



United States Department of the Interior

NATIONAL PARK SERVICE

Yosemite National Park
P. O. Box 577
Yosemite, California 95389

IN REPLY REFER TO:
L7615(YOSE-PM)

Memorandum

To: Ruth Middlecamp, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2017-038 Parkwide Guiding Commercial Use Authorization/Special Use Permit (Programmatic CE) (75528)

The Superintendent and park interdisciplinary team have reviewed the proposed activities and completed an impact analysis and documentation, and have determined the following:

- There will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- There will be no adverse effect on historical, cultural, or archeological resources.
- There will not be serious or long-term undesirable environmental or visual effects.

The subject proposed activities, therefore, are now cleared for all NEPA and NHPA compliance requirements as presented above.

For the proposed activities to be within compliance requirements, the following mitigations must be adhered to:

- Ensure internal communication occurs with the park Visitor Access Improvement Team on changes in handling the Horsetail Fall event and coordinate with permittees.
- Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.

Recommendations for Conditions or Stipulations: None

For complete compliance information see PEPC Project 75528.

If you have any questions, please let me know.

//Palmer L. Jenkins//
Palmer L. Jenkins (Acting Superintendent)

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park.*

Enclosure (with attachments)

cc: Statutory Compliance File

Letter of Compliance Completion – 2017-038 Parkwide Guiding Commercial Use Authorization/Special Use Permit (Programmatic CE) - PEPC ID: 75528



Categorical Exclusion Form

Project: 2017-038 Programmatic Parkwide Guiding Commercial Use Authorization/Special Use Permit

PEPC Project Number: 75528

Project Description:

The Commercial Use Authorization (CUA) is a tool required by the National Park Service to regulate and oversee the commercial use of National Park Service lands, not regulated under a Concessions Management contract. This CUA, also known as a permit, is issued to companies or individuals conducting commercial guiding services in Yosemite National Park. A Special Use Permit (SUP) is used for groups that qualify for an Educational Fee Waiver. Conditions for both types of permits are the same; however a fee waiver cannot be authorized under a Commercial Use Authorization; therefore a Special Use Permit is issued instead. (A wilderness use permit is required for any activity occurring overnight in wilderness.

Permit holders must comply with all wilderness regulations. Activities authorized under the Guiding CUA or SUP include the following:

1. Hiking/Backpacking - Guided day hikes may be conducted along front country and wilderness trails with a maximum group size of 15 people including the guides. Overnight backpacking requires a wilderness use permit and group size may not exceed 15 people including the guide. (May also be issued as an SUP)
2. Winter Nordic activities - These activities include cross country skiing, snow shoeing and snow camping. Snow camping in wilderness is limited to a maximum of 15 people including the guides. Overnight camping at Dewey Point is limited to a group size of 8 people, due to the popular use of the area. (May also be issued as an SUP)
3. Fishing - Guides must have in their possession a California State Guide License and follow all State and Yosemite fishing regulations. Group size is limited to 8 people including the guide as this activity is considered off trail travel.
4. Art/Photography Workshop - Instructor/guides are authorized to offer photography instruction to individuals in areas open to the general public. (May also be issued as an SUP)
5. Step-On guide service - Guides are authorized to provide interpretive guide services for road-based bus tours and private parties tours.

These permits require that the permit holder conduct all advertising, bookings and financial transactions, outside of the park. Guiding service companies/groups are required to obtain a new permit each year prior to conducting trips in Yosemite National Park. The permit will only be issued for a period of one year. In addition permit holders are required to submit an annual report to the Commercial Use Office listing the number of trips made and number of clients guided in the park during the year.

Permit holders are regulated by the terms and conditions of the permit which is administered and managed by the Yosemite National Park Commercial Use Office in conjunction with the Yosemite Wilderness Branch.

Project Locations:

Mariposa, Madera, and Tuolumne Counties

Mitigations:

- Ensure internal communication occurs with the park Visitor Access Improvement Team on changes in handling the Horsetail Fall event and coordinate with permittees.
- Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.

CE Citation: A.6 Commercial use licenses involving no construction.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Acting

Superintendent: //Palmer L. Jenkins// **Date:** 1/17/2018
Palmer L. Jenkins

The signed original of this document is on file at the Environmental Planning and Compliance Office in Yosemite National Park.

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Notes
A. Have significant impacts on public health or safety?	No	
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?	No	
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?	No	
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No	
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	



ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

A. PROJECT INFORMATION

Project Title: 2017-038 Programmatic Parkwide Guiding Commercial Use Authorization/Special Use Permit
PEPC Project Number: 75528
Project Type: Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa, Madera, and Tuolumne California
Project Leader: Ruth Middlecamp

B. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	None	
Biological Nonnative or Exotic Species	None	
Biological Species of Special Concern or Their Habitat	None	
Biological Vegetation	None	
Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species	None	
Cultural Archeological Resources	Potential	Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.
Cultural Cultural Landscapes	None	
Cultural	Potential	Individuals using the permit must follow permit guidelines regarding

Environmental Screening Form (ESF) – 2017-038 Parkwide Guiding Commercial Use Authorization/Special Use Permit (Programmatic CE) - PEPC ID: 75528

Ethnographic Resources		cultural and natural resources which states that these resources are to be left undisturbed.
Cultural Museum Collections	None	
Cultural Prehistoric/historic structures	None	
Geological Geologic Features	None	
Geological Geologic Processes	None	
Lightsapes Lightsapes	None	
Other Human Health and Safety	None	
Other Operational	None	
Socioeconomic Land Use	None	
Socioeconomic Minority and low-income populations, size, migration patterns, etc.	None	
Socioeconomic Socioeconomic	None	
Soundscapes Soundscapes	None	
Viewsheds Viewsheds	None	
Visitor Use and Experience Recreation Resources	None	
Visitor Use and Experience Visitor Use and Experience	None	
Water Floodplains	None	

