



Letter of Compliance Completion

To: Joe Meyer

From: Cicely Muldoon

Subject: NEPA and NHPA Clearance: Abbieville Install Temporary Housing (YC 2020_132)(PEPC: 94278)

For complete compliance information see PEPC Project 94278.

The Superintendent and park interdisciplinary team have reviewed the proposed project 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 to historic properties.
- There will not be serious or long-term undesirable environmental or visual effects.

The subject proposed project, therefore, is now cleared for all NEPA and NHPA compliance requirements as presented above. Project plans and specifications are approved and construction and/or project implementation can commence.

Required Mitigations - For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following mitigations must be adhered to:

- Archeological construction monitoring is recommended during implementation of the project. These efforts should focus on identifying any diagnostic artifacts or other materials that could potentially contribute to the significance of the site. However, these are not anticipated due to the extensive archeological construction monitoring in 2019 for installation of the sewer line that has occurred adjacent to the proposed water line and the minimal disturbance required to expose the shallow water line.
- Assure that there is no ground disturbance. Utility line must be replaced in existing, previously disturbed trench. Construction shall not disturb historic rock features in the area.
- Please work with Caitlin Lee-Roney during the planning and implementation phases to be sure any new housing in the park will not create human-wildlife conflict issues. RVs are not bear-proof, so it is critical to do things like site the RV/trailer far from fruit trees, install food lockers, etc.

- Before disturbing soil or placing trailers, confirm that state-listed *Carex tomkinsii* is not present
- 150 foot river buffer: we would prefer to maintain this buffer, but recognize the temporary nature of this proposal, the changed conditions since 2014, and the need for continued housing in this location. We request strong mitigations: Reinforce the temporary nature of this proposal by requiring annual review and reapproval. Consider alternate placements outside the buffer whenever possible. Replacing structures in the same footprint is more acceptable; placing structures in new locations/footprint in the buffer is less acceptable. Coordinate with hydrologist Cat Fong to designate preferred river access areas and areas to protect with temporary fencing.
- Parking or gathering areas proposed on bare soil or vegetation: cover with 4-6 inches of wood chips to harden and prevent invasive plant transport.

Superintendent: _____ **Date:** _____

Cicely Muldoon



Categorical Exclusion Documentation Form (CE Form)

Project: Abbieville Install Temporary Housing (YC 2020)(2020-132)

PEPC Project Number: 94278

Description of Action (Project Description):

JUSTIFICATION: To meet the visitor services requirement of the Yosemite Conservancy agreement with Yosemite National Park as well as the pandemic response recommendations, it is necessary to provide employees the opportunity to live seasonally in personal RVs. Self-contained separate housing units are recommended over shared housing to limit the potential spread of illness. Finally, the Abbieville area would be a consolidated area for YC use with the recent purchase of the property at this site.

SCOPE: Yosemite Conservancy (YC) is seeking approval from Yosemite National Park (NPS) for the construction of one RV hook up site in the proximity of 5028 Abbieville Road, a residence owned by YC as of April 15, 2020. The construction of this RV sites will help address the YC seasonal staff housing needs. The request includes the construction of one RV site with the availability to connect to existing water, sewer, and electricity.

150' buffer from the Merced River - This exception to the MRP has been approved as the best solution to effectively manage for multiple resource objectives. YC will take all measures necessary to protect the river during construction activities and will make sure that during occupancy of the site, the river is not impacted. The variance on the 150' Merced River Plan restoration area is justified by this being a temporary, interim, and "at will" use and not permanent affixed residential improvements. Additionally, YC will be required to request re-approval annually.

YC will hire a private contractor to make connection to existing utilities near to the site. No construction machinery will be required for Utility connection. Minimum clearing and grubbing are anticipated for the site as it is fairly flat.

Materials: shovels, 1" copper pipe and fixtures, gravel rock and wood chips.

