



*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:** Victoria Hartman, Project Manager, Yosemite National Park

**From:** Cicely Muldoon, Superintendent, Yosemite National Park

**Subject:** NEPA and NHPA Clearance: 2022-138 Tuolumne River Plan Implementation: Restore Wetlands and Reroute Informal Trail in West Tuolumne Meadows Pothole Dome 'Thumb' (PEPC: 91931)

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

- The project has been assessed as “likely to adversely affect” the Sierra Nevada yellow-legged frog and Yosemite toad and is being placed under the 2014 Tuolumne River Plan Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service. The effect determination means that while it is possible that the project may impact a few individuals, it will not result in a magnitude of impact that would jeopardize the species at the population or species level. All protection measures contained in the BO will be applied to minimize potential effects to the species. The project will have no effect on other 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:

### Cultural Resources

- Tribal monitoring, involving a tribal member or person appointed by a tribal government, may be requested during the consultation process for the undertaking. This includes the monitor traveling to the project area and being present during the work. This is primarily for actions involving potential disturbance to historic properties of traditional religious and cultural significance. The request for tribal monitoring, which should be included in PEPC reviews and permitting language to a project manager or contractor, must be incorporated into the contract development for implementation. This includes budget estimates and allocated funds incorporated into contracts and 577 budget agreements, and oversight from the Branch of Anthropology in collaboration with the project manager, contracting officer, and contracting officer's representative.

- Stop Work: Cease all activities in the area of discovery and protect the resources discovered. If human skeletal remains, associated funerary objects, or items of cultural patrimony are encountered, protocols under federal and state law would apply. All work shall stop in the vicinity of the discovery, and the find would be secured and protected in place. The appropriate coroner and Department of Anthropology (209-379-1455) would both be immediately notified. If analyses determine that the remains are American Indian, and that no further coroner investigation of the cause of death is required, initiate NAGPRA procedures. The remains would also be treated in accordance with the NAGPRA Regulations at 43 CFR 10.4 (Inadvertent discoveries). This will require a stoppage of work in the area for a minimum of 30 calendar days.
- If a significant discovery occurs during monitoring or as part of an inadvertent finding, work at or adjacent to the discovery shall cease and the NPS shall be immediately notified by calling the YNP Branch of Anthropology (209-379-1455). The area of the work stoppage should be adequate to provide for the security, protection, and integrity of the discovery. Protection measures include:
  - Crews will work with archeologist to define stop work boundaries before work commencement.
  - Notify the site or area crew lead and associated equipment operators.
  - Carefully remove vehicles and equipment within the immediate area surrounding the discovery. In most cases, the field archeologist and/or tribal monitor shall dictate when work may resume in that location after they have evaluated the materials and offered recommendation for further site protection, if necessary.
- If Archeological Monitor or Tribal Monitor discovers resources, immediate relocation of the work to a non-sensitive area may be required to allow Monitors to record resources, delineate the avoidance area, and determine schedule of work as needed in conjunction with NPS archeologists if not present at time of discovery.
- The decompaction and restoration of the current social trail requires implementing the following mitigations to avoid impacts to archeological resources:
  - Archeological monitoring for ground-disturbing activities near probes 3, 7, and 16
  - Usage of garden forks or shovels to the depth of 10 centimeters
  - Use of culturally-sterile fill and sod plugs in the deepest portion of the tread, and
  - Use of surface duff and logs for trail construction only

## **General**

- Only project actions described in PEPC 91931 are approved for implementation. Modification to plans or additional actions require additional review and approval from the Yosemite National Park Environmental Planning and Compliance Office.

## **Vegetation**

- All earth moving equipment shall be pressure-washed prior to entering the park and shall be clean of any soil, plant matter, or other materials. To arrange equipment inspection prior to entry into the park, call Vegetation branch at least one week in advance for notification and two business days in advance to arrange exact time and place for inspection.
- To avoid introduction of non-native, invasive plant species into the park, erosion control materials must be seed-free. Best materials are jute, coconut fiber, and wood excelsior. Avoid all straw materials and plastic netting.
- Vegetation staff must approve the source of aggregate and earth materials to ensure incoming material is weed free. Vegetation staff will either (1) provide a list of approved aggregate sources, (2) inspect the source of earth materials, or (3) provide mitigations or other guidance for approving the material.

