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*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:** Stephen Mitchell, Project Manager, NPS Environmental Compliance and Cleanup Division

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

**Subject:** NEPA and NHPA Clearance: 2022\_023 El Capitan Former Waste Disposal Area Remediation-CERCLA (PEPC: 89467)

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 is Not Likely to Adversely Affect 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**

- The access road will use the former dump road, which is currently a trail/dirt road that starts at Northside Drive in the El Capitan picnic area and heads southwest to the dump. If this route is not used, this project will require additional cultural resources review as there are other archaeological sites and ethnographic resources in this area.

### **Erosion Control**

- If erosion or temporary sediment control products containing natural fiber are to be used, they are to be of certified weed-free origin. If mesh or netting is used, it is to be of loose weave construction with moveable joints ("leno weave" or "gauze weave") and with holes either no larger than 0.25 inches across or they must be over 3 by 3 inches in dimension. Materials are to be removed in a timely manner once they are no longer necessary.
- The project includes more than one acre of ground disturbance; therefore, according to the National Pollutant Discharge Elimination System (NPDES) General Permit, Order No. 2012-0006-DWQ, as

amended, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared, or exemption from SWPPP coverage must be demonstrated, before work begins on site. The General Contractor is responsible for SWPPP preparation and implementation, or for demonstrating that the project is exempt from SWPPP coverage.

- Plan project to occur at dry times of the year to minimize the potential for soil run-off. Use swales and other erosion control to prevent soil run-off. Prepare stormwater prevention plan.

### **General**

- Project personnel will coordinate with Park Resources and Operational staff well ahead of project implementation to ensure that the project is planned and timed in such a way as to minimize operational impacts.
- During excavation and soil loading activities, a water mister/sprayer will be used to suppress dust. Cessation of work may be necessary during excessively windy conditions.
- If staging of equipment and fill does not occur on site, the Upper River campground is the recommended staging area (currently used for other staging uses).
- The project manager shall ensure that project personnel (managers, supervisors, and staff) attend a resources protection briefing prior to working on site to become familiar with statutory and contractual environmental requirements and protection measures for archeological sites, sensitive habitats, water resources, and wildlife. Required topics include proper storage and disposal of food and trash, safe behavior around wildlife, protection of cultural resources, avoidance of introduction of exotic plants, and specific protections for any threatened and endangered or sensitive species found on or around the project site. Contractors will watch the "Working in Yosemite" video prior to starting work (<https://www.youtube.com/watch?v=CuRn-tZ8SL4&feature=youtu.be>).

### **Safety**

- Prior to mobilization, send Health & Safety Plan (HASP) and Accident Prevention Plans (APP) to the Yosemite Safety Team for acceptance.
- Excavated soil will be segregated and managed as non-hazardous, non-RCRA hazardous, or RCRA hazardous waste. Non-hazardous soils will be transported to an approved Class 3 landfill for disposal or use as daily cover. Non-RCRA and RCRA hazardous soils will be transported to a licensed and properly permitted Class 1 disposal facility or an out-of-state facility permitted to accept hazardous waste.

### **Vegetation**

- Contact the Vegetation and Ecological Restoration Branch (Athena\_Demetry@nps.gov) well ahead of excavation and fill work to coordinate revegetation activities. VER will need at least a year's lead time to treat high priority weeds on site, collect seeds for restoration work, survey for special status plants on site, and send seeds for grow-out at a nursery so that they are ready to plant when fill work is complete.
- For tree or vegetation removal work, consult with Vegetation and Ecological Restoration Branch Chief (Athena Demetry, Athena\_Demetry@nps.gov) to avoid impacts to special status species and potentially salvage and replant vegetation before and after the project.
- All fill materials must be approved by park staff. Fill materials from within the park will be used to the extent possible. Any sources of imported backfill materials must be clean and free of seeds and must be approved by the park at least 14 days in advance. Please coordinate with VER Division Chief Athena Demetry (Athena\_Demetry@nps.gov) for fill sourcing and inspection.
- VER recommends that equipment tracks be raked out and the site restored as a meadow following the removal action.
- Coordinate with VER prior to the commencement of the removal action to ensure the avoidance of research cross section markers along the river bank adjacent to the project area.

