



Document Description:

A PDF text file of the project's approved environmental compliance package containing the letter of compliance completion, categorical exclusion form, environmental screening form, and any other associated environmental clearance forms, as applicable (e.g., Wilderness Minimum Requirement Analysis, Wild and Scenic River Section 7 Analysis). The signed originals of the package are on file in the Environmental Planning and Compliance Office at Yosemite National Park.

Letter of Compliance Completion

To: Ruth Middlecamp, Project Manager, Yosemite National Park

From: Cicely Muldoon, Acting Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2020-042 Programmatic Categorical Exclusion for Commercial and Administrative Stock Use (PEPC: 92451)

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:

- **Resources Protection:** Commercial, private, and administrative pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Pack Stock and Meadow Monitoring Framework and the annual Commercial Use Authorization (CUA) and appendices found on the park's website. All requirements and recommendations are in place to protect natural and cultural resources as well as wilderness character. They are updated to incorporate management strategies based on the best science available.
- **Special Status Species:** Grazing restrictions will be put in place to protect Yosemite toad and Sierra Nevada yellow-legged frogs. The following use limits apply to all meadows containing occupied Yosemite Toad and/or Sierra Nevada yellow-legged frog breeding habitats, summarizing the requirements from the Biological Opinion issued by the U.S. Fish and Wildlife Service (attached in its entirety to this CE).
 - All stock traffic will be confined to the NPS trail system through closed meadow areas.

- Grazing is prohibited in areas where Yosemite Toad and Sierra Nevada yellow-legged frog are breeding. These areas include specified pools, ponds or flooded habitats within commercial stock grazing destinations (maps will be made available in the annual Yosemite National Park Superintendent's Compendium).
- Approved methods to prevent grazing in closed areas include hobbling, high lining, portable temporary electric fence, hand grazing, carrying feed and any combination thereof. Portable electric fences will be placed 100 feet from all avoidance areas. To avoid overgrazing, electric fences should not be placed in areas that have been previously used by earlier season stock parties.
- When at a designated campsite, stock use is limited to designated access routes and stock holding areas when not grazing.
- The NPS will close additional stock camps or lessen current restrictions based on the best survey data available. The Park retains the ability to close meadows or portions of meadows for grazing in the event that restrictions are not being followed and/or impacts to breeding/ occupied habitat are observed.
- All sites will be monitored by the NPS to ensure mitigation measures are followed and effects to amphibian populations are minimized. Priority for monitoring will be given to sites with the highest use. Currently, high stock use sites include the following: Upper Kerrick Meadow, Hook Lake, Miller Lake and/or Isberg Lake. Monitoring entails surveying sites on a yearly rotation basis (i.e. a subset of sites will be surveyed every year). The NPS shall monitor a sufficient number of pack stock use areas to ensure that pack stock use does not result in adverse effects beyond those analyzed in the biological opinion from USFWS and that levels of authorized take are not exceeded. Results of this monitoring will be shared with the USFWS annually.
- As provided in 50 CFR §402.16, reinitiation of formal consultation with the USFWS is required and shall be requested by the NPS or by the Service, (a) If the amount or extent of taking specified in the incidental take statement is exceeded; (b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) If a new species is listed or critical habitat designated that may be affected by the identified action.
- Updated special status amphibian distribution data will be assessed annually and associated meadow/occupied habitat closures issued as needed by the Park Aquatic Ecologist. Any updates will be relayed to the park's interdisciplinary stock use team and updated maps will be included in the park's Compendium and website.
- Annual Meadow Opening Date Determination: The process used to determine forecasted meadow opening dates is provided in the Pack Stock Framework report. This report offers approximate dates for each site for below-average, average, and above-average water years. Actual meadow opening dates are determined after May 1 snow survey results are received each year. These are subsequently given to commercial stock CUA holders in annual meetings hosted by Wilderness staff, the park's website, and also included within the annual CUA permit.
- Issuance of Commercial Use Authorizations: Suggestion or changes to the annual CUA should be done collaboratively with the interdisciplinary stock use team, comprised of the NPS Branch Chiefs or their designee(s) for Business and Revenue Management division, Resources Management and Science division, and the Visitor and Resource Protection division. By early spring every year the conditions in the draft CUA shall be presented to the interdisciplinary stock use team for review and feedback for any changes, prior to issuance to commercial operators.
 - Updates to the annual CUA will include any changes to protections for archaeological sites and sensitive species as recommended by the Park Archeologist and Aquatic Ecologist based on the most recent surveys and knowledge. Changes affecting protections for listed species will be in accordance with the Biological Opinion issued by the U.S. Fish and Wildlife Service. Updated maps delineating exclusion areas will be included in the CUA as well as the Superintendent's compendium and available on the park's website.