## **Water Quality**

- Project manager will adhere to the requirements of the 401 water quality certification and/or 404 permit for this action.

## **Wilderness**

- Work in Wilderness will follow the recommendations for the chosen alternative in the Minimum Requirements Analysis that was developed for this action.
- Alternative 2, "Full fill gullies using motorized equipment", was selected as the minimum requirement for the preservation of wilderness character under the Minimum Requirements Analysis (MRA) for this action. Wilderness Act Section 4 (c) prohibitions allowed by this MRA include: Heavy machinery use (dump trucks, excavator, Bobcat) for restoration at the Pothole Dome Thumb during late summer and fall of 2022 only; Erosion control mats and wattles on the restored area; these will be in place until they biodegrade. The MRA is for a temporary, one-time activity and should not be construed as being precedential for future restoration efforts.

## **Wildlife**

- If the project occurs between May 1st and August 15th, trees must be surveyed for nesting migratory birds before removal or trimming. Once surveyed the project has 1 week to remove trees. If work is not completed within 1 week, trees must be resurveyed.
- Project will adhere to the following mitigation/resource protection measures to protect Yosemite Toads and Sierra Nevada yellow-legged frogs:
  - Pre-construction surveys for Yosemite Toad and Sierra Nevada yellow-legged frogs are required. Surveys need to take place in late-spring/early-summer, when conditions are most favorable to detecting Yosemite toad breeding. If no Yosemite toads are detected by surveys, the project will not require on-site Yosemite toad monitoring. If Yosemite toads or Sierra Nevada yellow-legged frogs are found, the project will require an on-site monitor during work activities. If work spills over into a second year, pre-construction surveys would again be required before work could commence.
  - All project staff will attend a pre-construction resource protection briefing, covering the identification of listed amphibians and their conservation. The project manager will coordinate this meeting with Aquatic Wildlife staff no later than 2 weeks before the start of the project construction to schedule a mutually agreeable time for the meeting.
  - The project will not commence until late in the summer season, when the meadow is adequately dry and the work area is free of standing water, puddles, pools, and areas of mud/moisture. If the project requires manipulation of deeply cut banks, rocks, or logs that may have crevices that amphibians could use as refugia/hiding areas, a biologist will probe those areas gently with their hands to check for small wildlife and amphibians before manipulating these habitat elements.
  - All materials, fill, and equipment will be staged on paved areas or road pullouts (no staging in the meadow). Fill will be imported (no excavating locally as borrow areas).
  - Staff will travel with care within the meadow to avoid trampling rodent burrows, an important habitat element used as refugia by Yosemite toads. Staff will not venture beyond the work area limits into the meadows.
  - If staff observe a Yosemite toad or Sierra Nevada yellow-legged frog, work in the area must stop and the Park Aquatic Ecologist must be contacted immediately (Rob Grasso 209-379-1438). Staff may not handle or otherwise disturb listed wildlife, such as a Yosemite toad or Sierra Nevada yellow-legged frog. Work may commence at the direction of the Park Aquatic Ecologist, after a risk assessment and possibly additional consultation with USFWS occurs.
  - Staff will obey posted speed limits while traveling in the park. Work will only occur during daylight hours.

- The project will follow all resource protections and stipulations contained in the attached Biological Opinion.

**Superintendent Signature:** \_\_\_\_\_ Cicely Muldoon **Date:** \_\_\_\_\_ May 17, 2022

*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:** Tuolumne River Plan Implementation: Restore Wetlands and Reroute Informal Trail in West Tuolumne Meadows Pothole Dome 'Thumb'

**PEPC Project Number:** 91931

**Description of Action (Project Description):**

This restoration project was selected for implementation in the 2014 Record of Decision (ROD) for the Tuolumne River Plan (TRP) Environmental Impact Statement (EIS) (PEPC 14043). This project must adhere to mitigations and stipulations specified in the Final EIS/Record of Decision, the TRP Biological Opinion for Sierra Nevada yellow-legged frog and Yosemite Toad, standard 106 NHPA review process, project-specific 401/404 permitting requirements, and project-specific Wilderness Minimum Requirements Analysis. The goal of this project is to restore wetlands and improve the overall condition of the meadow.