- Measures shall be taken to prevent the introduction of exotic species in the project area and staging areas. All earth moving equipment must enter the Park free of dirt, dust, mud, seeds, or other potential contaminant. Examples of equipment that require inspection are excavators, skid steers, or boring equipment. Passenger vehicles do not need inspection but should be clean prior to entry in the park. Equipment exhibiting any dirt or other material attached to frame, tires, wheels, or other parts shall be thoroughly cleaned by the Contractor before entering the Park. Areas inspected shall include, but not be limited to, tracks, track guard/housings, belly pans/under covers, buckets, rippers, and other attachments. Equipment that does not pass inspection will be turned around to the nearest cleaning facility outside the park. The Contractor shall notify the Construction manager at least two work days (not including weekends) prior to bringing any equipment into the Park. Equipment found to have entered the Park with potential contaminants will be removed from the Park at the direction of the Contracting Officer at Contractor's sole expense. All staff working on site shall be informed of and follow best management practices for preventing the introduction and spread of non-native, invasive species as described in Division 1 Specifications, Section 1335.

**Water Resources**

- The contractor will adhere to all requirements and conditions of any Clean Water Act Section 401/404 permits that may be required for this work.
- Please coordinate with the park hydrologist or geologist to guide backfilling/regrading design. The park is interested in restoring overflow channels of the Merced River which historically existed prior to the FWDA's existence. Less backfilling may be needed to bring the surface of the excavated area flush with the surrounding topography.

**Wildlife**

- Fill all trenches or holes at the end of each day. If this is not possible, all holes or trenches will be fitted with escape ramps or capped to prevent entrapment of wildlife.
- All project employees must be trained in proper storage of food and garbage before entering the job site to protect wildlife from human food conditioning. All food and garbage will be stored in an approved manner unless being prepared or consumed, and even in those cases, it will be kept within arm's reach. Coolers will never be left in the back of open trucks. Food and trash will be removed from the project site at the close of work each day. Food storage and trash systems must follow park regulations. Exceptions, such as open-top dumpsters for construction materials must be approved by park wildlife staff (e.g., dumpster must be clearly marked and stored away from visitor pathways).
- Workers will be informed to obey speed limits and drive slowly on warm, wet nights to avoid impacts to listed frogs that may be located on roadways.
- Depending on the timing of the work, a survey may be needed prior to beginning, and/or a biologist may need to be on-site. If work is done April - Oct, there will be No Effect to CA red-legged frogs and these mitigations won't be needed. If the work is done Nov - March, the work MA-NLAA the frogs, with these mitigations in place.

**Superintendent Signature:** \_\_\_\_\_ **Cicely Muldoon** **Date:** \_\_\_\_\_ **June 8, 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:** El Capitan Former Waste Disposal Area Remediation- CERCLA

**PEPC Project Number:** 89467

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

The El Capitan FWDA is located in Yosemite Valley, to the south and directly downstream of the El Capitan picnic area and Northside Drive, adjacent to the Merced River. The site was used for waste disposal from 1905 (or earlier) into the 1930s. The types of debris observed likely originated from the hotels and camps active in the Yosemite Valley at the time, as suggested by the manufacturing dates on materials and types of materials recovered during excavations. Waste debris includes domestic trash, glass, ceramics, automotive machinery and related wastes, paint cans, 55-gallon drums, and a layer of burned material likely resulting from regular on-site burning. The area is currently undeveloped with the exception of the Valley Loop Trail that crosses the site.