- Commercial operators will meet with the NPS in the spring each year for a briefing on the annual CUA before it is issued; their attendance at the meeting is mandatory in order for operators to receive their permit each year. The annual CUA permit is issued in late spring or early summer annually.
- Vegetation/Meadow Protection:
 - Stock users will comply with stipulations outlined in the annual CUA and the Superintendent's Compendium regarding the use of weed free supplemental feed (e.g. rolled grain products, heat treated and mechanically processed pelleted feed) to prevent introduction of non-native plants.
 - Follow site-specific meadow opening dates for grazing and best management practices, as well as general provisions specified in the annual CUA permit. Avoid picketing in pooled, flooded, or wet areas (even if the water is very shallow).
 - Feeding and/or salting will not be allowed in meadows. Conditions by which salting or feeding are allowed are found in the CUA document or in the Pack Stock framework. When at a stock camp, feeding and/or salting will occur in designated holding areas. If a holding area has not been designated for a camp area, rocky or timbered areas will be used to hold stock for the purpose of feeding and/or salting. The CUA holder must follow park direction on grazing (available in appendices 1 and 2 of the CUA).
- Cultural Resources Protections:
 - To avoid or minimize potential new disturbances to culturally significant sites, the NPS highly recommends that stock groups limit their activities to previously used areas. This includes traditional stock camps, access routes, holding areas, unloading/loading areas, and existing fire rings.
 - As part of an ongoing condition assessment, park archeology staff plans to monitor the condition of three sensitive resources located in Virginia Canyon, Dorothy Lake, and Benson Lake. Stock users are advised to limit their activities to previously used areas, as described above, in order to avoid damage to these sensitive areas.
 - The NPS interdisciplinary stock group will continue to address ethnographic and archeological resource issues at stock use areas through an inventory of camp site locations and archeological data collection activities conducted by the Cultural Resources Program.
 - Archeological protections will be shared annually with commercial operators during the annual meeting hosted by the park's interdisciplinary stock use team, as well as included within information provided in the annual CUA permit. For administrative and concession users, the archeological protections will be shared at the annual meeting hosted by interdisciplinary stock use team with all administrative and concession stock wranglers, corral staff, and supervisors.
- Wilderness Protection: Leave-No-Trace principles will be followed in wilderness and can be found within best practices of the Pack Stock Framework. Some administrative actions requiring pack stock use will also require a Minimum Requirements Analysis (MRA) (for example those involving mechanized equipment, installations in wilderness, or actions that impact wilderness character). Project managers should review project activities and contact the park Wilderness Manager to determine if an MRA is required.
- Wildlife Protection: All CUA holders are required to follow park regulations for food storage and educate paying customers and staff on proper food storage techniques in Yosemite. Food storage information and education is also provided during the wilderness use permit process for all commercial use in wilderness. Packstock feeds, including pellets and grains, must be stored in approved, bear-proof panniers or canisters.
- Water Quality and Hydrology: Each CUA holder is responsible for training employees and practicing proper Leave-No-Trace to protect watersheds from contamination
- Health and Human Safety: One person on each guided trip must have a first aid certification card.

Acting Superintendent: Cicely Muldoon **Date:** 6/30/2020

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



Categorical Exclusion Documentation Form (CE Form)

Project: Programmatic Categorical Exclusion for Commercial and Administrative Stock Use

PEPC Project Number: 92451

Description of Action (Project Description):

This programmatic Categorical Exclusion (CE) serves as a programmatic record for routine commercial and administrative stock use in Yosemite National Park. This CE is in accordance with the NPS Management Policies (2006), Endangered Species Act (1973), Director's Order 77 (Natural Resources Protection), Code of Federal Regulations Title 36, and the Superintendent's Compendium.

The following activities are covered by this programmatic CE. Activities not listed, but similar in scope and scale, may be covered with Compliance Office approval.

