that are adequate to prevent the discharge of turbid water in excess of specified limits.	Contractor	Prior to and concurrent with project activities
All disturbed soil and fill slopes will be stabilized in an appropriate manner.	Contractor	Prior to and concurrent with project activities
Store equipment and materials away from all waterways.	Yosemite National Park, Project Manager; Contractor	Concurrent with project activities
Wastewater contaminated with silt, grout, or other by-products from construction activities will be contained in a holding or settling tank to prevent contaminated material from entering watercourses.	Contractor	Concurrent with project activities
Remove hazardous waste materials generated during implementation of the project from the project site immediately.	Contractor	Concurrent with project activities
Dispose of volatile wastes and oils in approved containers for removal from the project site to avoid contamination of soils, drainages, and watercourses. Keep absorbent pads, booms, and other materials onsite during projects that use heavy equipment to contain oil, hydraulic fluid, solvents, and hazardous materials spills.	Contractor	Concurrent with project activities
Use silt fencing at drainages to prevent construction materials from escaping work areas.	Contractor	Concurrent with project activities
Material from construction work will not be deposited where it could be eroded and carried to the stream by surface runoff or high stream flows.	Contractor	Concurrent with project activities
<i>VEGETATION</i>		
Ensure that all earth moving equipment and hand tools enter the park free of mud or seed-bearing material to prevent the introduction of non-native plants. The NPS will inspect all equipment prior to use on the project. Map and treat noxious weeds prior to construction. Certify all seeds and straw material as weed-free. Ensure that imported top-soil is weed-free. The NPS will approve sources of imported fill material that will be used within the top 12 inches of the finished grade. Monitor and treat invasive plants for three years post-construction.	Yosemite National Park, Project Manager; Contractor working with park vegetation specialist	Prior to, concurrent with and following project activities
Install temporary fencing (black silt fencing or orange construction fencing) around the entire project area to protect natural surroundings (including trees, and root zones) from damage. Avoid fastening ropes, cables, or fences to trees.	Yosemite National Park, Project Manager; Contractor	Prior to and concurrent with project activities
Use native seed mix or seed-free mulch to minimize surface erosion and the introduction of noxious weeds.	Contractor	Concurrent with project activities

**Table 1.  
Mitigation Measures and Best Management Practices Incorporated into the Selected Action**

Mitigation Measures and Best Management Practices	Responsibility	Critical Milestones
<i>VEGETATION (CONTINUED)</i>		
While not expected with this project, the park botanist will be notified if any special status plant species are identified in the project area. If special-status plant species are identified within the project area, the park botanist will work with the project manager to avoid impacts.	Yosemite National Park, Project Manager; Contractor; working with park botanist	Prior to and concurrent with project activities
<i>WILDLIFE (INCLUDING SPECIAL STATUS WILDLIFE)</i>		
Provide information to the contractor regarding wildlife concerns at the project briefings, and provide contractor specifications and Best Management Practices to avoid activities that are destructive to wildlife and habitats. Project manager will consult with the park biologist to schedule construction activities with seasonal consideration of wildlife lifecycles to minimize impacts during sensitive periods (i.e., after bird nesting seasons, when bats are neither hibernating nor have young, etc.)	Yosemite National Park, Project Manager; Contractor; working with park wildlife biologist	Concurrent with and following project activities
Limit the effects of light and noise on adjacent habitat through controls on construction equipment. No outdoor construction activities are to occur between dusk and dawn (7am) to eliminate the need for outdoor construction lighting, and to avoid disruption of mating, nesting, or foraging owls.	Yosemite National Park, Project Manager; Contractor	Prior to and concurrent with project activities
Prior to project activities, particularly any tree trimming activities, a qualified wildlife biologist will screen the area for bat roosts, nesting birds, and other features that are important to wildlife habitat. If found, the biologist will provide mitigation or direction for avoidance (e.g., flagging or avoiding the area, advise as to whether the activity must be delayed to ensure that sensitive species such as nesting migratory birds are protected and not disrupted).	Yosemite National Park, Project Manager working with the park wildlife biologist	Prior to project construction activities
For bats: Removal of structures should occur between the end of August and the end of October in order to avoid adverse impacts on maternal or hibernating bat colonies. If work must occur outside this window, every structure should be checked for bat occupancy just prior to removal and the park wildlife biologist should be consulted (see next measure). A qualified bat biologist will conduct surveys prior to structure removal or stabilization/mothballing activities to determine whether habitat that will be affected by the proposed action provide hibernacula or nursery colony roosting habitat for bat species. If bats are detected during reproduction or hibernation periods, disturbance of potential habitat will be delayed until the bats can be excluded from the area in a manner that does not adversely affect their survival or that of their young. If surveys conducted immediately prior to structure removal or stabilization/mothballing activities do not reveal any bat species present within the project area, then the action will begin within three days to prevent the destruction of any bats that could move into the area after the survey.	Yosemite National Park, Project Manager working with park wildlife biologist	Prior to and concurrent with project activities
For bird species: Beginning in early spring, a park wildlife biologist will conduct bird surveys and review current owl reports to determine whether special status species are present and may be mating, nesting, or foraging in the project vicinity. If nesting species are found, the project manager will work with the biologist; construction will be delayed until fledged or August 1st. If nesting birds are observed (e.g., discovered by workers) that are not special status species, the project manager will notify the park wildlife biologist who will recommend steps to avoid undesirable impacts to the nest or young.	Yosemite National Park, Project Manager working with park wildlife biologist	Prior to project construction activities
<i>FEDERAL AND STATE PERMIT REQUIREMENTS</i>		
The NPS will apply for and comply with all federal and state permits required for construction-related activities.	Yosemite National Park, Project Manager	Prior to project activities

**Table 1.  
Mitigation Measures and Best Management Practices Incorporated into the Selected Action**

Mitigation Measures and Best Management Practices	Responsibility	Critical Milestones
<b>AMERICAN INDIAN TRADITIONAL CULTURAL RESOURCES AND PRACTICES</b>		
Culturally associated tribes and groups will be given notice prior to ground disturbing activities at the project site and may be present at the project site to monitor ground disturbance during construction.	Yosemite National Park, Project Manager; Contractor; working with park tribal liaison	Prior to and concurrent with project activities
The NPS will continue to consult with culturally associated American Indian tribes and groups throughout the project to avoid or mitigate damage to American Indian traditional resources.	Yosemite National Park, Project Manager working with park tribal liaison	Prior to, concurrent with and following project activities
<b>HISTORIC PROPERTIES</b>		
The Park will adhere to the <i>2011 Memorandum of Agreement Between The National Park Service, Yosemite National Park and The California State Historic Preservation Officer Regarding the Curry Village Rockfall Hazard Zone Mitigation, Mariposa County, California</i> to resolve adverse effects. Stipulations, as defined in the final Memorandum of Agreement, include National Register nomination updates, HABS/HALS documentation, salvage, interpretation, and site clean-up.	Yosemite National Park, Project Manager	Prior to and concurrent with project activities
All treatments within historic landscapes will be in keeping with the <i>Secretary of The Interior's Standards for the Treatment of Historic Properties</i> .	Yosemite National Park, Project Manager	Prior to project activities
Archeological sites will be fenced off with orange hazard fencing by a professional archeologist. All project personnel will be briefed to stay out of areas with sensitive archeological resources.	Yosemite National Park, Project Manager; Contractor; working with park archeologist	Prior to project activities
The possibility of inadvertent discovery of archeological resources will be addressed through monitoring and discovery stipulations as defined in the final Memorandum of Agreement with the California State Historic Preservation Officer.	Yosemite National Park, Project Manager; Contractor; working with park archeologist	Prior to and concurrent with project activities
<b>DUST ABATEMENT MEASURES</b>		
Cover and/or seal truck beds and stockpiles to minimize blowing dust or loss of debris.	Contractor	Concurrent to project activities
Limit truck and related construction equipment speeds in active construction areas to a maximum of 15 miles per hour and strictly adhere to park regulations and posted speed limits in other areas while inside park boundaries.	Contractor	Concurrent to project activities
Maintain adequate dust suppression equipment and use clean water to control excess airborne particulates at staging areas, active construction zones, and unpaved roads leading to/from active construction areas.	Contractor	Concurrent with project activities
<b>EMERGENCY NOTIFICATION MEASURES</b>		
Develop an emergency notification plan that complies with park, federal, and state requirements and allows contractors to properly notify park, federal, and/or state personnel in the event of an emergency during construction activities. This plan will address notification requirements related to fire, personnel, and/or visitor injury, releases of spilled material, evacuation processes, etc. The emergency notification plan will be submitted to the park for review/approval prior to commencement of construction activities.	Yosemite National Park, Project Manager; Contractor	Prior to project activities
Notify utilities prior to construction activities. Identify locations of existing utilities prior to removal activity to prevent damage to utilities. The Underground Services Alert and NPS maintenance staff will be informed 72 hours prior to any ground disturbance. Construction-related activities will not proceed until the process of locating existing utilities is completed (water, wastewater, electric, communications, and telephone lines). An emergency response plan will be required of the contractor.	Yosemite National Park, Project Manager	Prior to and concurrent with project activities

**Table 1.  
Mitigation Measures and Best Management Practices Incorporated into the Selected Action**

Mitigation Measures and Best Management Practices	Responsibility	Critical Milestones
<i>HAZARDOUS MATERIALS MEASURES</i>		
An Oil and Hazardous Materials Spill Prevention, Control, and Countermeasure Plan will be prepared by the Construction Contractor for the project to address hazardous materials storage, spill prevention and response. The plan will be submitted for park review and approval prior to construction.	Contractor	Prior to and concurrent with project activities
Store and use all hazardous materials in compliance with federal regulations. All applicable Materials Safety Data Sheets will be kept on site for inspection.	Contractor	Concurrent with project activities
Hazardous or flammable chemicals will be prohibited from storage in the staging area, except for those substances identified in the Oil and Hazardous Materials Spill Prevention, Control, and Countermeasure Plan. Hazardous waste materials will be immediately removed from project site in approved containers.	Contractor	Concurrent with project activities
Comply with all applicable regulations and policies during the removal and remediation of asbestos, lead paint, and polychlorinated biphenyls.	Contractor	Concurrent with project activities
<i>SOUNDSCAPES</i>		
Ensure that all construction equipment has functional exhaust/muffler systems.	Contractor	Concurrent with project activities
Submit a construction work plan/schedule that minimizes construction-related noise in noise-sensitive areas to the park for review/approval prior to commencement of construction activities.	Contractor	Prior to project activities
Use hydraulically or electrically powered construction equipment, when feasible.	Contractor	Concurrent with project activities
Locate stationary noise sources as far from sensitive receptors as possible.	Contractor	Concurrent with project activities
Limit the idling of motors except as necessary (e.g., concrete mixing trucks).	Contractor	Concurrent with project activities
To the extent possible, perform all on-site noisy work above 76 A-weighted decibels (dBA) (such as the operation of heavy equipment) between the hours of 8:30 a.m. and 5:00 p.m. to minimize disruption to nearby park users.	Contractor	Concurrent with project activities
<i>SCENIC RESOURCES PROTECTION MEASURES</i>		
Fence construction staging areas and construction activity areas to visually screen construction activity and materials.	Contractor	Concurrent with project activities
Consolidate construction equipment and materials to the staging areas at the end of each work day to limit the visual intrusion of construction equipment during nonwork hours.	Contractor	Concurrent with project activities
<i>TRAFFIC CONTROL AND VISITOR PROTECTION MEASURES</i>		
Provide protective fencing enclosures around construction areas, including utility trenches, to protect public health and safety.	Contractor	Concurrent with project activities
<i>WASTE MANAGEMENT MEASURES</i>		
Require construction personnel to adhere to park regulations concerning food storage and refuse management.	Yosemite National Park, Project Manager; Contractor	Concurrent with project activities
Properly secure trash during the workday and remove all trash from site at the end of each workday.	Yosemite National Park, Project Manager	Concurrent with and following project activities

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## Public Involvement and Coordination

### Public Scoping

Public scoping was initiated for the Curry Village Rockfall Hazard Zone Structures Project on February 22, 2010, and the National Park Service accepted scoping comments through April 7, 2010. Two public open houses were held in the Valley Visitor Center Auditorium in Yosemite Valley on February 24, 2010, and March 31, 2010. Written public scoping comments were received online through the Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/CurryRockfall>), fax, and U.S. mail, and on comment forms available at open houses during the scoping period. As a result of the public scoping period, the park received comments from 29 individuals and 4 organizations. The analysis of these letters identified 154 discrete comments from which 38 general concern statements were generated.