The historic use of the site as a dump left behind hazardous materials and the NPS investigated the site to evaluate cleanup options, pursuant to CERCLA. In July 2014, the park prepared an Approval Memorandum that was signed by the NPS Regional Director for a non-time-critical removal action to be conducted at the site via an EE/CA investigation. In 2015, a sampling and analysis plan (SAP), site-specific health and safety plan, and community involvement plan were prepared and a geophysical survey of the site was performed, using vertical magnetic gradient, electromagnetic terrain conductivity and ground-penetrating radar. The geophysical survey revealed larger areas of subsurface waste than previously identified, expanding the study area. Sediment and porewater sampling via X-ray fluorescence were performed to delineate an area with elevated concentrations of lead. In 2016, a second round of geophysical survey occurred to delineate boundaries of subsurface waste and an amendment to the SAP was prepared and implemented. A combination of test trenches and test pits were excavated to delineate boundaries of subsurface waste. Concurrently, historical archeological data recovery measures were performed to avoid adverse effects to archeological resources. In 2017, additional test trenches were excavated to delineate boundaries of subsurface waste and groundwater monitoring was conducted at 13 sampling locations, including areas identified as upgradient of the waste, within the waste areas, and downgradient of the waste areas. The investigations found contaminants of concern, including metals, hydrocarbons, and dioxins in the waste material, adjacent soil, and groundwater. Exposure risk is low for humans and low to moderate for ecological receptors.

The site consists of several distinct disposal area totaling approximately 64,000 square feet with waste materials being generally confined to the top 4 feet of soil. Waste is exposed discontinuously on the surface, including in an eroding cutbank along the river. A total of approximately 9,500 cubic yards of waste materials are estimated to be present at the site.

A contractor has completed an Engineering Evaluation/Cost Analysis (EE/CA) document for the El Capitan FWDA site, based on the chemicals of concern found there. An EE/CA guides non-time-critical removal actions and has the goals of satisfying environmental review requirements for removal actions, satisfying administrative record requirements, and providing a framework for evaluating and selecting action alternatives. The EE/CA document offers several alternatives for action at the El Capitan FWDA. The park has selected Alternative 5, "Excavation and off-site disposal of contaminated soils and in-situ treatment of groundwater" as the preferred remediation action, due to its protection of human and environmental health and its best meeting park responsibilities under the Organic Act. Other alternatives considered included a no action alternative, in-place containment of contaminated soils and in-situ treatment of groundwater, in-place containment of contaminated

soils with limited excavation and off-site disposal and in-situ treatment of groundwater, and excavation and off-site disposal of contaminated soils with limited in-place containment and in-situ treatment of groundwater.

The selected alternative would remove contaminated soil from the site, dispose of the soil in an authorized facility, and restore the site. This action would include removal of approximately 9,500 cubic yards of material (approximately 800 dump truck loads) from the park. Confirmation sampling within the excavation areas, stockpiles, and groundwater monitoring wells will occur prior to backfill to ensure that contaminant removal has been successful. Then, the excavated areas would be backfilled with the same amount of imported backfill/native soil. Implementation of this alternative would require installation of a temporary road from Northside Drive to the site to provide access for equipment and import of fill materials and the temporary closure of the portion of the Valley Loop Trail that traverses the site. This phase of the project is estimated to take approximately 5 weeks to complete. Following completion of construction, the temporary road will be removed and the disturbed area will be revegetated and restored as a meadow area. In situ treatment of the contaminated groundwater will then be implemented through the installation of groundwater monitoring wells and injection points for chemical remediation amendments. The work will be performed by the NPS under its delegated CERCLA authority and directed and overseen collaboratively by the NPS and the California Environmental Protection Agency, Department of Toxic Substances Control.

**Mitigation(s):**

See Letter of Compliance Completion Form for mitigations.

**CE Citation:** 3.3.C.19 Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible to the handicapped.

**CE Justification:**

The site is being remediated under CERCLA through a non-time-critical removal action.

**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:** \_\_\_\_\_ June 8, 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>F.</b> [Repealed per DOI] Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	N/A	No longer applicable per the updated 2020 CEQ NEPA regulations and DOI direction
<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	None
<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 13007)?	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:** El Capitan Former Waste Disposal Area Remediation- CERCLA