Utility Connections: Power connection and sewer do not need any ground disturbances. There is already a power meter next to the site, so power connection will be coordinated with PG&E. For sewer, there is a cleanout next to the site. The RV can install the sewer hose directly into this sewer port. For the water connection, contractor will locate the water line and meter with a metal detector. After the water line is located, contractor will access it with a shovel as this line is known to be very shallow. Finally, contractor will install the appropriate plumbing fixtures to have a metered faucet connection. A full water meter would be required at this site, not just a simple connection. PG&E has stated that this is a secondary powerline and there are no concerns regarding the location of the RV. PGE does not have a right of way in the conventional sense of a swath of land that they unilaterally control. PGE operates under permits in all of Yosemite for the access, operations and maintenance of the transmission and distribution lines. Safety issues we would defer to, but they have said no problem. Again, the temporary RV is a much different scenario than regular housing.

Dimensions of Ground Disturbance: As mentioned above, minimum clearing and grubbing is anticipated as the proposed site is fairly flat. There is no additional ground disturbance anticipated. Dimensions are noted in the attached layout.

Historic Standards and Design Guidelines: Not Applicable.

Yosemite Natural Resources staff performed a survey and confirmed that there are no vegetation concerns that require mitigation or would hinder project implementation in any of the proposed areas.

We have contacted PG&E and confirmed the lines above the site are secondary overhead power lines and pose no restrictions.

YC will be issued a Special Use Permit for the temporary use of the RV space. Mariposa County Zoning Ordinances have no jurisdiction or land regulation role in El Portal whatsoever. It is exclusively federally administered land under the sole jurisdiction of DOI (the Superintendent). Mariposa County land use regulations stop at the Foresta Bridge at the admin facility. We, through an expired MOU with Mariposa County, send the EP residential owners to Mariposa County for their home projects code plan check and building permits. They can only go to the County for BP application after the park approves their proposal. This does not include any land use zoning regulation approval. We do not send any park projects to the County. The permit compliance and terms of the permit will be re-evaluated each year. The park and YC will agree that it is a year to year needs assessment and SUP renewal. It is a temporary use. The SUP is the legal binding mechanism and ultimately is the Superintendent's sole authority and decision, as are all SUP's. I would not additionally assign this under the YC agreement due to its temporary use and year to year status. A SUP is all that's needed.

Construction Time Frame: Duration of construction estimated at less than one week.

Staging Areas: All equipment and materials will be staged on Abbie Rd properly as well as the driveway for the 5028 Abbie Road Residence.

Mitigations - The proposed RV site lies within the Merced River corridor fewer than 150 feet from the river. As mentioned above YC will take all measures necessary to protect the river and will make sure that during the usage of the site there are no impacts to the river. Additionally, YC will request reevaluation and reapproval annually for the use of this site. Conservancy employees will all be informed about food and trash storage regulations. Currently there is an existing trail to access the River from Abbie Road. The project manager will work with Caitlin Lee-Roney during the planning phase to design the project to avoid human-wildlife issues.

Mitigation(s):

- Assure that there is no ground disturbance. Utility line must be replaced in existing, previously disturbed trench. Construction shall not disturb historic rock features in the area.
- Archeological construction monitoring is recommended during implementation of the project. These efforts should focus on identifying any diagnostic artifacts or other materials that could potentially contribute to the significance of the site. However, these are not anticipated due to the extensive archeological construction monitoring in 2019 for installation of the sewer line that has occurred adjacent to the proposed water line and the minimal disturbance required to expose the shallow water line.
- Please work with Caitlin Lee-Roney during the planning and implementation phases to be sure any new housing in the park will not create human-wildlife conflict issues. RVs are not bear-proof, so it is critical to do things like site the RV/trailer far from fruit trees, install food lockers, etc.
- Before disturbing soil or placing trailers, confirm that state-listed *Carex tomkinsii* is not present
- 150 foot river buffer: we would prefer to maintain this buffer, but recognize the temporary nature of this proposal, the changed conditions since 2014, and the need for continued housing in this location. We request strong mitigations: Reinforce the temporary nature of this proposal by requiring annual review and reapproval. Consider alternate placements outside the buffer whenever possible. Replacing structures in the same footprint is more acceptable; placing structures in new locations/footprint in the buffer is less acceptable. Coordinate with hydrologist Cat Fong to designate preferred river access areas and areas to protect with temporary fencing.