Based on internal and public scoping comments and applicable federal law, regulations, and executive orders, the National Park Service determined that an environmental assessment would be the appropriate level of compliance for the Curry Village Rockfall Hazard Zone Structures Project. Public scoping comments and issues raised by National Park Service staff were used in the alternatives development process and the analysis presented in this environmental assessment.

The public outreach called for in section 106 of the National Historic Preservation Act was integrated with the NEPA scoping process described above, in accordance with the 1999 *Programmatic Agreement Among the National Park Service at Yosemite, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Planning, Design, Construction, Operations, and Maintenance, Yosemite National Park, California*. In addition, because the project will have an adverse effect on the Yosemite Valley Historic District, the National Park Service and the California State Historic Preservation Officer entered into a project-specific Memorandum of Agreement (attached to this Finding of No Significant Impact) (see 'Consultation,' below).

Internal scoping and consultation with other government agencies and American Indian tribes and groups informed the planning process. See 'Consultation,' below, for more information.

### Public Review and Comment Period

*The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment* was released for public review on August 8, 2011, and the National Park Service accepted comments through September 9, 2011. The document was available through the PEPC website (<http://parkplanning.nps.gov/CurryRockfall>) and hardcopies were available as requested. Approximately 15 hardcopies were distributed to individuals, agencies, tribes and groups, and organizations. In addition to being available at the Yosemite National Park Archives and Research Library, hardcopies were also provided to the following libraries for public review: Bassett Memorial Library in Wawona, Mariposa County Public Library, El Portal Public Library, and Oakhurst Public Library in California. Comments on the environmental assessment could be submitted online through the PEPC website and by U.S. mail and fax.

The public review period was announced in a press release, a Yosemite electronic news release, the *Yosemite National Park Daily Report*, the *Mariposa Gazette*, and on the Yosemite National Park website. During the review period, the National Park Service held an open house on August 31, 2011 to disseminate information and collect written comments on the Curry Village Rockfall Hazard Zone Structures Project

and other projects. The open house project presentation was available for live viewing and as a recording on the web for later viewing. Following the presentation, park staff answered questions clarifying the proposed action; no oral or written comments were submitted at the open house.

During the 32-day public comment period, the park received 32 public comment letters from 28 individuals, 2 organizations (Sierra Club Yosemite Committee, Central Sierra Environmental Resource Center), 1 state agency (Caltrans), and 1 American Indian tribe (Tuolumne Band of Me-Wuk Indians). The majority of individuals that commented on the project were California residents. Comments received expressed both support and opposition to the proposed action. Although most commenters supported the need to address public safety by removing structures from the rockfall hazard zone, many commenters supported relocating structures outside of the hazard zone for reuse rather than removing them. A few commenters explicitly supported other alternatives that retained structures until a permanent decision could be made following the Merced River planning process. A few commenters questioned the need to close or remove the structures and preferred to keep them open for use in place.

The analysis of these letters identified 126 discrete comments, from which 33 general concern statements were generated. The planning team prepared responses to comments considered substantive. No comments resulted in any changes or corrections to the analysis or conclusions in the environmental assessment. All comments and responses to substantive comments are documented in the public comment and response report available online at <http://parkplanning.nps.gov/CurryRockfall>.

Main concerns expressed in public comments included:

- Risks to public health and safety from rockfall hazards
- Visitor use and safety notifications within Curry Village and other rockfall hazard zones
- Remove structures from the rockfall hazard zone
- Retain all or some structures (historic and nonhistoric) within the rockfall hazard zone
- Retain most historically significant structures within the rockfall hazard zone
- Relocate historic structures from the rockfall hazard zone for reuse in other areas of Curry Village, or other areas of the park
- Allow organizations or private individuals to relocate cabins outside of the park
- Restore natural conditions in the rockfall hazard zone

Concerns considered out of scope included comments on day use, vehicle traffic, amount and affordability of overnight accommodations in Yosemite Valley; and interpretation suggestions for the Le Conte Memorial Lodge.

## **Consultation**

### **U.S. Fish and Wildlife Service**

The Endangered Species Act of 1973, as amended (16 USC 1531 et seq.) requires all federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. The National Park Service obtained a list of federally listed, proposed, and candidate species that may be present in the

Curry Village area in June 2010 from the U.S. Fish and Wildlife Service and obtained an updated list in June 2011. These lists were reviewed by the park wildlife biologist, and were used as the basis for the special status species analysis in this environmental assessment. The U.S. Fish and Wildlife Service received a copy of *The Curry Village Rockfall Hazard Zone Project Environmental Assessment* during the public review period. On September 29, 2011, the U.S. Fish and Wildlife Service responded that the proposed project will not affect any listed species. Consultation with the U.S. Fish and Wildlife Service will continue, as defined by section 7 of the Endangered Species Act, as the project is implemented.

### **California State Historic Preservation Officer and the Advisory Council on Historic Preservation**

The National Park Service initiated consultation on January 16, 2009 with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) on this project in accordance with Stipulation VIII B of the 1999 *Programmatic Agreement Among the National Park Service at Yosemite, The California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Planning, Design, Construction, Operations, and Maintenance, Yosemite National Park, California* (1999 Programmatic Agreement) and regulations at 36 CFR 800 for implementing section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470f).

Per a letter dated March 4, 2009, the ACHP declined to participate in consultation for this project but requested they be notified if the project had the potential to have an adverse effect or if a new programmatic agreement were to be developed.

In October 2010, SHPO staff visited the rockfall hazard zone site and discussed the undertaking with the National Park Service. Per a letter dated March 9, 2011, the SHPO recommended continuing with further consultation and encouraged the National Park Service to consider an alternative that does not preclude the possibility of relocating some of the historic buildings. In the letter, the SHPO concurred that implementation of any of the alternatives would constitute an adverse effect for the undertaking. On March 14, 2011, the National Park Service notified the ACHP that the undertaking had the potential to have an adverse effect.

Therefore, a Memorandum of Agreement was developed between the National Park Service and the SHPO to resolve the adverse effect of the undertaking. The National Park Service provided a copy of a draft Memorandum of Agreement to the SHPO and the ACHP on June 17, 2011. On July 5, 2011, the ACHP again declined to participate in consultation for this project, but requested they be contacted if the National Park Service and/or the SHPO require assistance in negotiating the Memorandum of Agreement to resolve the adverse effect of this undertaking. A draft version of the agreement was attached to the environmental assessment for public review. One public comment received addressed the stipulation regarding the length of time interpretive signs would be placed at Curry Village. The language has been changed in the Memorandum of Agreement and explained in the public comment and response report.

Based on further NPS staff discussion and SHPO consultation, revisions to the draft agreement attached to the environmental assessment include revisions to the documentation stipulations and dispute resolution section, and the addition of the following attachments: a) an Area of Potential Effect map, b) a HABS/HALS documentation map, c) a table of drawings and photographs to be completed per the documentation stipulations, and d) a summary of legal constraints/limitations on the project. The final

Memorandum of Agreement was signed and executed on December 28, 2011, and is attached to this Finding of No Significant Impact.

## American Indian Tribes and Groups

Yosemite National Park is consulting with American Indian tribes and groups having cultural association with the Curry Village area, including the American Indian Council of Mariposa County, Inc. (Southern Sierra Miwuk Nation), the Bishop Paiute Tribe, the Bridgeport Paiute Indian Colony, the Mono Lake Kutzadika'a Tribe, the North Fork Rancheria of Mono Indians, the Picayune Rancheria of Chukchansi Indians, and the Tuolumne Band of Me-Wuk Indians, on proposed actions under the Curry Village Rockfall Hazard Zone Structures Project.

Consultation with these tribes and groups regarding the October 2008 rockfall damage was initiated on January 16, 2009. A letter dated April 9, 2010 was sent to each of the tribes and groups informing them of the intent to prepare an environmental assessment evaluating disposition of the structures in the rockfall hazard zone and requesting comments. On May 18, 2010, a site visit was held with the Picayune Rancheria of Chukchansi Indians. In addition, a copy of the administrative review draft of this environmental assessment was provided to the tribes and groups on September 30, 2010 for review and comment. No comments were received.

The American Indian tribes and groups received copies of the environmental assessment during the public review period. Comments on the public review document were received from the Tuolumne Band of Me-Wuk Indians supporting the Preferred Alternative and are documented in the public comment and response report. The public comment and response report can be reviewed online at: <http://parkplanning.nps.gov/CurryRockfall>.

Consultation and partnering will continue with the American Indian tribes and groups throughout the planning and implementation of the Curry Village Rockfall Hazard Structures Project in accordance with the Memorandum of Agreement attached to this Finding of No Significant Impact.

## Non-Impairment of Park Resources

Pursuant to the 1916 Organic Act, the National Park Service has a management responsibility “to conserve the scenery and the natural and historic objects and the wildlife therein and provide for the enjoyment of future generations.” Therefore, the National Park Service cannot take an action that would “impair” park resources or values. Based on the analysis provided in *The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment*, the magnitude of adverse impacts and/or adverse effects is not sufficient to impair a resource or a value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yosemite National Park.
- Key to the natural or cultural integrity of Yosemite National Park or to opportunities for enjoyment of the park.
- Identified as a goal in the park’s *General Management Plan* or other relevant National Park Service planning documents.

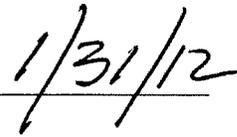
Consequently, the National Park Service concludes that implementation of the Selected Action will not violate the National Park Service Organic Act of 1916.

## Conclusion

Based on the information contained in *The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment* as summarized above; the nature of comments received from affected agencies, tribes and groups, and the public; the execution of a project-specific Memorandum of Agreement between the National Park Service and the State Historic Preservation Officer to resolve the adverse effect on the Yosemite Valley Historic District; and the incorporation of mitigation measures to avoid or reduce potential direct, indirect, and cumulative impacts; it is the determination of the National Park Service that the Selected Action is not a major federal action that will significantly affect the quality of the human environment. There will be no unacceptable impacts on or impairment of park resources and values as a result of the Selected Action.

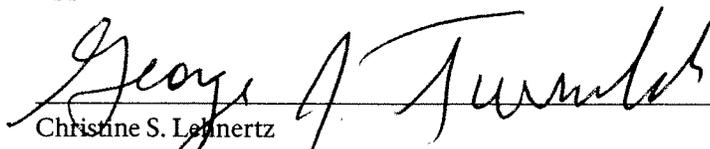
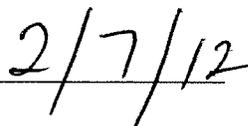
In accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement will not be prepared. The Selected Action as detailed in *The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment* may be implemented as soon as practicable.