**PEPC Project Number:** 89467

**Project Type:** Other Study (STU)

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

**Project Leader:** Stephen Mitchell

## B. PROJECT DESCRIPTION

See Categorical Exclusion Form

## C. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	Potential	Issue: The removal action could generate dust containing contamination  Impact: Water-based dust suppression would be used for controlling contaminated soil and dust during construction.
Biological Nonnative or Exotic Species	Potential	Issue: Equipment will be entering the park, posing a potential risk of introducing nonnative or exotic species.  Impact: To mitigate potential impacts, contact the Vegetation and Ecological Restoration Branch Chief to arrange for equipment cleaning and inspection before entering park. • All earth moving equipment must be thoroughly cleaned to minimize the introduction of non-native plants. • Equipment exhibiting any dirt, mud seeds or other potential contaminant attached to frame, tires, wheels, or other parts will be thoroughly cleaned and inspected by trained park staff before entering the park. • Areas inspected will include, but not be limited to, tracks, track guard/housings, belly pans/under covers, buckets, rippers, and other attachments. • Equipment that does not pass inspection will be turned around to the nearest cleaning facility outside the park. • Re-clean equipment before returning to the project or staging area if it is removed from the general vicinity of the project or staging area. • Before moving vehicles or equipment to a new job site within the park, visually inspect and clean thoroughly to remove all mud, dirt, and plant parts.

<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Biological</b> Species of Special Concern or Their Habitat <i>Amphibians</i>	Potential	Issue: Federally listed amphibian species are present in Yosemite Valley and may be on roads during warm, wet nights.  Impact: Workers will be informed to obey speed limits and drive slowly on warm, wet nights to avoid impacts to listed frogs that may be located on roadways.
<b>Biological</b> Vegetation <i>Meadows</i>	Potential	Issue: Ground disturbance is proposed in currently vegetated areas, including the FWDA and the area of the temporary road.  Impact: Following backfill of excavation areas and installation of the covers, the surface of the FWDA and the temporary road would be revegetated with a meadow seed mix to match the future land use of the area as a meadow restoration area.
<b>Biological</b> Wildlife and/or Wildlife Habitat including terrestrial and aquatic species	None	None
<b>Cultural</b> Archeological Resources <i>Yosemite Valley Archeological District</i>	Potential	Issue: The project area is located within the Yosemite Valley Archeological District which was determined eligible for listing on the National Register in 1976 and the FWDA itself is associated with an archeological site.  Impact: While the project involves partial removal of the historical materials within the archeological site, the site has been heavily sampled with controlled archeological subsurface investigation and construction monitoring. The site has been recommended ineligible for listing in the NRHP and no further archeological work is recommended.
<b>Cultural</b> Cultural Landscapes <i>Yosemite Valley Historic District</i>	Potential	Issue: The project area is located within the Yosemite Valley historic district, which was listed on the National Register of Historic Places in 2006 (NR #04001159). Several views from the project area, as well as the Valley Loop Trail which traverses the site, are contributing elements to the historic district.  Impact: The project will result in short-term visual impacts from construction and restoration activities. Upon project completion, the meadow will be restored and access to contributing views will be improved.
<b>Cultural</b> Ethnographic Resources	Potential	Issue: The project area is adjacent to or overlaps several ethnographic resources.  Impact: The project is not expected to disturb or degrade ethnographic resources.