The "thumb" of wet meadow in western Tuolumne Meadow contains an erosion gully that has lowered the water table, drained former wetlands, and converted to dry-site species, bare soil, and lodgepole pine. Dry soils adjacent to the gully contain redoximorphic features that form in saturated wetlands, indicating that this area was formerly wetland. The gully is actively headcutting and widening, suggesting that this erosion is recent and originated from historic human activity. Although social trails were removed from this wet meadow in the 1990s and visitors re-directed around the meadow to Pothole Dome, the erosion gully is still expanding, threatening intact wetlands above the gully with further soil loss and drying. Active restoration is needed to obliterate the gully, restore dispersed flows of water ("sheet flow"), and restore wetland plant communities. For this project to succeed, the social trail around the meadow, which is not a constructed trail with planned drainage structures, needs to be addressed. The trail captures water flow off Pothole Dome and concentrates it as it enters the meadow, which contributes to the erosion problem.

The objectives of this project are to (1) restore wetland topography, hydrology, and vegetation to former wetlands (current uplands) on 5 acres of west Tuolumne Meadows, (2) retaining primitive character of informal trail, provide minor reconstruction and re-routing around the project area to disperse drainage, reduce wetland impacts, and improve visitor experience, and (3) protect archeological sites by moving trails out of site boundaries as much as possible.

Ecological restoration would be done in the late summer and fall when the meadow is in its driest condition.

Proposed actions include:

- Temporarily divert water around the project area to provide a dry work site
- Salvage existing vegetation and soil for later replacement within the project area
- Fill incised channels (erosion gullies) with imported soil, wood chips, or other organic material using earthmoving equipment such as excavator, loader, and dump trucks
- Place erosion control measures like straw or jute blankets, nets, native meadow thatch, and wattles and/or silt fence
- Replant salvaged vegetation
- Plant nursery-grown native wetland plants originating from seed collected in the vicinity of the project area
- Thin lodgepole pine seedlings outside wilderness to maintain views of meadow
- Monitor project results

Proposed informal trail actions include:

- Re-route start of trail from meadow onto the fill slope of the road. Add rock, remove rock to create a trail treat about halfway
- Remove lodgepole pine trees, generally less than 12 inches diameter, from trail alignment on road fill
- Disperse water flows across trail at the base of Pothole Dome by creating broad swales with well-vegetated edges to slow water, and berms to prevent water flowing down trail.
- Obliterate former trail treads by decompacting, filling deep ruts with soil, mulching with local duff, and transplanting blocks of vegetated sod

**Mitigation(s):**

See Letter of Compliance Completion for mitigations.

**CE Citation:** 3.3.A.1 Changes or amendments to an approved action when such changes would cause no or only minimal environmental impact.

**CE Justification:**

This project is tiered from the 2014 Tuolumne River Plan

**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 Signature:** \_\_\_\_\_ Cicely Muldoon **Date:** \_\_\_\_\_ May 17, 2022

### Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Explanation
<b>A.</b> Have significant impacts on public health or safety?	No	None
<b>B.</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	None
<b>C.</b> Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	None
<b>D.</b> Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	None
<b>E.</b> Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	None
<b>G.</b> 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	None
<b>H.</b> 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	The project has been assessed as likely to adversely affect the Sierra Nevada yellow-legged frog and Yosemite toad and has been placed under the Tuolumne River Plan BO. All protections in the BO will be applied to minimize potential effects to the species.
<b>I.</b> Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	None
<b>J.</b> Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	None
<b>K.</b> 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	None
<b>L.</b> 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	None



## ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

### A. PROJECT INFORMATION

**Project Title:** Tuolumne River Plan Implementation: Restore Wetlands and Reroute Informal Trail in West Tuolumne Meadows Pothole Dome 'Thumb'