Recommended:

   
\_\_\_\_\_  
Don L. Neubacher  
Superintendent, Yosemite National Park

Date

Approved:

   
\_\_\_\_\_  
Christine S. Lehnertz  
Regional Director, Pacific West Region, National Park Service

Date

**MEMORANDUM OF AGREEMENT  
BETWEEN THE NATIONAL PARK SERVICE AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE CURRY VILLAGE ROCKFALL HAZARD ZONE MITIGATION,  
YOSEMITE NATIONAL PARK,  
MARIPOSA COUNTY, CALIFORNIA**

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**WHEREAS**, rockfalls in October 2008 caused damage and created unsafe conditions within Curry Village in Yosemite National Park, and the National Park Service (NPS) has identified a treatment plan for the Curry Village rockfall hazard zone that will result in the removal of all buildings and structures, and that this action constitutes an Undertaking; and

**WHEREAS**, NPS initiated consultation with the California State Historic Preservation Officer (SHPO), Indian tribes and groups, and the Advisory Council on Historic Preservation (Council), and has involved the public according to the process specified by the National Environmental Policy Act, and NPS will maintain ongoing consultation with all parties as required, including the following Indian tribes and groups: American Indian Council of Mariposa County (Southern Sierra Miwuk), Bishop Paiute Tribe, Bridgeport Paiute Indian Colony, Mono Lake Kutzadika<sup>a</sup> Paiute Tribe, North Fork Rancheria of Mono Indians, Picayune Rancheria of Chukchansi Indians, and Tuolumne Band of Me-Wuk Indians; and

**WHEREAS**, the Area of Potential Effect (APE) has been defined as the Yosemite Valley Historic District as described in the 2004 National Register of Historic Places nomination, including the Camp Curry Historic District and the portion of the Yosemite Valley Archeological District that falls within the Yosemite Valley Historic District. Attachment A of this Agreement contains a map that shows the Yosemite Valley Historic District and the rockfall hazard zone project area. Attachment B includes a site map showing buildings in the Curry Village rockfall hazard zone; and

**WHEREAS**, through consultation, NPS and SHPO agree that the Undertaking will constitute an adverse effect to historic resources; and

**WHEREAS**, NPS and SHPO agree that the Undertaking will not adversely affect archeological resources; and

**WHEREAS**, in 2009, NPS and the Friends of Yosemite Valley et al. entered into a Settlement Agreement to settle a lawsuit filed by the Friends of Yosemite Valley (Case No. CV-F-00-6191 AWI DLB and Case No. CV-F-06-1902 AWI DLB), and the Settlement Agreement (summarized in Attachment D) provides specific direction for various projects in progress or planned for Yosemite National Park, including the Curry Village rockfall hazard zone; and

**WHEREAS**, the Settlement Agreement does not permit the remaining closed guest accommodation units within the rockfall hazard zone (those structures subject to this Undertaking) to be relocated.

**WHEREAS**, this Memorandum of Agreement (Agreement) provides the mechanism to resolve the adverse effects of the Undertaking and complete any and all requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and its implementing regulations, 36 CFR

800, with regard to any activities relating to the Undertaking.

**NOW, THEREFORE,** NPS and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties and that these stipulations shall govern the Undertaking until this Agreement expires.

## **STIPULATIONS**

NPS shall implement the following stipulations:

### **I. Stipulations for Mitigation Measures to resolve the adverse effects of the Undertaking on the Yosemite Valley Historic District.**

#### **A. Update of National Register of Historic Places Nominations**

- 1. Nomination Updates for the Yosemite Valley Historic District and Camp Curry Historic District.** Within three years of completion of the Undertaking, NPS will prepare amendments to the Yosemite Valley Historic District and Camp Curry Historic District National Register nominations to reflect changes to the districts resulting from the Undertaking. NPS will submit these amendments to SHPO for review. Within six months of the receipt of SHPO's comments, NPS will address SHPO comments and forward the amendments for both nominations to the Keeper of the National Register. While amending the nominations, NPS will take into consideration recent findings of the Camp Curry Historic District Cultural Landscape Report (May 2010). Updated information will include consideration of the following:
  - a. Updating the recent history and description of the National Register property following the Undertaking
  - b. Maps, in accordance with National Register standards
  - c. Updating the list of contributing and non-contributing features, including historic archeological features.

#### **B. Documentation**

Prior to implementing any construction, deconstruction, or removal aspects of this Undertaking, NPS will prepare landscape and architectural documentation for Curry Village, in keeping with the standards of the Historic American Building Survey (HABS) and the Historic American Landscape Survey (HALS) as shown on Attachment B and listed in Attachment C. NPS will prepare the following:

- 1. HABS Drawings and Photos.** HABS documentation will consist of plan and elevation drawings and large format photographs as follows:
  - a. **Inside the Rockfall Zone.** Plan and elevation drawings will be prepared for ten (10) representative and unique buildings in the rockfall hazard zone. Large format photographs will be prepared for the same buildings, plus one other building. The buildings to be documented with drawings and photographs are shown on Attachment B

and specified in Attachment C of this Agreement.

- b. Outside the Rockfall Zone. Plan and elevation drawings will be prepared for twelve (12) representative or unique buildings outside the rockfall hazard zone. Large format photographs will be prepared for the same twelve (12) buildings, plus seven (7) additional buildings outside the rockfall hazard zone. The buildings to be documented with drawings and photographs are specified in Attachments C of this Agreement.
2. **HALS Drawings and Photos.** HALS documentation will encompass the Camp Curry Historic District National Register boundaries. The HALS drawings will consist of site plan drawings, as well as plan and elevation drawings of representative landscape features. Large format photographs will be taken.
3. **Report.** A report on the history of Curry Village, within the context of the development of Yosemite National Park and the rockfall history of this portion of the park, will be prepared according to HABS and HALS report guidelines.
4. **Submission of products.** Three sets of all drawings, negatives, prints, and the report, will be prepared according to the archival standards of the Library of Congress. A full set of materials will be submitted to each of the following: Library of Congress, Yosemite National Park Archives, and SHPO. Yosemite National Park will receive an additional copy (two copies total) of the report to be stored in the park's Resources Management and Science library.
5. **Digital copies of products.** A digital copy of all materials produced for this project will also be submitted to the Yosemite National Park Archives and to SHPO. The digital copies shall be submitted on gold-on-gold archival CDs.

### C. Salvage

1. **Evaluation of buildings for salvageable materials.** Prior to removing any buildings from the rockfall zone, NPS historical architects and construction specialists will evaluate the buildings to be removed from Curry Village for their salvage potential. Architectural features, materials, and objects that might be reused in the rehabilitation of historic structures similar to those removed will be salvaged as permitted by federal regulations and appropriately stored.
2. **Types of materials to be salvaged.** Salvaged materials may consist of the following:
  - a. Historic doors
  - b. Historic windows
  - c. Hardware
  - d. Subflooring
  - e. Tongue-and-groove siding
  - f. Foundation rock
  - g. Any other items the NPS historic architect deems salvageable, useable, and storable.

3. **Directory of salvaged materials.** NPS will create and maintain a directory of salvaged materials, and submit it to SHPO within twelve (12) months of the conclusion of the project.
4. **Sunset on storing salvaged materials.** After five (5) years, NPS will handle the disposition of any remaining materials according to federal regulations.
5. **Evaluation of materials for Yosemite Museum.** Historic materials and artifacts found in the buildings or on the site will be evaluated by the Yosemite National Park Museum for possible inclusion in the collections, before they are discarded, sold, or otherwise removed from the park.

#### **D. Interpretation**

NPS will prepare interpretive materials, utilizing HABS/HALS documentation and other materials, consisting of the following:

1. **Interpretive display.** NPS will place an interpretive display or exhibit in a prominent location in Curry Village to inform the public about the history of Curry Village, the historic structures removed, and rockfall hazards. The display may consist of a sign, large-scale photograph, a photo montage, or a mural, with explanatory signage. It will help the public understand the interface of historic resources, natural resources, and management decisions.
2. **Small interpretive signs.** A minimum of six (6) and a maximum of ten (10) smaller signs will be placed at intervals along the boundary of the rockfall hazard zone to explain safety in rockfall zones, the history of the rockfall zone in Curry Village, the geology of the area, and rockfalls at Curry Village and Yosemite National Park. Unless their condition or other park management policies warrant earlier removal, these signs will stay in place for a minimum of five (5) years from the date of their installation at which time their continued existence will be evaluated. If the signs are deteriorated in less than three (3) years, they should be repaired instead of removed. The park will evaluate the need for replacement or removal of the signs, taking into account sign condition, interpretive needs at the site, current rockfall knowledge and park geologic hazard policies, and consistency with other rockfall signage throughout the park.
3. **NPS webpage.** NPS will modify the Yosemite National Park webpage to include information about the Curry Village rockfall zone and the potential effects of rockfalls on cultural resources.
4. **Video documentation.** NPS will document the rockfall zone with video coverage prior to the Undertaking, during the Undertaking, and after the Undertaking. The video footage shall be shot with a high definition video camera, and the HD digital video cassette(s) will be submitted to the Yosemite National Park Archives for future use in films or web broadcasts. The preparation of such productions will not be part of the mitigation for the Undertaking.

- 5. Brochure.** NPS will prepare and distribute a brochure about Curry Village at the park's visitor centers and at other park venues. The brochure will include information about the rockfall history and changing nature of Curry Village.

#### **E. Site Clean-up**

After materials have been salvaged, the following will be done in the rockfall zone:

- 1. Materials and features to be left in place.** Where solid foundations are revealed, the bottom visible course will be retained to mark the locations of historic buildings. The same treatment will be applied to stone skirts. Retaining walls and pathways will be retained to denote the location and association of structures and landscape features. None of these features will be maintained.
- 2. Architectural features to be removed.** Piers and chimneys will be removed, with the masonry salvaged as per the instructions of the park historical architect.
- 3. Utilities.** Any utilities above grade will be removed. Buried utilities will be capped and abandoned in place, according to NPS, state, and local codes and procedures.
- 4. Disposition of remaining property.** The disposition of any cabins or materials remaining in the rockfall zone will be executed according to federal regulations pertinent to the disposition of federal property.
- 5. Landscape treatment.** Any debris that remains after all salvage and removal actions are complete will be removed and the area will be naturalized. Naturalization will consist of spreading needles and duff in the rockfall zone and allowing re-vegetation to occur through natural succession.

## **II. Standards and Special Conditions**

### **A. Definitions**

The definitions provided at 36 CFR 800.16 are applicable throughout this Agreement.

### **B. Project Standards**

The standards, guidelines, regulations, and codes cited below will be followed in execution of the Undertaking:

- 1. Professional qualification standards.** All historic preservation activities implemented pursuant to this Agreement shall be carried out by or under the direct supervision of individuals meeting the Secretary of Interior's Professional Qualifications Standards (48 FR 44738-39) for the discipline appropriate to the activity.
- 2. Standards for inventory, evaluation, registration, and documentation.** Any inventory, evaluation, registration, or documentation of historic properties completed as per this

Agreement shall conform to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716-44740) and to applicable guidelines and conventions established by NPS and SHPO.

3. **Treatment standards.** Any work on historic buildings, structures, and sites shall conform to the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties and the Secretary of the Interior's Guidelines for the Treatment of Cultural Landscapes.
4. **Curation standards.** If applicable, curation of materials and records resulting from actions stipulated by this Agreement shall be in accordance with 36 CFR 79. Such materials and records shall be curated by NPS to the extent permitted by sections 5097.98 and 5097.991 of the California Public Resources Code.
5. **Disclosure of archeological site information.** The Signatories to this Agreement acknowledge that historic properties covered by this Agreement are subject to the provisions of section 304 of the National Historic Preservation Act, as amended, and section 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archeological site information. All actions and documentation prescribed by this Agreement must be consistent with these sections.

#### **C. Discoveries and Unanticipated Effects**

If NPS encounters a previously unidentified property that may be eligible for the National Register during an action of the Undertaking or if it appears that a known historic property will be affected in an unanticipated manner, NPS and SHPO will follow these procedures:

1. **When unanticipated properties are found.**
  - a. NPS will halt removal or stabilization activities in the vicinity of the previously unidentified property and take all reasonable measures to avoid or minimize harm to the property.
  - b. NPS will notify SHPO within two (2) working days of the discovery and provide SHPO with a written assessment via electronic mail. The assessment will evaluate the National Register eligibility of the property and describe actions proposed to resolve any potential adverse effects.
2. **SHPO's recommendation regarding eligibility and proposed actions.**
  - a. SHPO shall respond to NPS within two (2) working days of the notification via electronic mail.
  - b. NPS shall take into account SHPO's recommendations regarding National Register eligibility and proposed actions. Appropriate actions will then be carried out by NPS. A report of the actions will be submitted to SHPO when they are completed.