- The use of horses, burros, mules, and llamas (packstock) for day and overnight trips into the Yosemite Wilderness
- The handling, holding, transit, and feeding/grazing of packstock in Yosemite wilderness.
- Administrative stock use to transport gear, food, or other materials to/from wilderness locations in support of NPS operations
- The issuance of annual Commercial Use Authorizations (CUAs).

Commercial pack stock use provides "for-hire" riding and packing services, as well as spot and dunnage trips. Like other businesses that operate within the park, commercial outfitters are required to have a CUA permit and obtain wilderness permits. Commercial outfitters must use formal trails and designated stock camping/ grazing sites approved by the NPS. CUA permits and requirements specified in the Superintendent's Compendium are issued annually and reviewed each year by park staff. Commercial use may also be authorized through a concession contract. The park concessioner offers stock for hire as part of organized, guided trips and provides supplies to the High Sierra Camps they manage. The NPS issues annual CUAs to commercial stock users to authorize commercial packing activities within the park for the summer season (start dates are dependent on weather and trail conditions); CUAs expire after October 31 annually. Commercial stock outfitters (holders) are required to obtain a CUA each year prior to bringing clients and pack stock into Yosemite National Park. The CUA allows holders to provide guided day rides, full service pack trips, and/or pack support trips for backpackers with the use of pack stock. In addition, holders are authorized to work under contract with the National Park Service to provide stock services for administrative purposes. Holders are required to originate and terminate pack trips outside of the park boundary, unless authorized by the Superintendent. Holders are required to use approved sites for commercial stock use when travelling overnight in the wilderness; each consists of an access route, fire ring, holding area, and often grazing area(s). Holders are regulated by the terms and conditions of the CUA which is administered and managed by the Yosemite National Park, Commercial Use Office in conjunction with the Yosemite Wilderness Office. Each permit holder is limited to a maximum number of annual visitor use nights and stock nights.

Administrative stock users are employed or contracted by the NPS. Stock is used in the administrative capacity to assist with park duties, including mounted wilderness patrol, trail construction and maintenance, backcountry

utilities, search and rescue, fire management, and monitoring/ research project support. The locations and magnitude of administrative stock use vary based on the needs of park management.

The park is evaluating best management practices through a Pack Stock Use and Meadow Monitoring Framework to better inform management decisions. Required information and appendices are found in Title 36 CFR (Code of Federal Regulations), the Yosemite Pack Stock Use and Meadow Monitoring Framework and on-line at the park's website.

Administrative stock use performed under this CE must follow standard avoidance/minimization/mitigation measures and Standard Operating Procedures (Refer to the current SOP's for programmatic categorical exclusions found on Sharepoint at Project Management/Compliance Branch/Programmatic CEs).

This document will be reviewed annually to determine if any updates are needed. Any new activities, significant changes in the technology or scope of work, or amendments to this CE trigger consultation with the Compliance Office, Business and Revenue Management, Resources Management and Science and Visitor and Resource Protection.

Mitigation(s):

Please reference the Letter of Compliance Completion for the complete list of mitigations for this project.

CE Citation: A.6 Commercial use licenses involving no construction. (see additional citations below for administrative stock use)

CE Justification:

Commercial Stock Use: A.6. (named above) Applies to commercial stock use where NPS issues a CUA annually to outfitters.

Administrative stock use: Supports various park activities covered by other compliance documentation.

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: _____ Cicely Muldoon _____ **Date:** _____ 6/30/2020 _____

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 | A Biological Opinion was issued by the U.S. Fish and Wildlife Service (USFWS) for the Yosemite toad and the Sierra Nevada yellow-legged frog with a "may affect, likely to adversely affect" determination with incidental take. The USFWS does not issue Biological Opinions for projects that have been determined to jeopardize the continued existence of listed species; this project is not anticipated to significantly impact either species at the population level. |
| 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 13007)? | 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: Programmatic Categorical Exclusion for Commercial and Administrative Stock Use
PEPC Project Number: 92451
Project Type: Commercial Use Authorization (CUP)
Project Location:
County, State: Madera, California
County, State: Mariposa, California
County, State: Mono, California
County, State: Tuolumne, California
Project Leader: Ruth Middlecamp