**PEPC Project Number:** 91931

**Project Type:** Restoration (REST)

**Project Location: County, State:** Tuolumne, California

**District, Section:** Tuolumne Meadows,

**Project Leader:** Victoria Hartman

### B. PROJECT DESCRIPTION

See Categorical Exclusion Form

### C. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
<b>Air</b> Air Quality	Potential	Issue: There may be some localized, temporary air quality impacts from the placement of fill and the use of heavy equipment.  Impact: Impacts will be localized and temporary.
<b>Biological</b> Nonnative or Exotic Species	Potential	Issue: There is potential for nonnative or exotic species to be introduced through fill or heavy equipment.  Impact: Fill will be approved by park vegetation staff and heavy equipment will be inspected prior to entry into the park.
<b>Biological</b> Species of Special Concern or Their Habitat	Potential	Issue: The project area is within Yosemite Toad and Sierra Nevada yellow-legged frog habitat.  Impact: Surveys are required prior to project implementation and if Yosemite toads or Sierra Nevada yellow-legged frogs are found, the project will require an on-site monitor during work activities.
<b>Biological</b> Vegetation	Potential	Issue: Sensitive meadow plants may be impacted by heavy equipment.  Impact: Native plants will be seeded and some plants will be relocated and replanted.



<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Biological</b> Wildlife and/or Wildlife Habitat including terrestrial and aquatic species	Potential	Issue: The project area is within Yosemite Toad and Sierra Nevada yellow-legged frog habitat.  Impact: Although there may be temporary impacts to the habitat and to the meadow, overall this project will result in positive impacts and aims to restore the natural meadow hydrology.
<b>Cultural</b> Archeological Resources	Potential	Issue: [REDACTED]  Impact: Archeological and cultural monitors will be present and monitoring during ground disturbing activities.
<b>Cultural</b> Cultural Landscapes	None	None
<b>Cultural</b> Ethnographic Resources	None	None
<b>Cultural</b> Museum Collections	None	None
<b>Cultural</b> Prehistoric/historic structures	None	None
<b>Geological</b> Geologic Features	Potential	Issue: A substantial amount of soil has been lost through erosion and has created deeply incised channels.  Impact: Soil and wood chips will be filled into the incised channels and return the meadow to its natural hydrological regime.
<b>Geological</b> Geologic Processes	None	None
<b>Lightscapes</b>	None	None
<b>Other</b> Human Health and Safety	Potential	Issue: There are inherent safety risks working with heavy equipment.  Impact: All workers will follow OSHA standards and will not allow park visitors into the project area during project activities.
<b>Other</b> Operational	None	None
<b>Other</b>	None	None
<b>Socioeconomic</b> Land Use	None	None

<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Socioeconomic</b> Minority and low-income populations, size, migration patterns, etc.	None	None
<b>Socioeconomic</b>	None	None
<b>Soundscapes</b>	Potential	Issue: There will be localized and temporary sounds impacts, especially during heavy machinery use.  Impact: The impacts will be localized and temporary.
<b>Viewsheds</b>	Potential	Issue: Channelization has occurred, likely in part from sheep grazing and erosion from human activities such as the social trail and culvert.  Impact: The project will return the project area to its natural historic state.
<b>Visitor Use and Experience</b> Recreation Resources	Potential	Issue: The project area and area accessed by the social trail will be closed to visitors during the project.  Impact: Visitors will not be able to access a small part of the park. Once the project is complete, the social trail will be more sustainable and will create a more positive and lasting visitor impact.
<b>Visitor Use and Experience</b> Visitor Use and Experience	Potential	Issue: The project area and area accessed by the social trail will be closed to visitors during the project.  Impact: Visitors will not be able to access a small part of the park. Visitors can learn about restoration efforts and the importance of restoration efforts in the park.
<b>Water</b> Floodplains	Potential	Issue: The project area is within the Tuolumne River floodplain.  Impact: Flooding is a natural part of the area, there will be no impacts.
<b>Water</b> Marine or Estuarine Resources	None	None
<b>Water</b> Water Quality or Quantity	Potential	Issue: Due to the placement of fill, there may be temporary water quality impacts such as increased turbidity.  Impact: The water quality impacts will be temporary and the project will likely result in net benefits to water quality when the meadow hydrology is restored. Project managers will follow any requirements of the SWPPPs, 401, and/or 404 permits to minimize impacts.