#### **D. Monitoring**

NPS subject matter experts will be available during removal or stabilization activities. If ground disturbance is determined to be necessary anywhere within the project area during the

Undertaking, NPS will consider conducting archeological monitoring while the ground disturbing activity is in progress, according to Stipulation VII.C.2(h) in the 1999 Programmatic Agreement between NPS, SHPO, and the Council, or any future programmatic agreement that supersedes it.

### **III. Administrative Stipulations**

#### **A. Amendments**

Either signatory party may propose amendments to this Agreement. If a signatory proposes an amendment, the other party shall consult on its appropriateness pursuant to 36 CFR 800.6(c)(7) and (8). This Agreement may be amended only upon the written agreement of both signatories. The amended Agreement shall take effect on the date it is executed by both signatories.

#### **B. Termination**

The following process shall be followed to terminate this Agreement:

- 1. Proposed termination.** A signatory party can propose termination of this Agreement in writing to the other signatory, explaining the reasons for proposing termination. The signatories shall consult for 30 days to seek alternatives to termination.
- 2. Amendment in lieu of termination.** If the consultation results in an agreement on an alternative to termination, the signatories shall proceed to amend this Agreement in accordance with Stipulation III.A.
- 3. Failure to agree.** If consultation does not result in agreement on an alternative to termination, the party proposing termination may terminate this Agreement by promptly notifying the other party in writing. Such termination shall remove all force and effect from this Agreement.
- 4. Process to terminate.** Should this Agreement be terminated, NPS shall consult with SHPO to develop a new Agreement in accordance with 36 CFR 800.14(b). Until and unless a new Agreement is executed for the Undertaking, NPS will consult with SHPO in accordance with 36 CFR 800.4 - 6.

#### **C. Dispute Resolution**

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, all work that is the subject of the dispute will stop until the dispute is resolved according to the procedures in this section and NPS shall consult with the objecting party(ies) to resolve the objection. If NPS determines, within 30 days, that such objections(s) cannot be resolved, NPS will:

- 1.** Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise NPS on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into

account by NPS in reaching a final decision regarding the dispute.

2. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, NPS may render a decision regarding the dispute. In reaching its decision, NPS will take into account all comments regarding the dispute from the parties to the MOA.
3. NPS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. NPS will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. NPS's decision will be final.

**D. Biennial reporting requirement for this Agreement**

NPS will report in writing to SHPO biennially on progress made toward the completion of the requirements of this Agreement and the Undertaking. The report will be included in the biennial report required by Section VIII of the 2008 Nationwide Programmatic Agreement between NPS, the National Conference of State Historic Preservation Officer, and the Council.

**E. Duration of this Agreement**

Unless terminated pursuant to Stipulation III.B, the duration of this Agreement is ten (10) years from the date of its execution or until the Undertaking is complete, whichever is shorter.

**F. Effective Date of this Agreement**

This Agreement will take effect on the date that it is executed by NPS and SHPO.

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**EXECUTION** of this Agreement by NPS and implementation of its terms shall be considered evidence that NPS has taken into account the effects of this Undertaking on historic properties and has afforded the Council, SHPO, and tribes and groups an opportunity to comment.

**SIGNATORIES**

**National Park Service**

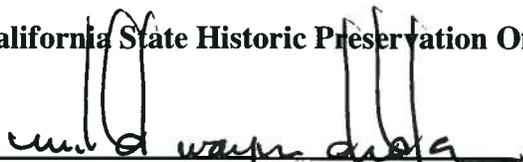


Don L. Neubacher  
Superintendent, Yosemite National Park



Date

**California State Historic Preservation Officer**



Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer



Date

**CONCURRING PARTIES**

**For the American Indian Council of Mariposa County (Southern Sierra Miwuk):**

\_\_\_\_\_  
Name Title Date

**For the Bishop Paiute Tribe:**

\_\_\_\_\_  
Name Title Date

**For the Bridgeport Paiute Indian Colony:**

\_\_\_\_\_  
Name Title Date

**For the Mono Lake Kutzadika<sup>a</sup> Paiute Tribe:**

\_\_\_\_\_  
Name Title Date

**For the North Fork Rancheria of Mono Indians:**

\_\_\_\_\_  
Name Title Date

**For the Picayune Rancheria of Chukchansi Indians:**

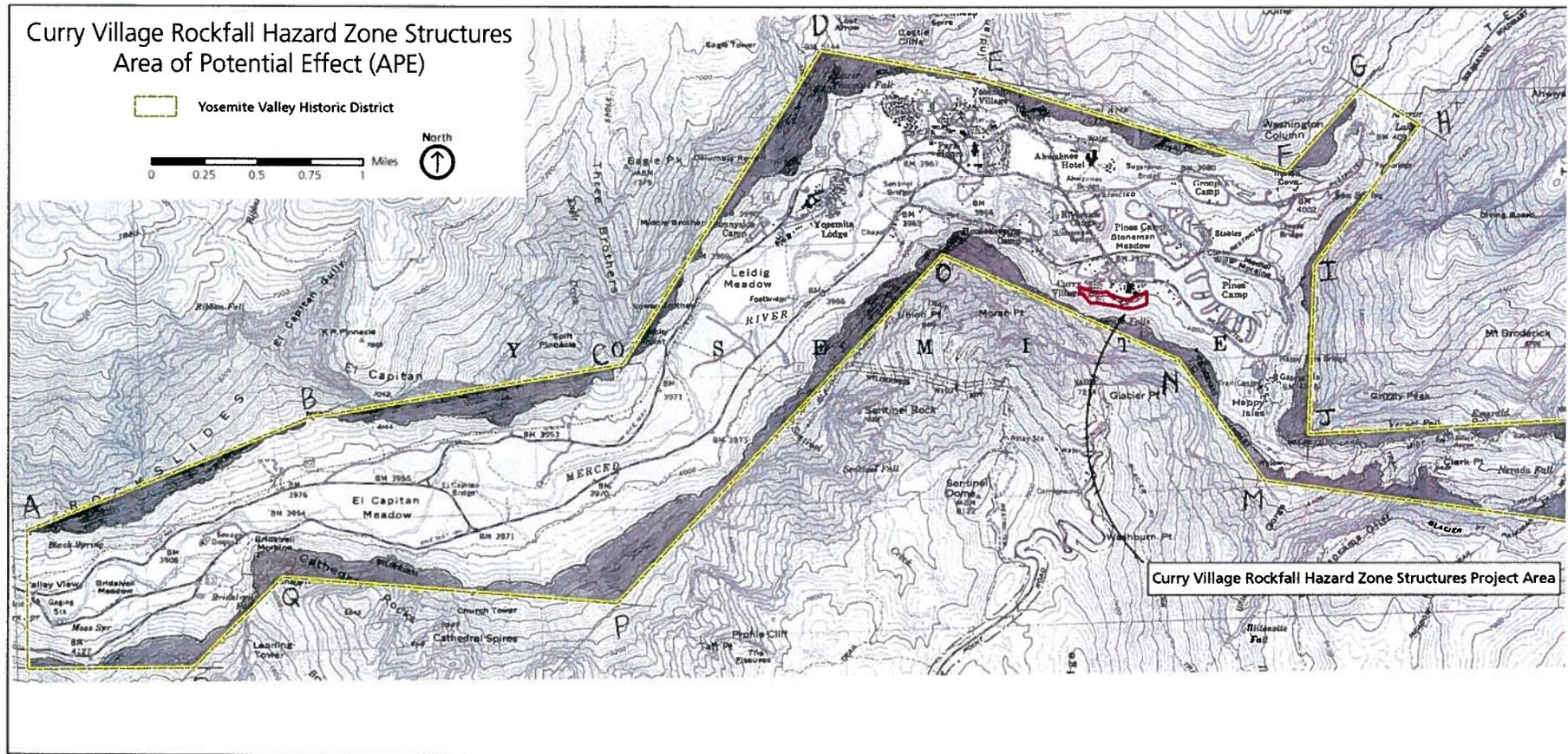
\_\_\_\_\_  
Name Title Date

**For the Tuolumne Band of Me-Wuk Indians:**

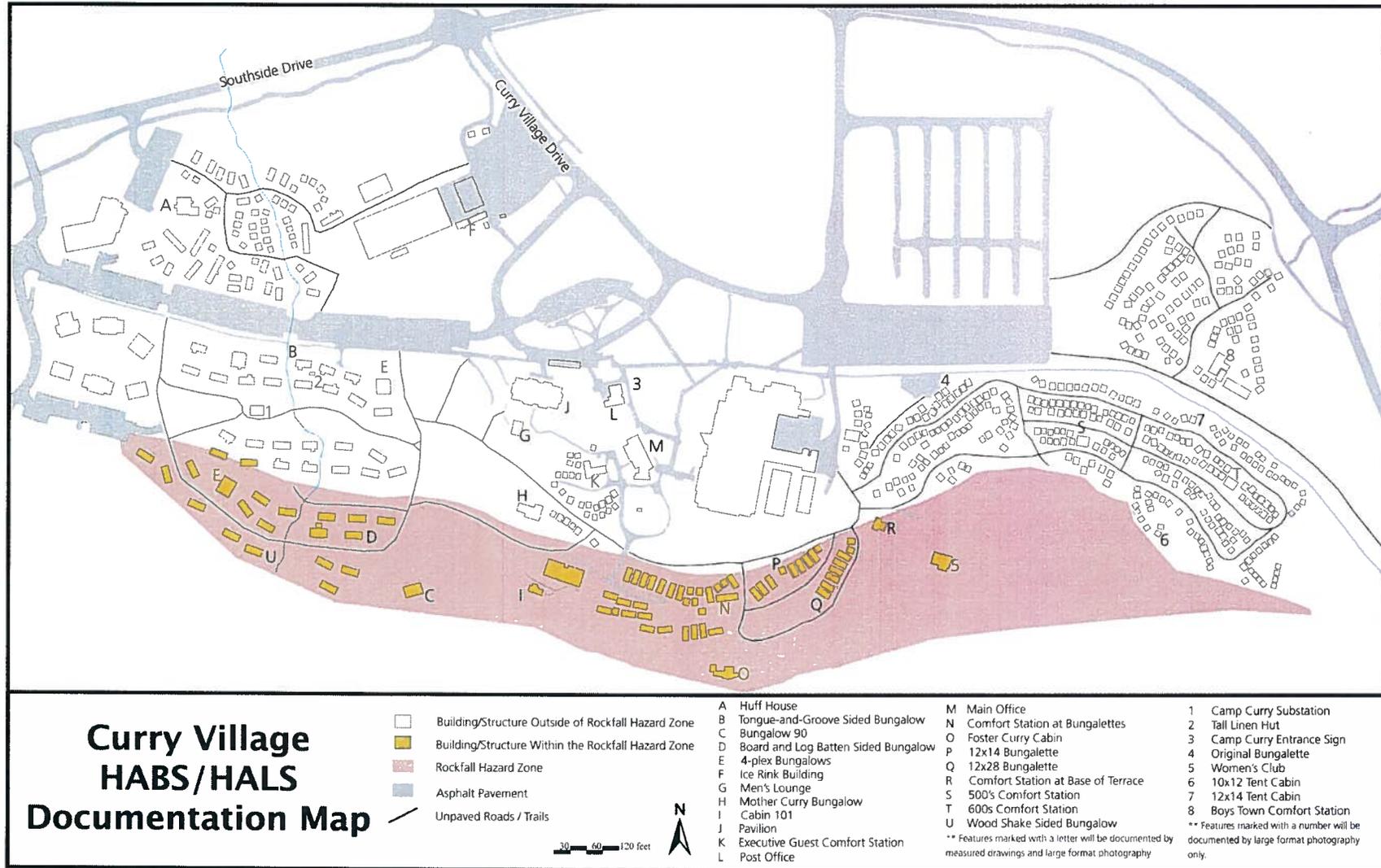
\_\_\_\_\_  
Name Title Date

# Attachment A

## Map of Yosemite Valley Historic District (APE) and Location of Curry Village Rockfall Hazard Zone Structures Project Area