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 <i>Non-native plant introduction</i> | Potential | Issue: Pack stock have the ability to introduce non-native, invasive plants through their feed and excrement. Impact: Follow measures outlined in the Yosemite National Park Superintendent's Compendium and the annual Commercial Use Authorization regarding approved feed sources. |
| Biological Species of Special Concern or Their Habitat <i>Yosemite Toad and associated Critical Habitat; Sierra Nevada Yellow-legged Frog and associated Critical Habitat; Fisher</i> | Potential | Issue: Some grazing areas and trails used by packstock are within occupied Yosemite toad and Sierra Nevada yellow-legged frog habitat, as well as designated Critical Habitat for both species. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. The NPS will adhere to terms and stipulations outlined in the March 3, 2020 Biological Opinion for Formal Consultation on Wilderness Pack Stock Use in Yosemite National Park, issued by the USFWS. These documents outline specific measures that sufficiently protect the Yosemite toad, Sierra Nevada yellow-legged frog, and their associated critical habitat from impacts that could threaten the continued survival of the species. Stock use will have no effect on the fisher. |

| Resource | Potential for Impact | Potential Issues & Impacts |
|--|-----------------------------|---|
| Biological Vegetation <i>Vegetation</i> | Potential | Issue: Stock graze in sensitive meadows throughout the park at designated sites. Pack stock travel on trails through the park. Stock grazing, holding, and travel activities have the ability to have impacts on vegetation. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents outline specific guidance, including grazing meadow opening dates, grazing capacities, and stock handling procedures, that protect park vegetation from adverse impacts. |
| Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species <i>Wildlife</i> | Potential | Issue: Pack stock use may impact wildlife in the park, with particular focus on the risks posed to wildlife becoming food-conditioned when food and trash are not stored properly. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Pack users must store all food and trash in accordance with park regulations, in approved bear-proof storage panniers or canisters. |
| Cultural Archeological Resources <i>Archeological Resources</i> | Potential | Issue: Pack stock may travel, graze, or be held in or near archeological sites. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents outline specific guidance, including stock camp maps, that direct stock use to particular areas to protect archeological resources from adverse impacts. |
| Cultural Cultural Landscapes | None | |
| Cultural Ethnographic Resources <i>Ethnographic Resources</i> | Potential | Issue: Stock use may occur in areas of religious and cultural significance to traditionally associated American Indian Tribes. Impact: The park consulted with the tribes in March 2019, as well as in previous years, but has not received any comments on the project. |
| Cultural Museum Collections | None | |
| Cultural Prehistoric/historic structures | None | |
| Geological Geologic Features | None | |
| Geological Geologic Processes | None | |

| Resource | Potential for Impact | Potential Issues & Impacts |
|--|-----------------------------|--|
| Lightscaapes Lightscaapes | None | |
| Other Human Health and Safety | None | |
| Other Operational <i>NPS Operations</i> | None | Issue: Administrative stock use is critical to many NPS operations in wilderness. Impact: No impact to operations. |
| Other Other | None | |
| Socioeconomic Land Use | None | |
| Socioeconomic Minority and low-income populations, size, migration patterns, etc. | None | |
| Socioeconomic Socioeconomic <i>Commercial Stock Use</i> | Potential | Issue: Commercial Stock Use within the park provides important income and employment opportunities to individuals in gateway communities. Impact: The CE provides a beneficial impact on Commercial Stock Use by facilitating the continued use of their operations while avoiding impacts to park natural and cultural impacts. |
| Soundscaapes Soundscaapes | None | |
| Viewsheds Viewsheds | None | |
| Visitor Use and Experience Recreation Resources | None | |
| Visitor Use and Experience Visitor Use and Experience <i>Visitor Experience</i> | Potential | Issue: Stock use may impact visitor experience for hikers and backpackers encountering them on the trail. Commercial stock use provides for positive visitor experiences for those utilizing pack outfits to explore Yosemite. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents contain limits on string/stock numbers, holding and travel procedures, and other stipulations that minimize any adverse impacts stock use may have on visitor experience. |