<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Water Wetlands</b>	Potential	<p>Issue: There will be a temporary impact to the wetlands from the heavy equipment.</p> <p>Impact: Mitigation measures, such as placing mats under the heavy equipment, will be implemented to protect wetland resources. Additionally, this project will result in a net benefit to the wetland by restoring the natural hydrological regime and by planting native wetland plants.</p>
<b>Water Wild and Scenic River</b>	None	None
<b>Wilderness</b>	Potential	<p>Issue: This project will impact the natural, untrammeled, undeveloped, and solitude/primitive qualities in the Yosemite Wilderness.</p> <p>Impact: A Minimum Requirement Analysis (MRA) is required for this project and will measure the impacts to the wilderness resources.</p>



# ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

## A. DESCRIPTION OF UNDERTAKING

**1. Park:** Yosemite National Park

### **2. Project Description:**

**Project Name:** Tuolumne River Plan Implementation: Restore Wetlands and Reroute Informal Trail in West Tuolumne Meadows Pothole Dome 'Thumb'

**Prepared by:** Brenna McGown **Date Prepared:** **Telephone:**

**PEPC Project Number:** 91931

**Locations:**

**County, State:** Tuolumne, CA **District, Section:** Tuolumne Meadows

**Describe project:**

See Categorical Exclusion Form

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

The area of potential effect is the eastern most extension of Tuolumne Meadows, known as the Pothole Dome Thumb, approximately 5 acres, with fill proposed to be added into gullies at a depth of up to five feet. Minimal ground disturbance is proposed to remove and reroute a social trail along the south and western edges of Pothole Dome Thumb. Trees will be felled outside of the wilderness boundary. Due to the visual impacts (tree removal and de-channelization), areas from which Pothole Dome Thumb can be viewed are included in the area of potential effect

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

#### **Source or reference:**

- Tioga Road Survey: CR Project 1985E
- Tuolumne Meadows Ecological Restoration Survey: CR Project 2014L
- Pothole Dome Survey: CR Project 2012F

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

**Archeological Resources Present:** Yes

**Archeological Resources Notes:** Work proposed in CA-TUO-0108, which is listed as NRHP 2D: Contributor to a district determined eligible for the National Registry by the keeper. Listed in the California Registry

**Historical Structures/Resources Present:** No

**Cultural Landscapes Present:** No

**Ethnographic Resources Present:** Yes

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

Yes/No	The proposed action will...
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
Yes	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)
No	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:** Hope Schear

**Date:** 02/07/2022

**Comments:** Compliance complete. SHPO concurred with finding of no adverse effect and that the social trail evaluated for the project is not eligible for the National Register of Historic Places.

*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:** 07/23/2021

**Comments:** Project submitted for tribal consultation in July 2021 Tribal Spreadsheet emailed to tribes for 30 day review on July 26, 2021.

No specific tribal comments received within 30 day review period.

However, Tuolumne Meadows has been identified as a place of cultural significance during previous consultations. Work proposed in CA-TUO-0108, which is listed as NRHP 2D.

Tribes have consistently stated that they would like to monitor projects with ground disturbance whether or not there is a prev id'd arch site and whether or not the site is previously disturbed.

Tribal monitor needed. I'm not sure where funds for tribal monitor will come from since this appears to be an internal project.

**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:** Tribal monitor required. I'm not sure where funds for tribal monitor will come from since this appears to be an internal project.

**Doc Method:** Standard 4-Step Process

[ X ] **Archeologist**

**Name:** Erin Davenport

**Date:** 10/01/2021

**Comments:** A thorough records search was conducted of the park GIS database, previous Yosemite archeological investigations, and site records. CA-TUO-0108 is located within the APE. Subsurface shovel probe tests were conducted in 2019 and 2021 to determine the depth and potential impacts of the ground disturbance associated with this project. The proposed new trail would not have any impacts to surface or subsurface material. The decompaction and restoration of the current social trail would require mitigations to avoid impacts to archeological resources (see below).