**Attachment B**  
**HABS/HALS Documentation Map of Curry Village Structures within and outside the Rockfall Hazard Zone**



**Attachment C**  
**Documentation Table of Drawings and Photographs to be Completed**

<b>Structure Name</b>	<b>Plan and elevation drawings</b>	<b>Large format photographs</b>
<b>Within the Rockfall Zone</b>		
Wood shake sided bungalow	X	X
Board and log batten sided bungalow	X	X
Fourplex bungalow	X	X
Bungalow 90 (Rufus Green)	X	X
Women's Club		X
Comfort station at base of terrace (400's Comfort Station)	X	X
Foster Curry cabin (Tresidder Residence)	X	X
Comfort station at bungalettes (The Rock)	X	X
Cabin 101 (Nob Hill Cabin)	X	X
12 x 14 bungalette	X	X
12 x 28 bungalette	X	X
<b>SUBTOTAL</b>	<b>10</b>	<b>11</b>
<b>Outside the Rockfall Zone</b>		
Main office (current lounge)	X	X
Post Office (current registration building)	X	X
Pavilion (Stoneman house)	X	X
Camp Curry Entrance Sign		X
Mother Curry Bungalow	X	X
Men's Lounge (Stoneman Cabin)	X	X
Tongue-and-Groove sided bungalow	X	X
Camp Curry Substation		X
Original bungalettes		X
Executive Guest Comfort Station	X	X
Tall Linen Hut		X
Tent cabin – 10 x 12		X
Tent cabin – 12 x 14		X
500's Comfort Station	X	X
600's Comfort Station	X	X
Boys Town Comfort Station		X
Huff House (Employee House)	X	X
Ice rink building	X	X
Fourplex bungalow	X	X
<b>SUBTOTAL</b>	<b>12</b>	<b>19</b>
<b>TOTAL</b>	<b>22</b>	<b>30</b>

## Appendix D Summary of Legal Constraints / Limitations on the Curry Village Rock Fall Hazard Zone Project

**Background on Wild & Scenic Rivers Act** – In 1987, an amendment to the Wild and Scenic Rivers Act (WSRA), included the Merced River among the nation’s inventory of Wild and Scenic Rivers. (P.L. 100-149, an amendment to 16 USC, Sections 1271-1287; available at [www.rivers.gov/publications](http://www.rivers.gov/publications)).

The Wild and Scenic Rivers Act provides for the protection of free-flowing conditions of designated rivers and for the preservation of their immediate environments for the use of and enjoyment by present and future generations (see Wild and Scenic River Guidelines, *Federal Register* Vol. 47, No. 173, Sept. 7, 1982, also available at [rivers.gov](http://rivers.gov)). Land managers and federal permitting agencies are directed to:

1. Prepare a study that establishes the river area, defines classifications of river segments (i.e., wild, scenic or recreational) and assesses the river’s free-flowing conditions, water quality and other “outstandingly remarkable” values.
2. Develop a management plan that establishes the kinds and amounts of public use which the river area can sustain without impact to the values for which it was designated.
3. Define specific management measures intended to implement management objectives according to general principles; determine carrying capacity, provide for public use and access, plan for basic and major facilities and motorized travel, protect water quality, and establish land use controls.

For the purpose of defining the river area and study boundaries, the WSRA establishes that a Wild and Scenic River is generally comprised of “that area measured within one-quarter mile from . . . each side of the river.” [16 USC Subsection 1275 (d)] There are several places where the half-mile river corridor for the Merced Wild and Scenic River overlaps the granite walls and rock fall hazard zone as the river meanders through Yosemite Valley. Nearly all of the existing development in Curry Village is located within the river corridor, the rock fall hazard zone, or both.

**Merced Wild & Scenic River Planning** – The National Park Service (NPS) prepared and adopted a Comprehensive Management Plan (plan) for the Merced Wild and Scenic River in 2000 and a revised plan in 2005. Each plan was challenged on grounds that both versions failed to satisfy the WSRA. Although the NPS prevailed on most counts, in March 2008, the Ninth Circuit Courts of Appeals held that both iterations of the Merced River Plan failed to address the requirement to define the kinds and amounts of use. The court held that:

*“The WSRA requires a single, comprehensive plan that collectively addresses all the elements of the plan—both the “kinds” and “amounts” of permitted use—in an integrated manner. . . . NPS has simply [proposed limitations on] the “amounts” of use, but has failed simultaneously to address the appropriate “kinds” of use . . .”*

*“The Secretarial Guidelines [state] that the WSRA requires that a river’s comprehensive management plan state both “the kinds and amounts of public use which the river area can sustain without impact to the values for which it was designated.” [Citation omitted] NPS cannot, thus, address the “amounts” of use without also addressing the “kinds” of use. The two are inseparable. Further support comes from the plain meaning of “comprehensive,” which, according to the Oxford English Dictionary, is “having*

*the attribute of comprising or including much; of large content or scope.” (Friends of Yosemite Valley v. Kempthorne, Case No. CV-F-00-6191 AWI DLB)*

The court made it clear that existing development is not exempt from this requirement. Yosemite National Park has been effectively enjoined from any work that could affect visitor use or user capacity within the river corridor until such time as a legally valid Comprehensive Management Plan for the Merced Wild and Scenic River is completed. In 2009, NPS, Mariposans for Environmentally Responsible Growth and the Friends of Yosemite Valley entered into a Settlement Agreement for the purpose of settling lawsuits filed by the Friends of Yosemite Valley. The Settlement Agreement, previously provided to your office in June 2011, acknowledges this finding and provides specific direction for various projects in progress or planned for Yosemite, including the Curry Village Rock Fall Response.

**Settlement Agreement provision for Curry Village** – On September 2009, a Settlement Agreement was signed by the two parties (defendants and plaintiffs) that included a provision to allow the NPS to *temporarily* compensate for the housing lost at Curry Village due to the 2008 rockfall event. Housing was permitted to be located in specific locations (e.g., Boystown, Huff House, Lost Arrow, and Ahwahnee Dormitory) and those relocations were to be treated “as a temporary fix to an immediate problem” and “full removable”. These relocations are not to be included as part of environmental baseline conditions for the new Merced River Plan (see Settlement Agreement sections II.D.1 and Appendix C, Table 1 – Employee Housing Relocation, Page 4).

Appendix C of the Settlement Agreement was a product of negotiation and stipulates the types and numbers of housing units and guest accommodation cabins that could be temporarily relocated until such time a record of decision is signed for a new Merced River Plan. Appendix C allowed for a portion of employee housing and guest accommodation cabins to be salvaged following the emergency closure of the Rock Fall Hazard Zone.

Furthermore, the primary driver for the plaintiffs’ accepting the park’s request to relocate these specific cabins was to allow the park to continue meeting the needs of our primary park partner – the Yosemite Institute – for the duration of the school year. The total amount of guest accommodations that were permitted to be moved was based solely on the number of bed-spaces the Yosemite Institute needed. The disposition of the remaining formerly visitor accommodation units within the Rockfall Hazard Zone are not permitted to be moved in the Settlement Agreement.

**On-going Discussions with Plaintiffs regarding Curry Village** – Recent communications with the former plaintiffs regarding a small number of closed tent cabins that straddle the Curry Village Rock Fall Hazard Zone have reinforced the constraints the park is working within. The former plaintiffs do not agree with a proposal to move six non-historic tent cabins to Boystown (the area east of the Curry Village orchard) and have stated that the tents should remain closed pending completion of the Merced River comprehensive plan.

Previous tent cabin relocation negotiations outlined in the Settlement Agreement were a temporary fix to an immediate problem and the eventual user capacity of Merced River corridor should not be influenced by these provisions.

**User capacity for the Merced River Plan** – A portion of Curry Village is located within the Merced Wild and Scenic River corridor. The Settlement Agreement specifically outlines what would be taken into consideration for the new Merced River Plan in developing a user capacity for the river corridor. For all intents and purposes, all of Curry Village will be considered when determining the appropriate kinds and amounts of use the river can sustain in that area.

Therefore, proposing a relocation of the historic cabins from the Rock Fall Hazard Zone under the Curry Village Rockfall Hazard Zone Structures Project now would contradict the court's prior instruction to address the kinds and amounts of use through a Comprehensive Management Plan, which will be completed by July 2013. Thus, the only alternatives that could be explored within the current Curry Village planning effort included removal of structures as they can no longer be used within the Rock Fall Hazard Zone or stabilizing and mothballing a range of structures until a decision and resolution to the comprehensive Merced River planning process is reached. As stated in the park's June 20, 2011, response letter to the State Historic Preservation Officer, the expense of stabilizing and mothballing any number of cabins for an indeterminable period and the safety concerns with retaining structures in the hazard zone could not be justified.



## The Curry Village Rockfall Hazard Zone Structures Project

Public Comment and Response Report  
January 2012



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## **Introduction**

This report summarizes concerns expressed in public comment letters submitted on *The Curry Village Rockfall Hazard Zone Structures Project Environmental Assessment* (EA) and National Park Service responses to substantive concerns. The National Park Service released the EA for public review from August 8, 2011 through September 9, 2011. Public comment letters on the proposed project were received through the Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov/CurryRockfall> and by mail. Public concerns did not result in any changes to the alternatives presented in the EA or the proposed action.

## **Public Comment Analysis Methodology**

The National Park Service reviewed and analyzed public comments received during the comment period in a series of stages. Each letter was read to determine discrete points expressed by the author, each of which was considered to be a “comment.” Each discrete comment was then coded to associate that comment with a particular resource topic or element of the Curry Village Rockfall Hazard Zone Structures Project (such as Purpose and Need or Alternatives).

Once all letters were coded for individual comments, similar comments were grouped together, and a “concern statement” was generated, which is intended to capture the main points or common themes expressed by the group of similar comments. The concern statements were then screened to determine whether or not further clarification was needed, or whether modification of the proposed action was necessary. No public concerns resulted in modification of the proposed action.

Lastly, the project team prepared responses to comments considered “substantive.” Substantive comments are those that:

- question, with reasonable basis, the accuracy of information in the EA
- question, with reasonable basis, the accuracy of environmental analysis
- develop and evaluate reasonable alternatives other than those presented in the EA
- cause changes to the proposal or alternatives
- suggest factual corrections

All comments received during the public comment period have been duly considered by the National Park Service and are now part of the administrative record for this project. The full text of public comments can be viewed on the project website at [http://www.nps.gov/yose/parkmgmt/curry\\_village.htm](http://www.nps.gov/yose/parkmgmt/curry_village.htm). Personal information included with the comments (e.g., names and contact information) has been redacted in the online version to protect authors’ privacy.

## **Results of Public Comment Analysis**

During the 32-day public comment period, the park received 32 public comment letters from 28 individuals, 2 organizations, 1 state agency, and 1 tribal group. The analysis of these letters identified 126 discrete comments, from which 32 general concern statements were generated. Twenty-eight of the concerns were identified as substantive.

## **Using This Report**

This report presents public concerns organized by topic, along with “supporting quotes,” which are verbatim excerpts from individual public comment letters. These supporting quotes are followed by whether the comment author was an individual, organization (with a general description of the organization type), agency, or American Indian tribe or group, and the assigned letter number. For example, “(Individual, #2)” is a comment from an individual who is unaffiliated with any organization, agency, or American Indian tribe or group and who submitted the second letter received.

Concerns that were considered substantive include a response from the project team. Substantive concerns and responses are listed first under each topic, followed by non-substantive concerns. Responses are not provided for non-substantive concerns (e.g., comments that oppose the proposed action but do not provide a substantive rationale, comments that do not meet the requirements listed above).

Following the list of public concerns and responses to substantive concerns, this report also presents a short summary of comments considered beyond of the scope of this planning effort.