- Parking or gathering areas proposed on bare soil or vegetation: cover with 4-6 inches of wood chips to harden and prevent invasive plant transport.

CE Citation: C.8 Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.

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.

Superintendent:

Date: **10/15/2020**

Cicely Muldoon

*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 longer applicable per the updated 2020 CEQ NEPA regulations and DOI direction.
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: **Abbieville Install Temporary Housing (YC 2020_132)**
PEPC Project Number: 94278
Project Type: Other Administrative Activities (ADM)
Project Leader: Joe Meyer

B. PROJECT DESCRIPTION

See categorical exclusion form.

C. 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	Potential	
Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species	Potential	Issue: The project manager will work with Caitlin Lee-Roney during the planning phase to design the project to avoid human-wildlife issues.
Cultural Archeological Resources	Potential	Issue: This exact location was extensively disturbed last summer for the El Portal Sewer project. The ground disturbance will only occur after water line is located with a metal detector. After this location, the ground disturbance will be less than 6" deep, 12" wide and 24" long. It may not

		need to be disturbed at all if we can find the meter and valve. It might be that we can raise it to the same assembly as the meter box. Proposal was reduced from 3 sites to one site to minimize potential effects to archeological resources in the area.
Cultural Cultural Landscapes	Potential	Issue: Proposal was reduced from 3 sites to one site to minimize potential effects to the unevaluated cultural landscape.
Cultural Ethnographic Resources	Potential	Issue: Proposal was reduced from 3 sites to one site to minimize potential effects to archeological and ethnographic resources in the area.
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	
Other Other	None	
Socioeconomic Land Use	Potential	Issue: The MOU with the County is for Building Dept. oversight of construction by private owners and is long expired. The County has no oversight or regulation of federal land uses or what the park approves in the El Portal Administrative Site. This is a temporary use.
Socioeconomic Minority and low- income populations, size, migration patterns, etc.	None	
Socioeconomic Socioeconomic	None	

Soundscape SOUNDSCAPES	None	
Viewshed 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	Potential	Issue: The location of this RV site is within the 150' buffer. YC will take all measures necessary to protect the river during construction activities and will make sure that during the usage of the site there are no impacts to the river. Additionally, YC is willing to request reevaluation and re-approval annually. Conservancy employees will all be informed about food and trash storage regulations. Currently there is an existing trail to access the river from Abbie Road. The same trail will be used by new RV site occupant (see attached RV Site layout). The variance on the 150' Merced River Plan restoration area is justified by this being a temporary, interim, and "at will" use and not permanent affixed residential improvements.
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: Abbieville Install Temporary Housing (YC 2020)

Prepared by: Erin Davenport **Date Prepared:** **Telephone:** (209) 379-1067

PEPC Project Number: 94278

Locations:

County, State: Mariposa, CA

Describe project:

See categorical exclusion form.

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

The Area of Potential Effect (APE) is bounded to the north by the Foresta Road (on the opposite side of the river), to the east by the forested edge, to the south by the El Portal Road (Highway 140), and to the west by Abby Road.

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

☒ No

☐ Yes

4. **Potentially Affected Resource(s):**

Archeological Resources Present: Yes

Property Name: El Portal Archeological District **LCS:**

Archeological Resources Notes: Work will occur within CA-MRP-0360/1582/H, which is a contributing element of the El Portal Archeological District.

Historical Structures/Resources Present: Yes

Historical Structures/Resources Notes: Hennessy Ranch historic archeological site has not been evaluated.