Water Marine or Estuarine Resources	None	
Water Water Quality or Quantity	None	
Water Wetlands	None	
Water Wild and Scenic River	None	
Wilderness Wilderness	None	



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. Project Description:

Project Name: 2017-038 Programmatic Parkwide Guiding Commercial Use Authorization/Special Use Permit

Prepared by: Renea Kennec **Date Prepared:** 12/12/2017 **Telephone:** 209-379-1038

PEPC Project Number: 75528

Locations:

County, State: Mariposa, CA

Area of potential effects (as defined in 36 CFR 800.16[d]) Parkwide

3. Has the area of potential effects been surveyed to identify historic properties?

No

Yes

Source or reference:

4. Potentially Affected Resources:

Archeological Resources Affected:

Archeological Resources Notes: Approximately 12% of the park has been surveyed by archeologists. Archeological resources will not be impacted by this permit.

Historical Structures/Resources Affected:

Historical Structures/Resources Notes: Historic resources will not be impacted by this permit.

Cultural Landscapes Affected:

Cultural Landscapes Notes: Cultural landscapes will not be impacted by this permit.

Ethnographic Resources Affected:

Ethnographic Resources Affected Notes: Ethnographic resources will not be impacted by this permit.

5. The proposed action will: (check as many as apply)

Destroy, remove, or alter features/elements from a historic structure

Replace historic features/elements in kind

Add non-historic features/elements to a historic structure

Alter or remove features/elements of a historic setting or environment (inc.

terrain)

No Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape

No Disturb, destroy, or make archeological resources inaccessible

No Disturb, destroy, or make ethnographic resources inaccessible

Yes Potentially affect presently unidentified cultural resources

No Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources

No Involve a real property transaction (exchange, sale, or lease of land or structures)

Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

[X] 106 Advisor

Name: Kimball Koch

Date: 12/21/2017

Comments: This is a permitting process that is not covered under the nationwide PA. The permitting itself has no effect to historic properties.

Check if project does not involve ground disturbance []

Assessment of Effect: No Potential to Cause Effect No Historic Properties Affected No Adverse Effect Adverse Effect Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Standard 4-Step Process

[X] Anthropologist

Name: Scott Carpenter

Date: 12/20/2017

Check if project does not involve ground disturbance []

Assessment of Effect: No Potential to Cause Effect No Historic Properties Affected No Adverse Effect Adverse Effect Streamlined Review

Recommendations for conditions or stipulations: Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.

[X] Archeologist

Name: Sara Dolan

Date: 12/13/2017

Assessment of Effect Form – 2017-038 Parkwide Guiding Commercial Use Authorization/Special Use Permit (Programmatic CE) - PEPC ID: 75528

Check if project does not involve ground disturbance [X]

Assessment of Effect: ___No Potential to Cause Effect X No Historic Properties Affected ___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations: Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.

[X] Historian

Name: Scott Carpenter

Date: 12/20/2017

Check if project does not involve ground disturbance []

Assessment of Effect: ___No Potential to Cause Effect X No Historic Properties Affected ___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations: Individuals using the permit must follow permit guidelines regarding cultural and natural resources which states that these resources are to be left undisturbed.

[X] Historical Landscape Architect

Name: Kimball Koch

Date: 12/20/2017

Check if project does not involve ground disturbance []

Assessment of Effect: ___No Potential to Cause Effect X No Historic Properties Affected ___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations:

No Reviews From: Curator, Historical Architect, Other Advisor

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

- No Potential to Cause Effects
- No Historic Properties Affected
- No Adverse Effect
- Adverse Effect

2. Documentation Method:

[X] A. STANDARD 36 CFR PART 800 CONSULTATION

Further consultation under 36 CFR Part 800 is needed.

[] B. STREAMLINED REVIEW UNDER THE 2008 SERVICEWIDE PROGRAMMATIC AGREEMENT (PA)

The above action meets all conditions for a streamlined review under section III of the 2008 Servicewide PA for Section 106 compliance.

APPLICABLE STREAMLINED REVIEW Criteria
(Specify 1-16 of the list of streamlined review criteria.)

C. PLAN-RELATED UNDERTAKING

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 2008 Servicewide PA and 36 CFR Part 800.
Specify plan/EA/EIS:

D. UNDERTAKING RELATED TO ANOTHER AGREEMENT

The proposed undertaking is covered for Section 106 purposes under another document such as a statewide agreement established in accord with 36 CFR 800.7 or counterpart regulations.

E. Combined NEPA/NHPA Process

Documentation is required for the preparation of an EA/FONSI or an EIS/ROD has been developed and used so as also to meet the requirements of 36 CFR 800.3 through 800.6

G. Memo to SHPO/THPO

H. Memo to ACHP

SHPO/THPO Notes: This is a permitting process that is not covered under the nationwide PA. The permitting itself has no effect to historic properties.

3. Additional Consulting Parties Information:

Additional Consulting Parties: No

4. Stipulations and Conditions:

Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

5. Mitigations/Treatment Measures:

Measures to prevent or minimize loss or impairment of historic/prehistoric properties:
(Remember that setting, location, and use may be relevant.)

No Assessment of Effect mitigations identified.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Section 106 Coordinator:

Kimball
Koch

//Kimball Koch//

Date: 12/21/17

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to the NPS *Management Policies* and *Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

Acting

Superintendent: //Palmer L. Jenkins//

Date: 1/17/18

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park.*