## **Public Concerns and Responses**

### **Purpose and Need for Action**

#### **Concern 1: The National Park Service should reopen the structures within the rockfall hazard zone and inform visitors of the risks associated with rockfall hazards.**

*Let visitors take their chances in Yosemite, we cannot prevent Mother Nature from doing her thing. If rocks will fall, they will fall, cabins or not.*

(Individual, #3)

*I would like to see all the damaged structures repaired and opened for public use; people could be given a document to sign at check-in stating they are informed they are staying in a hazardous area and release the Park from liability.*

(Individual, #9)

*When in a National Park, people have to understand and accept that there is danger. Staying in the cabins is no different than camping in bear territory, crossing a rushing stream or walking up the mist trail when wet and slippery.*

(Individual, #21)

**Response:** As stated in Section 8.2.5.1 of NPS Management Policies 2006 and restated in NPS Director’s Order 50C: *Public Risk Management Program*, the safety of human life takes precedence over all other management actions in national parks. Park managers are charged with the responsibility to mitigate known hazards, protect human life, and promote injury free visits. Therefore, after the rockfall events of October 2008, and in conjunction with collaborative geologic research into the potential extent of rockfall hazards above Curry Village, the National Park Service realigned the rockfall hazard zone boundary at Curry Village in the fall of 2008 and permanently closed structures within this zone.

**Concern 2: The National Park Service has not properly addressed public safety in the rockfall hazard zone since the October 2008 rockfalls.**

*Yes, the rockfall in 2008 could have had a worst result, so closing the structures was appropriate. However, not closing the buildings securely and allowing a poorly constructed fence to block off the area was only inviting the curious public to get close to the buildings... And allowing DNC to use the closed buildings as storage over the last 3+ years clearly shows that staff for DNC and NPS have no problem working in the area.*

(Individual, #31)

**Response:** Access to the closed structures within the rockfall hazard zone has been limited to necessary maintenance and safety actions by staff on an as-needed basis only. Safety precautions such as signing in and out and safety gear are required to enter the zone. The fence installed in fall 2008 was a temporary measure to close the area until a long-term plan for the closed structures was completed and has since been replaced by a sturdier fence. Under the Selected Action, the fence will be removed and signs will be placed at intervals along the rockfall hazard zone to explain safety and hazards in rockfall zones, the history, and geology of the area.

**Concern 3: The National Park Service should consider relocating all structures in Curry Village that could potentially be affected by rockfall.**

*Although the public needs to know that rockfalls are still unpredictable, even loarger ones occured throught the park's history and that the park cannot protect everyone everywhere in the park; the big important distinction between "everywhere in teh park" -and Curry Village is that nowhere else are people sleeping in the direct path of falling rockes!*

*I really think that Curry Village should be allowed to be moved - not just the one third nearest the rocks, but all the structures within the rock shadow and the "flyrock zone" as recommended by the environmental review.*

(Individual, #25)

**Response:** In the late 1990s, the U.S. Geological Survey performed an analysis of rockfall hazards in Yosemite Valley, mapping the edge of talus slopes and the rockfall shadow zone (Wieczorek et al., 1998, 1999). Since then, considerable additional research on rockfall hazard and risk has been conducted by the National Park Service and other researchers. Following the October 2008 rockfalls, scientists collaborated on a study of Curry Village using research tools not available in the 1990s, including laser scanning data of valley topography, GPS mapping of outlier boulders and other rockfall deposits, and computer modeling of rockfall runout. The result was the delineation of a hazard zone for the Curry Village area that encompassed an area most likely to be affected by "typical" rockfalls in Yosemite Valley (rockfalls thousands of cubic meters in volume).

With the exception of a large rockfall that deposited boulders in the eastern portion of Curry Village about 2,000 years ago, there is no evidence that rockfalls extended beyond this hazard zone and into the rockfall shadow zone in the past approximately 15,000 years. Moving infrastructure in Curry Village outside of the rockfall shadow zone would guard against a future event with a probability of occurrence of only 0.007%.

As stated by Wieczorek et al. (1998), because of the configuration of the steep, tall valley walls and the relatively narrow valley floor, there is no absolutely safe or zero probability areas for rockfalls within Yosemite Valley. The National Park Service must balance the risk to the public from hazards such as rockfalls against the desire of the public to access their national parks. The

National Park Service strives to make balanced management decisions based on the best available science and has acted accordingly with respect to rockfall hazards at Curry Village.

**Concern 4: The National Park Service has properly addressed public safety in the rockfall hazard zone since the October 2008 rockfalls.**

*I was occupying one of the bungalows during both of the October 2008 rockfalls (on-site and witnessed both rockfalls as they occurred) and saw firsthand the danger, risk and environmental hazard these designated lodging facilities have being in place within and against the talus slope.*

*Setting aside the personal, generational attachments and focusing on the risks and dangers of these facilities, I support and applaud NPS and DNC in recognizing these dangers and proactively and swiftly making the necessary changes while not being influenced by revenue and/or concessionaire interests.*

(Individual, #12)

## Planning

**Concern 5: The relocation of structures from the rockfall hazard zone is unnecessarily constrained by the absence of a Record of Decision for the new Merced River Plan.**

*As far as the MRP and the 2009 settlement agreement - get a court ruling on moving these structures specifically to preserve them for longterm use somewhere, by some entity after the MRP is apporved so as to protect these cultural resource assets now before the environment destroys them.*

(Individual, #18)

*From reading the alternatives, it seems that the alternatives are unnecessarily constrained by the Record of Decision for the Merced River Plan not being signed. If the Plan would allow for historic buildings to be relocated within Curry Village, that would be of great benefit to visitors to the park and retain some of the historic character of Curry Village and historic experience of the park.*

(Individual, #20)

**Response:** As noted in Chapter 1 of the EA, page 1-11, the 2009 Settlement Agreement regarding the Merced River Plan has effectively enjoined the park from performing any work that could affect visitor use or user capacity within the river corridor until such time as a legally valid comprehensive management plan for the Merced Wild and Scenic River is completed. Alternatives for the comprehensive management plan are currently under development. The outcome of that planning process will be unknown in terms of capacity at Curry Village until a decision document is approved. However, the park needs to take action now before the comprehensive planning effort is completed in order to address public health and safety and determine the treatment of the closed structures in the rockfall hazard zone. Given the ongoing comprehensive management planning effort, the National Park Service identified and analyzed a reasonable range of alternatives for addressing the future disposition of the closed structures in the EA.

## **Alternatives: Remove Structures**

### **Concern 6: The National Park Service should remove structures from the rockfall hazard zone.**

*I have viewed the rockfall hazard zone and agree that the buildings need to be removed and the area allowed to return to nature. If that was done it could be a nice place for visitors to enjoy, instead of seeing the yellow police tape that is there now. It is a hazard, provides unnatural homes for wildlife, and is an eyesore.*

(Individual, #14)

*Our Center is sensitive to the fact that there is historic value in some of these structures as they are located within the Yosemite Valley Historic District. It is also unfortunate that the number of lodging units and employee housing units has decreased due to natural hazards. However, because these buildings now pose a clear health and safety risk and, unless completely rehabilitated, detract from the natural scenic values of Yosemite, retaining any of the structures would not be a public benefit.*

(Conservation Organization, #27)

*Many of our National Parks have removed historical structures that added character to the parks and gave visitors a physical connection to the history of a park. Removal and destruction of historic structures such as the Tresidder House and the Rufus Green Bungalow means that the uniqueness of the Curry Village area will be lost and these structures will be gone forever. If there was a viable alternative that would restore this area to its historic charms, then I would have picked that one. Unfortunately, there are many reasons and constraints that would make this kind of alternative impossible.*

(Individual, #28)

### **Concern 7: The National Park Service should remove all structures from the rockfall hazard zone, specifically due to risks to public health and safety.**

*I am very well familiar with both accommodations and associated risks at Curry. I am sorry to see the historic structures removed, but all other alternatives appear untenable. Safety of Guests, employees and the visitors MUST be the primary concern.*

(Individual, #16)

*Park employees should not be made to work under that zone either. Climbers know they are risking their lives, but people renting from the park or working in the park should not be put in danger while they sleep or work: that is unconscionable.*

(Individual, #25)

### **Concern 8: The National Park Service should remove all structures from the rockfall hazard zone, specifically to restore natural conditions.**

*More important to me is the return of this area to a close to natural state. Instead of seeing a fenced-off area when I visit Curry Village, which I do a few times a year, there would be a natural area.*

(Individual, #6)

*Let the flora and fauna of Yosemite reclaim the land that was once their own, long before humans began to develop and improve it.*

(Individual, #19)

*While the argument could be made that there is value in preserving every structure that is deemed historic in the Park, preserving the iconic landscapes and natural features that are found in Yosemite should be given the highest priority. For that reason, we advocate for a return to natural conditions to the greatest extent feasible, particularly in this situation where safety is a clear concern.*

(Conservation Organization, #27)

**Concern 9: The National Park Service should remove non-historic structures from the rockfall hazard zone or retain them and have visitors sign waivers for risks related to rockfall.**

*the non historical buildings should be demo'd, if closed, or area to be opened back to public with signed waivers to notify visitors of possible events. We already sign a waiver for bear safety.*

(Individual, #4)

*All other non-historic structures removed via demolition and not reused.*

(Individual, #18)

**Response:** During the development of project alternatives, the project team determined that maintaining non-historic structures in the rockfall hazard zone would not meet the project's public health and safety or cultural resource preservation goals. Therefore, all of the action alternatives evaluated in the environmental assessment include removing non-historic structures from the rockfall hazard zone. Refer to the response to Concern 1, above, regarding reopening structures within the zone.

**Concern 10: The National Park Service should remove any structures damaged by previous rockfall events.**

*Demolish and remove all rockfall damaged structures now, immediately as they are an attractive nuisance.*

(Individual, #18)

**Response:** As mentioned in the list of cumulative projects (Appendix C of the EA), two cabins without bath damaged beyond repair by the 2008 rockfall events were planned for future removal, which occurred in fall 2011 after the EA was released. The remaining 72 structures within the scope of the EA were not damaged beyond repair, but were closed to use due to safety reasons; the attractive nuisance issue was a part of the purpose and need to take action at this time.

## **Alternatives: Retain or Relocate Historic Structures**

**Concern 11: The National Park Service should retain and maintain historic structures in place, within the rockfall hazard zone.**

*The truth is, all of Yosemite Valley is a potential rock fall zone. I submit that the area around the Ahwahnee Hotel is particularly susceptible to rock falls. The Curry cabin area is, simply, a recent example of the on going process of erosion. The cabin removal will not change that. Leaving the cabins in place is the historically responsible and correct response. Rock fall areas often stabilize after a period of time. Removal is permanent. Leave the cabins and make plans for future use of the area.*

(Individual, #7)

*It is my opinion that all of the historic structures should be restored and maintained...The fact that the area in question lies in a rock fall zone should not be reason to remove the cabins, afterall we don't prevent climbers from halfdome or other dangerous areas.*

(Individual, #21)

*NPS and DNC are hiding behind the public safety issue. DNC does not want to pay to maintain the buildings because they are not bring in money and the decision makers for NPS in Yosemite want the problem solved. Both parties are looking for the easy way out, not the responsible one in terms of protecting Yosemite's cultural resources.*

(Individual, #31)

**Response:** As noted in the response to Concern 1, above, section 8.2.5.1 of NPS *Management Policies 2006* and NPS Director's Order 50C: *Public Risk Management Program*, state that the safety of human life takes precedence over all other management actions in national parks. Park managers are charged with the responsibility to mitigate known hazards, protect human life, and promote injury free visits. In addition, the park's 1980 *General Management Plan* called for eliminating tents and structures in the rockfall zone (as it was defined in 1980) on the south side of Curry Village. The *General Management Plan* also approved removal of the Foster Curry Bungalow/Tresidder House, one of the most historically significant buildings in Curry Village.