**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 monitoring for ground-disturbing activities near probes 3, 7, and 16 • Usage of garden forks or shovels to the depth of 10 centimeters • Use of culturally-sterile fill and sod plugs in the deepest portion of the tread, and • Use of surface duff and logs for trail construction only

**Doc Method:** Standard 4-Step Process

[ X ] **Historical Architect**

**Name:** Donald Faxon

**Date:** 07/22/2021

**Comments:** Recent evidence and suggests that while the trail alignment - - and thus integrity - - is similar visually with historic images, it has in fact been impacted by changes both older and as recent as 1990.

**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:** It appears that the trail no longer retains integrity, but from the standpoint of the road (which itself is being updated with curbing and new parking in a current project) viewshed, it is hoped that aesthetic changes to the trail will be minimized in planning and implementation.

**Doc Method:** Standard 4-Step Process

[ X ] **Historical Landscape Architect**

**Name:** Vida Germano

**Date:** 08/03/2021

**Comments:** Per Don Faxon's email on 9/3/2021 "One of our archaeologists found a historic image showing the trail at the early part of the 20th century (attached). I therefore initially assumed that at least that portion of the trail was intact and retained some integrity as today that portion appears from the road to be like the photo. But I have since learned from the project team that the trail has already been altered - partially relocated - - in the past

decade by the Project Leader of this project, Victoria Hartman. These changes are somewhat visible in the upper right corner of the project PEPC file map (also attached); the ghost of the previous alignment shows through partly (and you can also see the ghost of another closed informal path that had been made from the parking area running diagonally to the bottom of the image).

As for the 180 degree curve and return along the roadside alignment (lower left), I was told this afternoon by Park Widerness Ranger Mark Fincher that it was added by the Park in the 1990s, but have not been able to confirm that through other sources."

Based on this information, it appears that this segment of trail does not retain integrity, and that the project will have no adverse effect to the trail.

**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:** Since the trail evaluation does not have SHPO concurrence, please send this info to the SHPO for concurrence.

**Doc Method:** Standard 4-Step Process

**No Reviews From:** Curator, Historian, Other Advisor

## C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

### 1. Assessment of Effect:

Select with X	Assessment of Effect
n/a	No Potential to Cause Effects
n/a	No Historic Properties Affected
X	No Adverse Effect
n/a	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. 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:** Dec 9, 2021

**SHPO Received:** Feb 4, 2022

**THPO Required:** Yes

**THPO Sent:** Jul 26, 2021

**THPO Received:** No response received after 30 days

#### 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.

**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:

- Tribal monitoring, involving a tribal member or person appointed by a tribal government, may be requested during the consultation process for the undertaking. This includes the monitor traveling to the project area and being present during the work. This is primarily for actions involving potential disturbance to historic properties of traditional religious and cultural significance. The request for tribal monitoring, which should be included in PEPC reviews and permitting language to a project manager or contractor, must be incorporated into the contract development for implementation. This includes budget estimates and allocated funds incorporated into contracts and 577 budget agreements, and oversight from the Branch of Anthropology in collaboration with the project manager, contracting officer, and contracting officer's representative.
- Stop Work: Cease all activities in the area of discovery and protect the resources discovered. If human skeletal remains, associated funerary objects, or items of cultural patrimony are encountered, protocols under federal and state law would apply. All work shall stop in the vicinity of the discovery, and the find would be secured and protected in place. The appropriate coroner and Department of Anthropology (209-379-1455) would both be immediately notified. If analyses determine that the remains are American Indian, and that no further coroner investigation of the cause of death is required, initiate NAGPRA procedures. The remains would also be treated in accordance with the NAGPRA Regulations at 43 CFR 10.4 (Inadvertent discoveries). This will require a stoppage of work in the area for a minimum of 30 calendar days.
- If a significant discovery occurs during monitoring or as part of an inadvertent finding, work at or adjacent to the discovery shall cease and the NPS shall be immediately notified by calling the YNP Branch of Anthropology (209-379-1455). The area of the work stoppage should be adequate to provide for the security, protection, and integrity of the discovery. Protection measures include:
  - Crews will work with archeologist to define stop work boundaries before work commencement.
  - Notify the site or area crew lead and associated equipment operators.