| Resource | Potential for Impact | Potential Issues & Impacts |
|--|-----------------------------|--|
| Water Floodplains | None | |
| Water Marine or Estuarine Resources | None | |
| Water Water Quality or Quantity <i>Water Quality</i> | Potential | Issue: Stock may impact water quality through defecation in streams or water bodies. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents outline specific guidance that protects water resources from fecal contamination. |
| Water Wetlands <i>Wetlands/Meadows</i> | Potential | Issue: Stock grazing, traveling, and holding may impact wetlands and meadows. Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents outline specific guidance, including grazing meadow opening dates, grazing capacities, and stock handling procedures, that protect park wetlands/meadows from adverse impacts. |
| Water Wild and Scenic River <i>Tuolumne River; Merced River</i> | Potential | Issue: Park administrative and commercial stock use may pass through areas of designated Wild and Scenic Rivers. Impact: Stock use will not adversely affect flow, water quality, or outstandingly remarkable vales due to the stipulations protecting these resources that have been put in place. Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. |
| Wilderness Wilderness <i>Wilderness</i> | Potential | Issue: While stock are a conforming use in wilderness, stock use does have the ability to impact qualities of wilderness character (with focus on the natural and solitude/primitive qualities). Impact: Pack stock users must adhere to all pack stock requirements outlined in the Yosemite National Park Superintendent's Compendium and the Code of Federal Regulations. Additional requirements for commercial users are outlined in the Management Tools and Framework for Pack Stock Use and Meadow Monitoring in Yosemite Wilderness and the annual Commercial Use Authorization. These documents outline stipulations that have been drafted to protect wilderness character from impacts. |



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. Project Description:

Project Name: Programmatic Categorical Exclusion for Commercial and Administrative Stock Use

Prepared by: Ninette Daniele and Jessica Salesman **Date Prepared:** 06/12/2020 **Telephone:**

PEPC Project Number: 92451

Locations:

County, State: Madera, CA

County, State: Mariposa, CA

County, State: Mono, CA

County, State: Tuolumne, CA

Describe project:

See CE form for project description.

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

Yosemite National Park backcountry trails and camps. No ground disturbance is associated with these activities.

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

No

Yes

Source or reference:

4. Potentially Affected Resource(s):

Archeological Resources Present: Yes

Historical Structures/Resources Present: No

Cultural Landscapes Present: No

Ethnographic Resources Present: No

Ethnographic Resources Notes: Project presented at March 2019 tribal spreadsheet, as well as previous tribal spreadsheets. No concerns or comments were received from tribes.

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: Madelyn Ruffner

Date: 03/17/2020

Comments: 1999 PA continued action. Previous 106 review and signoffs (1999 PA) are not affected by opening dates and grazing capacities.

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: Park Specific or Other Programmatic Agreement

[X] Anthropologist

Name: Scott Carpenter

Date: 03/10/2020

Comments: Project was included on March 2019 tribal spreadsheet, as well as previous years. No comments or concerns have been received from the tribes on the project activities.

Check if project does not involve ground disturbance [X]

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: Park Specific or Other Programmatic Agreement

[X] Archeologist

Name: Wesley Wills

Date: 03/10/2020

Check if project does not involve ground disturbance [X]

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: Park Specific or Other Programmatic Agreement

[X] **Historian**

Name: Scott Carpenter

Date: 03/10/2020

Comments: Project is within wilderness area, project does not require Historical Architect or Historic Landscape Architect review.

Check if project does not involve ground disturbance [X]

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: Park Specific or Other Programmatic Agreement

No Reviews From: Curator, Historical Architect, Other Advisor, Historical Landscape Architect

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:

[] **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.)

[X] **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: No

SHPO Sent:

SHPO Received:

THPO Required: March 2019

THPO Sent:

THPO Received:

SHPO/THPO Notes:

Advisory Council Participating: No

Advisory Council Notes:

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.

Resource protections, best management practices, and site-specific measures protect historic properties from potential impacts.

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.)

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:

See Letter of Compliance Completion form for complete list of mitigations.

6. Assessment of Effect Notes:

1999 PA continued action. Previous 106 review and signoffs (1999 PA) are not affected by opening dates and grazing capacities.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

NHPA Specialist Madelyn Ruffner Date: 6/15/2020

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.