Although the structures in the rockfall hazard zone are no longer occupied, they are attracting curious onlookers and illicit overnight use, which exposes visitors as well as park and concessioner staff (who respond to incidents associated with rockfall) to risk. In the EA, the National Park Service evaluated four different options for the future of the structures within the rockfall hazard zone; three of these options included retaining structures in the rockfall hazard zone until a decision for the Merced Wild and Scenic River Comprehensive Management Plan, which will address use and user capacity issues in the river corridor, is reached. However, as noted in Chapter 2 of the EA, page 2-19, the National Park Service identified the removal of all structures within the zone as its preferred alternative because it would immediately improve public and employee safety. Maintaining any structures within the rockfall hazard zone would continue to put visitors and employees at risk and entail extremely high costs of stabilizing, mothballing, and maintaining unoccupied structures for an undetermined period of time.

**Concern 12: The National Park Service should remove and relocate historically significant structures from the rockfall hazard zone.**

*I would recommend the removal and relocation of historical significant structures.*  
(Individual, #4)

*The hard sided cabins at Curry Village represent an important aspect of the history of tourism in the Yosemite Valley, and I think the costs are justified for the park to properly mothball the buildings in place and consider moving them to a new location in the near future.*  
(Individual, #10)

*What I would like to see is the relocation of the buildings to a more suitable area. Surely there must be a much safer site where at least the most significantly historical or unique buildings could be relocated. Saving all of them would be nice but probably not very realistic.*  
(Individual, #13)

*If they could not be used by private citizens, some structures could be moved to other areas and function as a mini museum or a greeting area for the Yosemite Conservancy. This would be a way that structures with historic features that are not found outside of the rockfall hazard would be saved from destruction.*  
(Individual, #28)

*Numerous buildings within Curry Village have been lost over its history and there is a great opportunity to save these buildings. At the very least a sample of the buildings types should be save, moved and restored. These buildings and their construction methods are significant to Curry Village, Yosemite, the National Park System and the nation. Something more than just demolishing them is warranted.*  
(Individual, #31)

**Response:** As noted in the response to Concern 5, above, the 2009 Settlement Agreement regarding the Merced River Plan constrains the National Park Service from undertaking actions that may result in a change in capacity or development in Yosemite Valley. The National Park

Service cannot relocate historic structures to other locations in Yosemite Valley, including Curry Village, as part of this project. As noted in Chapter 2 of the EA, page 2-18, current planning efforts in the Merced and Tuolumne Wild and Scenic River corridors limit the range of suitable locations for these structures to relatively few areas of the park. In addition, moving the structures to a location outside of Curry Village would diminish the historic integrity of the structures.

Therefore, three of the action alternatives evaluated in the EA considered stabilizing, mothballing, and maintaining varying numbers of historic structures in the rockfall hazard zone until a Record of Decision is signed for the Merced River Plan (or the Tuolumne River Plan). The National Park Service did not select these alternatives, as noted in the EA, page 2-19, primarily because they did not substantially improve public health and safety. Although maintaining historic structures in the short-term would benefit cultural resources, leaving structures in the rockfall hazard zone would continue to put visitors at risk and also continue to put park staff at risk as they patrol and maintain the facilities. Secondly, the stabilization, rehabilitation, and mothballing of some of all of the structures for an undetermined period of time would be costly, with no guarantee that the structures could be relocated in the future, either in Curry Village or elsewhere in the park.

**Concern 13: The National Park Service should relocate historic structures to other locations in Curry Village.**

*There is a large parking lot at Curry Village that would make an ideal spot for these historic cabins and additional low cost lodging for park visitors.*

(Individual, #17)

*As historic structures they should be preserved as examples of the cabin design and use within this zone of Yosemite Valley. Long term preference is to rehabilitate for reuse as visitor occupied cabins in Camp Curry... Move all of the structures that can be moved because of stability to new locations within Curry village and designate them as DNC employee housing to compensate for lost housing during the 2008 rock fall event. After the MRP is approved, it should help guide future use of these now preserved structures in the area.*

(Individual, #18)

**Response:** Please see the response to Concern 12, above.

**Concern 14: The National Park Service should relocate the cabins to other locations within the park.**

*Let's move the Curry cabins to the old rivers campground sites. Lots of room and they will fit right in.*

(Individual, #8)

*If the cabins do not get restored in the present location, then maybe another location should be found, else where in the park.*

(Individual, #21)

**Response:** Please see the response to Concern 12, above.

**Concern 15: Geological safety should be the primary criterion when considering the future disposition of the structures followed by whether the structures can be used as lodging.**

*The "historical inaccuracy of the landscape" criteria should not be used because that would prohibit moving them anywhere else in the park. The real criteria should be geological safety of the site and the second criteria the continued use of those historic buildings as lodging.*

(Individual, #25)

**Response:** Visitor and employee safety was one of the main drivers for taking action at this time. It is NPS policy to avoid placing visitor and other facilities in geologically hazardous areas (see *NPS Management Policies 2006*, Chapter 4). The National Park Service must also comply with other policies and regulations that protect the resources and values the park was established to protect, including cultural resources such as landscapes. With all factors weighed, the Selected Action (Alternative 1, as it was described in the EA) was identified as it would immediately improve public and employee safety.

**Concern 16: The National Park Service should sell the historic structures and/or salvaged materials from structures to the public.**

*Perhaps selling off the buildings that cannot be moved or saved with the stipulation they must be dismantled/moved within a set time period and, of course, with a waiver that releases the Park and the Government from any and all liability within the park. This would give people an opportunity to "own" a piece of Yosemite and its history. Funds received by the park might be used toward the moving of select buildings.*

(Individual, #13)

*If no safer site can be found, then the structures should be sold to local people right outside Yosemite park who would be responsible for their preservation as historic architecture.*

(Individual, #25)

*After five years the salvaged material will be up for disposition. At this time, could there be a possibility for private citizens to purchase these materials? Many people would enjoy incorporating a piece of Yosemite history into their home and it would also be a way to raise funds for other projects in the park.*

(Individual, #28)

**Response:** The National Park Service will consider alternative options for disposition of the structures and/or materials pursuant to relevant federal regulations and procedures governing the disposal of government property.

If applicable, any buildings remaining as intact, suitable structures may first be made available for removal and use by other federal agencies. If any structures remain available after federating screening, the U.S. Department of Housing and Urban Development will determine whether the structures are suitable for use by homeless agencies as required by Title V of the Stewart B. McKinney Homeless Act, and the structures will be advertised through the Federal Register to homeless agencies. If structures still remain available after this stage, the structures may then be made available to eligible public bodies for public uses (e.g., a state museum) and then to individuals of the public via sale to the highest bidder(s). If structures are sold via public sale, the park would not receive the proceeds.

The National Park Service plans to salvage materials from some of the buildings to use for historic rehabilitation on those similar structures in Curry Village outside of the rockfall zone that the park continues to use. If, after five years, there is any salvaged material remaining, suitable material may be advertised to other federal and state agencies. If, any material remains after this process, the material will then be made available to the public via an internet bidding process through the General Services Administration. If any materials go to public sale, the General Services Administration, not the park, would receive proceeds. The park also could not stipulate the use of the structures or materials once they have been bought and removed.

**Concern 17: The National Park Service should consider relocation and reusing the buildings for environmental and cost considerations.**

*I imagine the concessioner would like to see at some point, as over 1/3 of the rentable beds were lost in 2008... As pointed out in the CLR, reuse of the buildings presents a 'green' alternative to construction of brand new accommodations for park visitors later.*

(Individual, #10)

**Response:** The National Park Service agrees that reusing structures and materials is an environmentally sustainable approach. Environmental impacts and costs were considered amongst other factors when developing the range of alternatives and in identifying the preferred alternative (Selected Action).

**Concern 18: The National Park Service should consider future funding in the cost of proposed actions.**

*In the current state of the country's economy funds will be tight for some time to come.*

(Individual, #13)

*Putting money, time and energy into an area that will continue to be inaccessible to the general public would be a waste of the taxpayer's dollars. I'm not familiar with the costs that each of the alternatives will demand, but any type of renovation to the Curry rockfall zone seems downright silly.*

(Individual, #19)

**Response:** Projected cost was a factor in the evaluation of project alternatives in the EA and in the identification of the preferred alternative presented in the EA (Selected Action). Alternatives that would have retained structures in the rockfall hazard zone for potential relocation were not selected in part because of the expense of stabilizing, mothballing, and maintaining unoccupied structures for an indeterminate amount of time without any certainty that they could eventually be relocated and reused. The Selected Action, removal of all structures, represents the most cost-effective option for meeting the project purpose and need.

## **Alternatives: Specific Structures**

**Concern 19: The Foster Curry Bungalow/Tressider House should be retained and preserved in place.**

*The Foster Curry Cabin, on the other hand, is important not only for its historical associations with Camp Curry but also because of its unique construction, nestled between the boulders on the hill. I would like to see it kept in place permanently, as relocation is essentially impossible. Perhaps a day-use could be found for the building, which would not require employees to constantly enter the rockfall zone, but would allow for its continued usefulness.*

(Individual, #10)

*Retain the Foster Curry (Tressider) cabin in situ as a historic example of how cabins were adapted to the talus slope area and opened occasionally for touring and other events.*

(Individual, #18)

**Response:** The National Park Service recognizes the historic significance of the Foster Curry Bungalow/Tressider House as a highly regarded representative of the NPS Rustic style and contributing structure to the Yosemite Valley Historic District. As noted in the comment above, and documented in the 2010 Camp Curry Historic District Cultural Landscape Report, this structure would be extremely difficult to move from its current location. To address the risk to

public health and safety within the rockfall hazard zone, the National Park Service has selected to remove all structures from the hazard area, including the Foster Curry Bungalow/Tresidder House. This action was also called for in the park's 1980 *General Management Plan*.

This historically significant structure would be documented according to NPS Director's Order 28: *Cultural Resource Management Guidelines* and the Memorandum of Agreement developed with the State Historic Preservation Officer, a draft version of which was attached to the EA as Appendix A. Documentation includes photographic and measured drawings according to Historic American Buildings Survey and Historic American Landscapes Survey standards. A final version of the Memorandum of Agreement is available with the decision document for this project.

**Concern 20: The Foster Curry Bungalow/Tresidder House should be relocated.**

*Personally, I feel that at the minimum, the Foster Curry Bungalow holds the greatest historical significance of pioneering, tourism and development in Yosemite Valley and is well worthy of preservation... While the report clearly states that relocation options were disregarded, it just seems, in my opinion, complete removal of such a historical structure without due investigation into possible storage locations until the Merced River Plan is resolved is a knee-jerk reaction with disregard to historical preservation... I hope that investigation into storage of the Foster Curry Bungalow in a dismantled state, either short-term or long-term, can be pursued before demolition proceeds and the opportunity is gone forever.*  
(Individual, #12)

**Response:** The Foster Curry Bungalow/Tresidder House is a unique building. The rear of the building is built into a massive boulder that the cabin depends on structurally. Thus, moving this building intact or dismantling the building would be a challenge and would subject the structure to additional risk. Given its uniqueness and vulnerability, the three alternatives analyzed in the EA that retained buildings for potential future relocation retained the Foster Curry Bungalow in place. Please also see the response to Concern 21, below, regarding storing buildings in a dismantled state.

**Concern 21: The National Park Service should dismantle and store at least the Foster Curry Bungalow and Rufus Green Bungalow until they can be rebuilt elsewhere (e.g., Pioneer Yosemite History Center).**

*While the Merced River Plan delay in finalization effectively limits any preservation and relocation efforts within the boundary of the plan's designation AT THIS TIME, I question whether there are any other locations within NPS property that could hold at least the Foster Curry Bungalow (and perhaps the Rufus Green Bungalow) until such time allows them to be rebuilt at the Pioneer Yosemite History Museum, where they duly belong as buildings of significance in Yosemite's pioneering history.*

*In a dismantled state, could the buildings be stored at El Portal? Is there any locations for temporary storage in Foresta? Crane Flat? At the NPS maintenance facility/yard in the valley.*  
(Individual, #12)

**Response:** The storage of dismantled buildings was not analyzed as it does not offer any advantages over stabilizing, mothballing, and maintaining structures in place so that they could potentially be relocated in full should relocation be an option in the future. Nor is there storage capacity to maintain full buildings, even in a dismantled state, within the areas suggested by the commenter. Off-site storage would be pursued by the park to store salvaged materials from removed buildings for rehabilitation of historic structures outside the Curry Village rockfall hazard zone.