Cultural Landscapes Present: No

Ethnographic Resources Present: No

Ethnographic Resources Notes: Trailer Court area is within the ethnographic village of XXX

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

No	Destroy, remove, or alter features/elements from a historic structure
No	Replace historic features/elements in kind
No	Add non-historic features/elements to a historic structure
No	Alter or remove features/elements of a historic setting or environment (inc. terrain)
Yes	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 Coordinator

Name: Hope Schear

Date: 09/30/2020

Comments: Compliance complete. Please follow all recommendations the archaeologist and historian reviewers have provided in their comments.

Check if project does not involve ground disturbance []

Assessment of Effect: ___No Potential to Cause Effect ___No Historic Properties Affected ___X___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Standard 4-Step Process

[X] Anthropologist

Name: Liz Williams

Date: 07/08/2020

Comments: see archeologist comments

Check if project does not involve ground disturbance []

Assessment of Effect: ___No Potential to Cause Effect ___No Historic Properties Affected ___X___No Adverse

Effect ☐ Adverse Effect ☐ Streamlined Review

Recommendations for conditions or stipulations: see archeologist comments

Doc Method: Standard 4-Step Process

[X] Archeologist

Name: Wesley Wills

Date: 06/04/2020

Comments: The project will occur within site CA-MRP-0360/1582/H, which is a contributing element of the El Portal Archeological District, which is listed on the National Register of Historic Places. The undertaking involves very minor ground disturbance to excavate an existing water line. This location involved archeological construction monitoring in 2019 to repair an existing sewer line. Associated findings were minimal, limited to a light density of flaked-stone debitage in soils that have been previously disturbed. This work also determined that the water line for the project is buried less than four inches below the ground surface. The ground disturbance will occur within and adjacent to this previous monitoring in backfilled soils to expose a water line that is known to be very close to the surface. It does not appear that monitoring has previously occurred in this location, but the associated deposits will not be intact due to the extensive previous disturbance.

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: Archeological construction monitoring is recommended during implementation of the project. These efforts should focus on identifying any diagnostic artifacts or other materials that could potentially contribute to the significance of the site. However, these are not anticipated due to the extensive archeological construction monitoring in 2019 for installation of the sewer line that has occurred adjacent to the proposed water line and the minimal disturbance required to expose the shallow water line.

Doc Method: Standard 4-Step Process

[X] Historian

Name: Scott Carpenter

Date: 07/08/2020

Comments: Historical archeological site of Hennesey Ranch has not been evaluated for listing in the NR. No Historical Architect review is required because no built environment resources are located within the project area.

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: Assure that there is no ground disturbance. Utility line must be replaced in existing, previously disturbed trench. Construction shall not disturb historic rock features in the area.

Doc Method: Standard 4-Step Process

[X] Historical Landscape Architect

Name: Vida Germano

Date: 07/20/2020

Comments: There are no cultural landscapes documented within the APE.

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

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
X	No Adverse Effect
	Adverse Effect

2. Documentation Method:

☒ 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. Undertaking Related to Park Specific or Another Agreement

The proposed undertaking is covered for Section 106 purposes under another document such as a park, region or statewide agreement established in accord with 36 CFR 800.7 or 36 CFR 800.14.

☐ D. Combined NEPA/NHPA Process

Process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 is in accord with 36 CFR 800.8.c.

☐ E. Memo to Project File

3. Consultation Information

SHPO Required: Yes

SHPO Sent: Aug 21, 2020

SHPO Received: September 25, 2020

THPO Required: No

THPO Sent: July 2020 Tribal Consultation Spreadsheet

THPO Received: No

Advisory Council Participating: No

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.)

- See categorical exclusion form.

6. Assessment of Effect Notes:

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

NHPA Specialist

Hope Schear

Date: 10/01/2020

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.

Superintendent:

Date: 10/15/2020

Cicely Muldoon

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