- Carefully remove vehicles and equipment within the immediate area surrounding the discovery. In most cases, the field archeologist and/or tribal monitor shall dictate when work may resume in that location after they have evaluated the materials and offered recommendation for further site protection, if necessary.
- If Archeological Monitor or Tribal Monitor discovers resources, immediate relocation of the work to a non-sensitive area may be required to allow Monitors to record resources, delineate the avoidance area, and determine schedule of work as needed in conjunction with NPS archeologists if not present at time of discovery.
- The decompaction and restoration of the current social trail requires implementing the following mitigations to avoid impacts to archeological resources:
  - Archeological monitoring for ground-disturbing activities near probes 3, 7, and 16
  - Usage of garden forks or shovels to the depth of 10 centimeters
  - Use of culturally-sterile fill and sod plugs in the deepest portion of the tread, and
  - Use of surface duff and logs for trail construction only

**6. Assessment of Effect Notes:**

**D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:**

**Section 106 Coordinator** Hope Schear **Date:** May 11, 2022  
**Signature:** \_\_\_\_\_

**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 Signature:** Cicely Muldoon **Date:** May 17, 2022  
 \_\_\_\_\_



## Other Compliance/Consultations Form

**Park Name:** Yosemite National Park

**PEPC Project Number:** 91931

**Project Title:** Tuolumne River Plan Implementation: Restore Wetlands and Reroute Informal Trail in West Tuolumne Meadows Pothole Dome Thumb

**Project Type:** Restoration

**Project Location:**

**County, State:** Tuolumne, CA

**District, Section:** Tuolumne Meadows

**Project Leader:** Victoria Hartman

### 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:** Jun 5, 2014

**FWS Response:** Jun 20, 2014

**Sent to NMFS:**

**NMFS Response:**

**If Biological Assessment prepared, concurred?** Yes

**Formal Consultation required?** Yes

**Formal Consultation Notes:**

Consultation is being placed under the 2014 BO for the Tuolumne River Plan (attached).

The project involves heavy machinery and placement of fill in gullies for meadow restoration. [REDACTED]

[REDACTED] The project will improve meadow habitat conditions for listed amphibians by restoring meadow hydrology and addressing gullies.

Sierra Nevada yellow-legged frogs are not believed to be present in or nearby to the project area. Historically, they had a widespread distribution in the subalpine and alpine areas of the Sierra Nevada, occurring primarily in streams, wet meadows, ponds, and lakes. Surveys conducted by NPS staff in the Tuolumne Meadows general area between 2009 to 2019 did not detect Sierra Nevada yellow-legged frogs. [REDACTED]

Yosemite toads may be present in the work area. Historically, they had a widespread distribution in the subalpine and alpine areas of the Sierra Nevada, with breeding occurring primarily wet meadows. Recent visual encounter surveys conducted by park staff (2009-2019) in the general vicinity have not detected the presence of Yosemite toads, however recent incidental observations by non-wildlife staff have occurred nearby [REDACTED]