<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Cultural</b> Museum Collections <i>FWDA Artifacts</i>	Potential	Issue: The project area contains artifacts associated with the historic dump site.  Impact: It is anticipated that excavated materials will be redundant to the existing extensive collections and will be mixed with hazardous material. If any materials are subsequently found during screening that indicate that specific site areas retain additional data potential or have significance outside of the archeological value already assessed as part of the extensive previous investigations, remediation will cease until consultation with SHPO can confirm that continued excavation would not adversely affect the historic property.
<b>Cultural</b> Prehistoric/historic structures <i>Valley Loop Trail</i>	Potential	Issue: The Valley Loop trail overlaps with the proposed access road.  Impact: The trail was heavily disturbed when it was used for access to the dump and no features or artifacts associated with the trail are in this location. Post-excavation remediation of the site and the trail are expected to improve this section of the trail.
<b>Geological</b> Geologic Features <i>Soils</i>	Potential	Issue: Approximately 9,500 cubic yards of contaminated material will be removed from the site and disposed of in an authorized off-site facility. Clean soil will be imported to backfill excavation areas to match the surface conditions that previously existed and the ground surface will be ecologically restored.  Impact: The project will restore the site and improve the overall condition of the soil.
<b>Geological</b> Geologic Processes	None	None
<b>Lightscares</b>	None	None
<b>Other</b> Human Health and Safety <i>Project Staff</i>	Potential	Issue: Soil contaminants will be removed as part of this project posing a potential risk to workers.  Impact: Safety measures such as dust suppression, use of PPE, and establishment of work zones would protect workers during remediation activities.
<b>Other</b> Operational	Potential	Issue: The project site overlaps with the heavily used Valley Loop trail. Lane closures or traffic control may be needed to facilitate equipment movement to and from the site. Impact: Project staff will coordinate with park staff well ahead of project implementation to ensure that operational impacts are minimized.
<b>Other</b> Other <i>Contaminated Soil and Groundwater</i>	Potential	Issue: Preliminary investigations found contaminants of concern, including metals, hydrocarbons, and dioxins in the waste material, adjacent soil, and groundwater at the site.  Impact: The contaminated soil will be removed as part of this project and groundwater will be treated and monitored.
<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: Some noise associated with the excavation work is expected during project implementation.  Impact: Increased noise levels are expected to be temporary and localized during excavation work.
<b>Viewsheds</b> <i>Contributing Views</i>	Potential	Issue: Several contributing views to the Yosemite Valley Historic District are attainable from the site.  Impact: The project will result in short-term visual impacts from construction and restoration activities. Upon project completion, the meadow will be restored and access to contributing views will be improved.
<b>Visitor Use and Experience</b> Recreation Resources <i>Valley Loop Trail</i>	Potential	Issue: The Valley Loop Trail, a popular recreational resource, traverses the site.  Impact: During excavation and restoration work, this portion of the Loop Trail will either be closed or visitors will be escorted around the site. Work is expected to take place in the low visitation season.
<b>Visitor Use and Experience</b> Visitor Use and Experience	Potential	Issue: The site, currently containing hazardous waste, will be remediated and ecologically restored.  Impact: Site remediation and restoration work is expected to improve visitor use and experience of this site.
<b>Water</b> Floodplains	Potential	Issue: The site is within the 1% chance of annual flooding zone of the Merced River.  Impact: The project is an SOF-excepted action under NPS PM-77-2 V.B "natural or undeveloped sites along trails or roads." The project aligns with NPS policy to restore natural floodplain values previously affected by land use activities within floodplains.
<b>Water</b> Marine or Estuarine Resources	None	None
<b>Water</b> Water Quality or Quantity <i>Groundwater</i>	Potential	Issue: Preliminary investigations found contaminants of concern, including metals, hydrocarbons, and dioxins in the groundwater at the site. Some work may occur within designated waters of the U.S.  Impact: The contaminated soil will be removed as part of this project and groundwater will be treated and monitored. Work within waters of the U.S. will require water quality permitting.

<b>Resource</b>	<b>Potential for Impact</b>	<b>Potential Issues &amp; Impacts</b>
<b>Water Wetlands</b>	Potential	<p>Issue: A wetlands area exists to the northwest of the project area.</p> <p>Impact: Equipment or project personnel are not expected to enter or impact the wetlands area. Wetland delineation of the project area will be performed prior to project implementation to confirm boundaries and wetlands mitigations or recommendations from the Clean Water Act permits, if required, will be followed to protect this resource. Groundwater quality is expected to improve following site remediation and restoration.</p>
<b>Water Wild and Scenic River</b> <i>Merced Wild and Scenic River</i>	Potential	<p>Issue: The project is within the Merced Wild and Scenic River Corridor, West Yosemite Valley Segment 2B.</p> <p>Impact: This river segment is classified as a "scenic" segment. The project is not expected to diminish the ORVs or be inconsistent with the classification of this segment.</p>
<b>Wilderness</b>	None	None



# ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

## A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

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

**Project Name:** El Capitan Former Waste Disposal Area Remediation-CERCLA

**Prepared by:** Daniel Sharon    **Date Prepared:** 04/15/2020    **Telephone:** (209) 379-1038

**PEPC Project Number:** 89467

**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 effects (APE) includes the El Capitan FWDA in Yosemite Valley and the area impacted by the construction of the temporary access road. Visual effects will be temporary during the proposed remediation action which is expected to last 5 weeks outside of peak visitation season. The subsurface vertical APE will be associated with the excavation of refuse from the FWDA and is estimated to be no more than 4 feet below the ground surface. If staging will not occur on site, the recommended staging area is the Upper River campground (currently used for other project staging). The temporary access road will start at the El Capitan picnic area and head southwest to the dump area using the same road footprint originally used for the dump itself.

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

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

**Archeological Resources Present:** Yes

**Property Name:** Yosemite Valley Archeological District      **LCS:**

**Archeological Resources Notes:** Artifacts associated with the El Capitan dump compose archeological site CA-MRP-1196/1751/H, [REDACTED]. This site has been investigated multiple times, with extensive surface survey and subsurface investigation completed in 2001, 2016, and 2017. The site has been recommended ineligible for listing in the National Register of Historic Places with concurrence from the SHPO on 2/24/2021.

**Historical Structures/Resources Present:** No

**Cultural Landscapes Present:** Yes

**Property Name:** Yosemite Valley Historic District      **LCS:**

**Ethnographic Resources Present:** No

**Ethnographic Resources Notes:** The park consulted with the tribes in May 2015, August 2015, March 2017 and March 2020. Only comment received related to the safety of people accessing the site for plant gathering activities which will be addressed during construction by public access restrictions. The tribe recommended that the park post signs identifying the area as a non-gathering area. The park has determined that the on-site contaminants are primarily confined below layers of topsoil and the potential risk of hazardous contaminants on the surface remains low. In addition, the section of the Valley Loop Trail that traverses the site will either be closed during the restoration activities or visitors will be escorted around the site, thus not warranting sign installation. The NPS provided a response to the Tribe in August 2017 that it would not be posting public notices restricting access as the risks posed by the site to public safety are low.

**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
No	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)
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: Madelyn Ruffner

Date: 04/21/2020

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:** Project is covered under CERCLA but park will be consulting with SHPO per the standard consultation process.

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

**[ X ] Anthropologist**

**Name:** Liz Williams

**Date:** 04/14/2020

**Comments:** Project will enhance mushroom gathering opportunities. Temporary road overlaps with estimated ethnographic village boundary [REDACTED]. Tribes were consulted at various project planning stages and no comments were received other than referencing public safety.

*Check if project does not involve ground disturbance* [  ]

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

**Recommendations for conditions or stipulations:**

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

**[ X ] Archeologist**

**Name:** Wesley Wills

**Date:** 03/24/2020

**Comments:** Artifacts associated with the El Capitan dump compose site CA-MRP-1196/1751/H, [REDACTED] [REDACTED] This site has been investigated multiple times, with extensive surface survey and subsurface investigation completed in 2001, 2016, and 2017. The site was determined ineligible for the National Register of Historic Places, with concurrence received from SHPO in February 2021, due to the lack of remaining data potential and extensive existing sampling that has occurred in all components of the site. Archeological monitoring is not recommended for this undertaking.

*Check if project does not involve ground disturbance* [  ]

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

**Recommendations for conditions or stipulations:**

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

**[ X ] Historian**

**Name:** Scott Carpenter

**Date:** 04/14/2020

**Comments:** No historic structures or buildings present within project area, no Historical Architect review required.

*Check if project does not involve ground disturbance* [  ]

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

**Recommendations for conditions or stipulations:**

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

**[ X ] Historical Landscape Architect**

**Name:** Vida Germano

**Date:** 04/21/2020

*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:**

<b>Selected with X</b>	<b>Assessment of Effect</b>
Not selected	No Potential to Cause Effects
Not selected	No Historic Properties Affected
X	No Adverse Effect
Not selected	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:** Oct 6, 2020

**SHPO Received:** Feb 24, 2021

**THPO Required:** Yes

**THPO Sent:** May 8, 2015

**THPO Received:** May 8, 2017

**SHPO/THPO Notes:** Original consultation letter sent to the SHPO on 10/6/2020. The SHPO responded on 12/4/2020 that they did not concur with the NPS' recommendation of NRHP eligibility for archeological site CA-MRP-1196/1751/H. The NPS revised its recommendation in a 1/27/2021 letter and the SHPO concurred on 2/24/2021.