Acting Superintendent: Cicely Muldoon Date: 6/30/2020

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



Other Compliance/Consultations Form

Park Name: Yosemite National Park

PEPC Project Number: 92451

Project Title: Programmatic Categorical Exclusion for Commercial and Administrative Stock Use

Project Type: Commercial Use Authorization

Project Location:

County, State: Madera, CA

County, State: Mariposa, CA

County, State: Mono, CA

County, State: Tuolumne, CA

Project Leader: Ruth Middlecamp

ESA

Any Federal Species in the project Area? Yes

If species in area: Likely to Adversely Affect

Was Biological Assessment prepared? Yes

Sent to FWS: Feb 18, 2020

FWS Response: Mar 4, 2020

Sent to NMFS:

NMFS Response:

If Biological Assessment prepared, concurred? Yes

Formal Consultation required? Yes

Formal Consultation Notes:

USFWS issued a Biological Opinion with a "may affect, likely to adversely affect" determination with incidental take for project activities that may impact the Yosemite toad or Sierra Nevada yellow-legged frog.

The Biological Assessment (BA) that the park submitted to USFWS stated a "no effect" determination for Sierra Nevada bighorn sheep.

Park wildlife staff have determined stock use will have "no effect" to the fisher.

Formal Consultation Concluded: Mar 4, 2020

Any State listed Species in the Project Area? Yes

Consultation Information: CUA will have no effect on state listed species.

General Notes:

Data Entered By: Ninette Daniele

Date: Mar 4, 2020

(updated by Madelyn Ruffner 6/12/2020)

ESA Mitigations

Mitigations addressing listed species are found in the Letter of Compliance Completion.

Floodplains/Wetlands/§404 Permits

| Question | Yes | No | Details |
|--|-----|----|--|
| A.1. Is project in 100- or 500-year floodplain or flash flood hazard area? | | No | Not in floodplain or flash flood hazard area. |
| A.2. Is Project in wetlands as defined by NPS/DOI? | Yes | | Determined to be exempt from compliance with Director's Order #77-1 and no Wetland Statement of Findings required. |
| B. COE Section 404 permit needed? | | No | Request Date: Issue Date: Expiration Date: |
| C. State 401 certification? | | No | |
| D. State Section 401 Permit? | | No | Issue Date: Expiration Date: |
| E. Tribal Water Quality Permit? | | No | |
| F. CZM Consistency determination needed? | | No | Date Review Requested: Date Reply Received: Date State Concurred: |
| G. Erosion & Sediment Control Plan Required? | | No | |
| H. Any other permits required? | | No | Permit Information: |
| Other Information: | | | No fill in wetlands. |

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Date: Mar 4, 2020

FloodPlains & Wetlands Mitigations

No FloodPlains & Wetlands mitigations are associated with this project.

Wilderness

| Question | Yes | No | |
|---|-----|----|--|
| A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness? | Yes | | |
| B. Is the only place to conduct this project in wilderness? | Yes | | |
| C. Is the project necessary for the administration of the area as wilderness? | Yes | | |
| D. Would the project or any of its alternatives adversely affect (directly or indirectly) Designated, Recommended, Proposed, Study, | | No | |

| | | | |
|--|--|----|--|
| Eligible, or Potential Wilderness? (If Yes, Minimum Requirements Analysis required) | | | |
| E. Does the project or any of its alternatives involve the use of any of the Wilderness Act Section 4(c) prohibited uses: commercial enterprise, permanent road, temporary road, motor vehicles, motorized equipment, motorboats, landing of aircraft, mechanical transport, structure, or installation? (If Yes, Minimum Requirements Analysis required) | | No | |
| If the answer to D or E above is "Yes" then a Minimum Requirements Analysis is required. Describe the status of this analysis in the column to the right. | | | Initiation Date: Completed Date: Approved Date: |
| Other Information: | | | |

Data Entered By: Ninette Daniele **Date:** Mar 4, 2020

Other Permits/Laws *Questions A & B are no longer used.*

| Question | Yes | No |
|--|------------|-----------|
| C. Wild and scenic river concerns exist? | | No |
| D. National Trails concerns exist? | | No |
| E. Air Quality consult with State needed? | | No |
| F. Consistent with Architectural Barriers, Rehabilitation, and Americans with Disabilities Acts or not Applicable? (If N/A check Yes) | | No |
| G. Other: | | No |

Other Information:

Data Entered By: Ninette Daniele **Date:** Mar 4, 2020