**Concern 22: The Nob Hill Shower House (circa 1993) should be retained and used for storage.**

*The 1993 bathhouse could be reused as camp storage so long as its exterior remains consistent with the design of the camp.*

(Individual, #18)

**Response:** This action was considered by the project planning team. However, as documented in the 'Actions Considered but Dismissed' section of the EA (page 2-19), while this action would reduce the need to haul materials to and from storage facilities outside of the park, it was dismissed because it would increase employee exposure to rockfall risk. In addition, it would expose whatever is stored in this structure to ongoing risk from rockfall damage.

**Concern 23: The Bungalows (cabins with bath, or WIBs) within the rockfall hazard zone should be immediately relocated for use elsewhere in Curry Village or mothballed in place.**

*The WIBs should be located immediately for either use as employee housing lost to the 2008 rockfall event, or mothballed for until a future disposition can be made. The relocation area would be west of Stoneman House and cabin... Likewise the WIBs could replace existing WIBs determined to be too far gone for meaningful rehabilitation, or those that have been replaced since 1942.*

(Individual, #18)

**Response:** As noted in Chapter 1 of the EA, page 1-19, the 2009 Settlement Agreement regarding the Merced River Plan ([www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf](http://www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf)), constrains the National Park Service from undertaking actions that may result in a change in capacity or development in Yosemite Valley, including Curry Village. Therefore the EA did not address the number and types of guest accommodations and employee housing currently available in Curry Village, but did evaluate options for retaining structures within the rockfall hazard zone for potential future relocation.

**Concern 24: Removing the Bungalows (cabins with bath, or WIBs) from the rockfall hazard zone would not be a complete loss of this historically significant architectural type.**

*As for the other buildings, while they are deemed historical by architectural, development or other standards, other buildings of similar or identical structure still exist in CV and their removal would not translate to a complete loss of representation of that building's historical significance. In other words, I shrug my shoulders at the loss of the bungalows, as others still would exist in CV. They were mass-produced and it would not be a mass extinction.*

(Individual, #12)

**Response:** The EA addressed the disposition of 22 bungalows, which is approximately one-half of the total number of bungalows that exist within Curry Village. Thus, the National Park Service acknowledges that some bungalows will remain outside of the rockfall hazard zone following implementation of the Selected Action (Alternative 1, as described in the EA).

## Alternatives: Related Actions

**Concern 25: After structures are removed from the rockfall hazard zone, the National Park Service should remove the existing security fence and restore the area to natural conditions.**

*After removal of structures - remove the rockfall exclusion zone fence and restore the area to its natural environment; as there are no exclusion fences anywhere else in Yosemite Valley's rock fall zones. Maintain security on the Foster Curry bungalow and the 1993 bathhouse.*

(Individual, #18)

**Response:** The security fencing would be removed and the area naturalized under Alternative 1 (the NPS-preferred alternative and Selected Action) after all structures are removed from the rockfall hazard zone. See responses to Concerns 21 and 22, above, regarding retaining the Foster Curry Bungalow/Tresidder House and Nob Hill Shower House.

**Concern 26: The National Park Service should permanently retain all interpretive displays near the rockfall hazard zone in order to illustrate the geologic and historic significance of the area.**

*After the removal of the structures there are plans for interpretive displays or exhibits in Curry Village to inform visitors about the history of Curry Village and the structure that were removed. While some of the displays will be permanent, others would be removed after a 5 years period. I feel that it is important that some of these temporary displays be retained in the area to enable more visitors to understand the complexity of the geologic happenings in the area and the historical significance of the structures that were in the area.*

(Individual, #28)

**Response:** As described in Chapter 2 of the EA, page 2-5, all of the action alternatives would include installing interpretive materials outside of the rockfall hazard zone to inform visitors of the cultural and geologic setting of the area or as otherwise stipulated in the Memorandum of Agreement with the State Historic Preservation Officer (attached as Appendix A to the EA). The draft Memorandum of Agreement as provided in the EA referred to interpretive signs staying in place for five years from the date of their installation, unless their condition warrants earlier removal. Given further discussion amongst park subject matter experts, this language has since been changed to reflect that after five years the park will evaluate the condition and need for signs. Please refer to the final Memorandum of Agreement signed by the National Park Service and State Historic Preservation Officer and included in the decision document for this project.

## Alternatives Considered in the Environmental Assessment

**Concern 27: The National Park Service should select the No Action Alternative for two years and then re-evaluate project alternatives, pending a Record of Decision on the Merced River Plan.**

*Thus, I suggest that the No Action Alternative be taken for 2 years, with the understanding that if the Plan is not signed, that at least there will be an indication as to whether any of the structures might be relocated. If the Plan is signed, then the buildings can be immediately relocated rather than maintained in place. If the Plan is not signed, there should be an indication of how many structures might be relocated; on the basis of how many structures might be relocated, Alternative 1, 2, 3, or 4 could then be selected to avoid further decay of the structures while waiting for the Plan to be approved.*

(Individual, #20)

**Response:** Selecting the No Action Alternative or further delaying action regarding structures in the rockfall hazard zone would be in direct conflict with NPS management policies, public safety directives, and cultural resource preservation guidelines. The structures attract curious on-lookers into a rockfall hazard area; this illicit use exposes both visitors and NPS employees who patrol the area to an unacceptable level of risk. In addition, the structures are deteriorating due to a number of factors, including illicit use, wildlife damage, lack of maintenance, and environmental damage (e.g., water infiltration). The historic structures will continue to deteriorate and could be further damaged if not stabilized and maintained, or removed.

**Concern 28: The National Park Service has correctly selected Alternative 1 as the Preferred Alternative.**

*I strongly favor alternative 1.*  
(Individual, #2)

*I favor alternative 1. It is the least expensive; there are many projects that would improve the visitor experience in the Valley and other part of the park on which the additional funds could be spent.*  
(Individual, #6)

*I support Alternative 1: Remove All Structures in the Curry Village Rockfall Hazard Zone.*  
(Individual, #16)

*The alternative in the Curry Village Rockfall Hazard Zone Structures EA calling for removal of all 72 structures in the permanently closed hazard area and restoring the area to natural conditions is the most desirable of the four alternatives presented. It is the most practicable of the alternatives listed for a number of reasons and would maximize the safety of visitors and eliminate the need for administrative access to the rockfall zone.*  
(Conservation Organization, #29)

**Concern 29: The National Park Service should select Alternative 1 as the Preferred Alternative only if replacement accommodations are constructed.**

*I can only support Alternate #1 if, and only if replacement in kind accommodations are constructed.*  
(Individual, #15)

**Response:** As noted in Chapter 1 of the EA, page 1-19, the 2009 Settlement Agreement regarding the Merced River Plan constrains the National Park Service from undertaking actions that result in a change in capacity or development in Yosemite Valley, including Curry Village. The National Park Service recognizes that a number of guest accommodations were lost after structures in the rockfall hazard zone were permanently closed in October 2008. However, due to the terms of the 2009 Settlement Agreement, the National Park Service cannot propose relocation or reconstruction of accommodations outside the rockfall zone as part of this project. The number and types of guest accommodations currently available in Curry Village and Yosemite Valley will be addressed by the upcoming Merced Wild and Scenic River Comprehensive Management Plan.

**Concern 30: The National Park Service should select Alternative 2 or Alternative 4 as the Preferred Alternative.**

*I would like to suggest that Yosemite National Park reconsider Alternative 2- Retain Majority of Historic Structures as the preferred alternative for treatment of the structures within the rockfall zone at Curry Village. While the cabins can not again be used in their current location, as of 2010 the majority of the buildings not severely damaged by rocks or concessioner neglect (which still continues unchecked) had*

*extremely good physical and historic integrity, and the potential for reuse as visitor accommodations near Camp Curry is realistic and desirable.*

(Individual, #10)

*Alternate #2 seems like the best plan for the Camp Curry structures.*

(Individual, #23)

*please use project 4*

*we love yosemite and want our children and grandchildren to enjoy what we have.*

(Individual, #30)

**Response:** The National Park Service did not select Alternative 2 or 4 as the preferred alternative primarily because these alternatives did not substantially improve public health and safety. As noted in the EA, although Alternatives 2 and 4 would benefit cultural resources by retaining structures for potential relocation, leaving structures in the rockfall hazard zone would result in the continued potential for risks to life and safety from unauthorized use, including putting park staff at risk as they enter the zone to maintain the facilities. Secondly, the stabilization, rehabilitation, and mothballing of either 68 (Alternative 2) or 40 (Alternative 4) structures was two to three times more than the cost of removing all structures. With no guarantee that the buildings could be relocated in the future, either in Curry Village or elsewhere in the park, the park did not identify either of these alternatives as the preferred alternative or Selected Action.

## Impacts Analysis in the Environmental Assessment

### Concern 31: The National Park Service has correctly analyzed geologic hazards in the environmental assessment and should add a citation.

*I have read the draft Environmental Assessment NEPA document dated July 2011 prepared by USNPS scientists and planners, including the geology section (page 3-10) and the zone map (Figure 1-3) on the rockfall hazard prepared by Dr. Greg M. Stock, USNPS Park Geologist. I concur with his professional work. From a geologic hazard perspective, there is no other reasonable choice; Alternative #1 is the preferred alternative. The active talus slopes above Curry Village are certainly a safety hazard to the general public... In summary, I concur with the geologic hazard findings in the July 2011 draft EA document and support the Preferred Alternative #1.*

(Individual, #24)

*In the Spring of 2011, while the USNPS Environmental Assessment was in the process of editorial preparation, a highly pertinent 9-page report about rockfalls in Curry Village was published by the Geological Society of America. I recommend that it be added as a citation in the text (page 3-10), and also to the References (page 7-6). The full citation is: Stock, Greg M., Bawden, Gerald W., Green, J.M., Hanson, Eric, Downing, Greg, Collins, Brian D., Bond, Sandra, and Leslar, Michael, 2011, High-resolution three-dimensional imaging and analysis of rock falls in Yosemite Valley, California: Geological Society of America, Geosphere, volume 7, number 2, April 2011, pages 573-581.*

(Individual, #24)

**Response:** The National Park Service is aware of the publication provided by the commenter; the park geologist is the lead author of the publication and is a member of the project planning team for this project. The relevant background information included in the EA is the same as that provided in the publication.

## Public Involvement

### **Concern 32: The public should not have to be associated with an organization to comment on National Park Service projects.**

*PS. Why do you have to be a member of some organization to leave a comment?*  
(Individual, #15)

**Response:** Public comments submitted electronically through the Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov> may be submitted by any member of the public, with or without affiliation to an organization, agency, or tribe. When submitting a comment through PEPC, the only information that commenters are required to provide is city, state/province, and postal code. All other information, including any affiliation with an organization, is optional.

## Out of Scope Comments

Some comments were expressed that were not within the scope of this project; therefore, they are not cited in this report. All comments were considered by park staff, and were forwarded to the appropriate personnel for consideration. Out of scope topics included:

- day use in Yosemite Valley
- vehicle traffic in Yosemite Valley
- amount of overnight accommodations in Yosemite Valley
- affordability of overnight accommodations in Yosemite Valley
- suggestions for interpretation of the Le Conte Memorial Lodge

The full text of all public comment letters is available for review on the project website at: [http://www.nps.gov/yose/parkmgmt/curry\\_village.htm](http://www.nps.gov/yose/parkmgmt/curry_village.htm).



**Yosemite National Park**  
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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public land and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is on the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