**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:

- The access road will use the former dump road, which is currently a trail/dirt road that starts at Northside Drive in the El Capitan picnic area and heads southwest to the dump. If this route is not used, this project will require additional cultural resources review as there are other archaeological sites and ethnographic resources in this area.

**6. Assessment of Effect Notes:**

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

**Section 106 Coordinator** Hope Schear **Date:** May 26, 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:** June 8, 2022  
\_\_\_\_\_





## Other Compliance/Consultations Form

**Park Name:** Yosemite National Park  
**PEPC Project Number:** 89467  
**Project Title:** El Capitan Former Waste Disposal Area Remediation- CERCLA  
**Project Type:** Other Study: CERCLA  
**Project Location:**  
**County, State:** Mariposa, CA  
**Project Leader:** Stephen Mitchell

### ESA

**Any Federal Species in the project Area? Yes**  
**If species in area: Not Likely to Adversely Affect**  
**Was Biological Assessment prepared? Yes**  
**If Biological Assessment prepared, concurred?**  
**Formal Consultation required? No**  
**Formal Consultation Notes:**  
 The park has a BO in place for CA red-legged frogs in the valley. The potential of this project impacting frogs depends on timing. If it may impact frogs, it may be that a biological monitor will be needed on site. If the timing is such that it will not impact frogs, the determination here will be reduced to No Effect. See mitigation measures for specifics on implementation timing.

**Formal Consultation Concluded:**  
**Any State listed Species in the Project Area? No**  
**Consultation Information:**  
**General Notes:**

**Data Entered By:** Rachel Mazur

**Date:** Jun 22, 2020

### ESA Mitigations

*No ESA mitigations are associated with this project.*

### 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>	No	Not in wetland as defined by NPS/DOI.
<b>B. COE Section 404 permit needed?</b>	Yes	<b>Request Date:</b> <b>Issue Date:</b> <b>Expiration Date:</b>

Question	Yes/No	Details
C. State 401 certification?	Yes	None
D. State Section 401 Permit?	Yes	<b>Issue Date:</b> <b>Expiration Date:</b>
E. Tribal Water Quality Permit?	No	None
F. CZM Consistency determination needed?	N/A	N/A
G. Erosion & Sediment Control Plan Required?	Yes	None
H. Any other permits required?	No	<b>Permit Information:</b>
<b>Other Information:</b>	Yes	Project area is within the 1% chance of annual flooding zone, however the project is an SOF-excepted action under NPS PM-77-2 V.B "natural or undeveloped sites along trails or roads." The project aligns with NPS policy to restore natural floodplain values previously affected by land use activities within floodplains. The contractor will develop a SWPPP. Project may require water quality permitting under Section 401/404 of the CWA.

Data Entered By: Daniel Sharon

Date: May 28, 2021

### Floodplains & Wetlands Mitigations

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

### Wilderness

Question	Yes/No	Details
A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness?	No	None
B. Is the only place to conduct this project in wilderness?	No	None
C. Is the project necessary for the administration of the area as wilderness?	No	None
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)	No	None
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	None
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.	N/A	<b>Initiation Date:</b> <b>Completed Date:</b> <b>Approved Date:</b>

Question	Yes/No	Details
<b>Other Information:</b>	No	None

**Data Entered By:** Daniel Sharon      **Date:** April 2, 2022

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

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

**Other Information:**

The project area is located within the West Yosemite Valley Segment 2B of the Merced Wild and Scenic River. This river segment is classified as "scenic". This project is intended to restore the site, including reopening historic river channels filled in by waste dumping, and is expected to enhance the ORVs associated with this river segment.

**Data Entered By:** Daniel Sharon      **Date:** May 28, 2021