**Project Mitigations/ Resource Protection:** see below

**Formal Consultation Concluded:** Jun 20, 2014

**Any State listed Species in the Project Area?** No

**Consultation Information:**

**General Notes:** Project Mitigations/ Resource Protection Measures: Pre-construction surveys for Yosemite Toad and Sierra Nevada yellow-legged frogs are required. Surveys need to take place in late-spring/early-summer, when conditions are most favorable to detecting Yosemite toad breeding. If no Yosemite toads are detected by surveys, the project will not require on-site Yosemite toad monitoring. If Yosemite toads or Sierra Nevada yellow-legged frogs are found, the project will require an on-site monitor during work activities. If work spills over into a second year, pre-construction surveys would again be required before work could commence. All project staff will attend a pre-construction resource protection briefing, covering the identification of listed amphibians and their conservation. The project manager will coordinate this meeting with Aquatic Wildlife staff no later than 2 weeks before the start of the project construction to schedule a mutually agreeable time for the meeting. The project will not commence until late in the summer season, when the meadow is adequately dry and the work area is free of standing water, puddles, pools, and areas of mud/moisture. If the project requires manipulation of deeply cut banks, rocks, or logs that may have crevices that amphibians could use as refugia/hiding areas, a biologist will probe those areas gently with their hands to check for small wildlife and amphibians before manipulating these habitat elements. All materials, fill, and equipment will be staged on paved areas or road pullouts (no staging in the meadow). Fill will be imported (no excavating locally as borrow areas). Staff will travel with care within the meadow to avoid trampling rodent burrows, an important habitat element used as refugia by Yosemite toads. Staff will not venture beyond the work area limits into the meadows. If staff observe a Yosemite toad or Sierra Nevada yellow-legged frog, work in the area must stop and the Park Aquatic Ecologist must be contacted immediately (Rob Grasso 209-379-1438). Staff may not handle or otherwise disturb listed wildlife, such as a Yosemite toad or Sierra Nevada yellow-legged frog. Work may commence at the direction of the Park Aquatic Ecologist, after a risk assessment and possibly additional consultation with USFWS occurs. Staff will obey posted speed limits while traveling in the park. Work will only occur during daylight hours. The project will follow all resource protections and stipulations contained in the attached Biological Opinion. **Data Entered By:** Ninette Daniele

**Date:** Sep 9, 2021

**ESA Mitigations**

See Letter of Compliance Completion

**Floodplains/Wetlands/§404 Permits**

Question	Yes/No	Details
<b>A.1. Is project in 100- or 500-year floodplain or flash flood hazard area?</b>	Yes	Determined to be exempt from compliance with Director's Order #77-2 and no Floodplain Statement of Findings required.
<b>A.2. Is Project in wetlands as defined by NPS/DOI?</b>	Yes	Determined to be exempt from compliance with Director's Order #77-1 and no Wetland Statement of Findings required.
<b>B. COE Section 404 permit needed?</b>	Yes	<b>Request Date:</b> <b>Issue Date:</b> <b>Expiration Date:</b>
<b>C. State 401 certification?</b>	Yes	None
<b>D. State Section 401 Permit?</b>	Yes	<b>Issue Date:</b> <b>Expiration Date:</b>
<b>E. Tribal Water Quality Permit?</b>	No	None

Question	Yes/No	Details
<b>F. CZM Consistency determination needed?</b>	No	<b>Date Review Requested:</b> <b>Date Reply Received:</b> <b>Date State Concurred:</b>
<b>G. Erosion &amp; Sediment Control Plan Required?</b>	No	None
<b>H. Any other permits required?</b>	No	<b>Permit Information:</b>
<b>Other Information:</b>	Yes	Project takes place within wetlands and floodplains, however the goal of the project is to restore wetlands and the project is not expected to increase flooding hazards. The project will fill and or discharge into waters of the U.S.; the project manager will apply for and adhere to the requirements of the 401 and 404 water quality permits for this action. Project area is just under an acre, therefore a SWPPP is not strictly required. However, project personnel will implement BMPs to minimize erosion impact.

**Data Entered By:** Brenna McGown **Date:** Sep 14, 2021

### Floodplains & Wetlands Mitigations

*No Floodplains & Wetlands mitigations are associated with this project.*

### Wilderness

Question	Yes/No	Notes
<b>A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness?</b>	Yes	None
<b>B. Is the only place to conduct this project in wilderness?</b>	Yes	None
<b>C. Is the project necessary for the administration of the area as wilderness?</b>	Yes	None
<b>D. Would the project or any of its alternatives adversely affect (directly or indirectly) Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness? (If Yes, Minimum Requirements Analysis required)</b>	Yes	None
<b>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)</b>	Yes	None
<b>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.</b>	N/A	<b>Initiation Date:</b> Oct 1, 2021 <b>Completed Date:</b> Apr 18, 2022 <b>Approved Date:</b> Apr 22, 2022
<b>Other Information:</b> A Wilderness Minimum Requirements Analysis was prepared for this action- see mitigation measures for recommendations.	Yes	None

**Data Entered By:** Brenna McGown **Date:** Sep 14, 2021

**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)	Yes
G. Other:	No

**Other Information:**

**Data Entered By:** Brenna McGown    **Date:** Sep 14, 2021