



United States Department of the Interior

NATIONAL PARK SERVICE

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

IN REPLY REFER TO:
L7615(YOSE-PM)

Memorandum

To: Ruth Middlecamp

From: Superintendant, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2010-054 Commercial Use Authorization –
Stock Use (31213)

The Leadership Team has reviewed the proposed project/action and completed its environmental assessment documentation, and we have determined that there:

- Will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- Will not be any effect on historical, cultural, or archeological resources.
- Will not be serious or long-term undesirable environmental or visual effects.

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

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

- Specific concerns about designated sites in Virginia and Lyell Canyons. We have provided recommendations to Wilderness for avoiding intensive ground disturbance on known sites through close work with the outfitters. We need long-term follow through on archeological investigation of at least one of the traditional camps, which requires funding through fee or other project-specific mechanisms.
- Implement permit Special Conditions 26 (A & C) and 27 (A & B)

//Don L. Neubacher//
Don L. Neubacher

Enclosure (with attachments)

cc: Statutory Compliance File

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



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2010

Categorical Exclusion Form

Project: 2010-054 Commercial Use Authorization - Stock Use

PEPC Project Number: 31213

Project Description: The purpose of this project is to issue Commercial Use Authorizations (CUA) to approved Commercial Stock Users for the 2010 season in Yosemite National Park. Commercial stock outfitters (herein referred to as Holders) are required to obtain a CUA each season prior to taking clients into Yosemite National Park. A CUA allows holders to provide guided pack animal trips and/or pack support trips for hikers. Holders are required to originate and terminate pack trips outside of the park boundary, unless authorized by the Superintendent. Holders are regulated by the terms and conditions of the Commercial Use Authorization which is administered by Yosemite National Park, Office of Special Park Uses.

Campsites/Campfires – *Camping* is prohibited within one hundred (100) feet of a trail, flowing stream, river or any body of water, unless designated otherwise. Camping is also prohibited in areas identified and signed by the park as sensitive resource areas including identified restoration areas. The holder will use only those sites that have been identified and submitted as traditional stock use sites. Holder will use only existing fire rings. Only dead and down wood may be used where authorized. Wood fires are prohibited above 9600 feet elevation. Holder will leave campsites and fire rings clean and garbage free. Stock use in Virginia and Lyell Canyons will only be allowed at designated campsites. All use of these campsites must be scheduled and approved through the park Wilderness Office, even trips originating outside of Yosemite. A map of these campsites and conditions for the use of these campsites are in Appendix 1 and 2 of the attached permit.

Open Grazing: Open grazing shall be permitted in all areas of the park except in the vicinity of the five high sierra camps and those areas where camping is not allowed. In those areas, packers shall be required to carry pelletized or cubed feed for their animals. If the Superintendent determines that there are substantiated risks to park resources, the Superintendent will close that area to further grazing and/or stock use. Grazing is not allowed in the Kerrick Meadow complex to protect the Yosemite Toad. See Appendix 3 for a map of the closure area. Users may contact the Yosemite Wilderness Office at 209-372-0347 for further information regarding the use restriction for this area.

All conditions of the permit can be found in the attached permit.

Project Location:
Mariposa Country, CA

Mitigations:

- Specific concerns about designated sites in Virginia and Lyell Canyons. We have provided recommendations to Wilderness for avoiding intensive ground disturbance on known sites through close work with the outfitters. We need long-term follow through on archeological investigation of at least one of the traditional camps, which requires funding through fee or other project-specific mechanisms.
- Implement permit Special Conditions 29D and 30A.

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

A.6 Commercial use licenses involving no construction.

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Park Superintendent //Don L. Neubacher//

Date 7/22/10

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National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2010

ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: **07/06/2010**

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12 changes

A. PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2010-054 Commercial Use Authorization - Stock Use
PEPC Project Number: 31213
Project Type: Commercial Use Authorization (OTHER)
Project Location: County, State: Mariposa, Tuolumne, Madera, California
Project Leader: Ruth Middlecamp

Preliminary drawings attached? Yes

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

B. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.		Negligible			Soil disturbances will not exceed normal stock use.
2. From geohazards	No				
3. Air quality	No				
4. Soundscapes	No				
5. Water quality or quantity	No				
6. Streamflow characteristics		Negligible			Stock campsites must be a 100 feet from any water source.
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				
10. Rare or unusual vegetation	No				

– old growth timber, riparian, alpine					
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				Yosemite National Park is a World Heritage Site.
13. Unique or important wildlife or wildlife habitat	No				
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)		Negligible			The Commercial Use Authorization strongly encourages the use of weed-free feed.
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				
17. Visitor experience, aesthetic resources	No				
18. Archeological resources		Negligible			In complying with all the conditions of the Commercial Use Authorization, the holder shall train their employees and educate their clients to ensure that the park's geological, biological, historical, and archeological resources are not disturbed.
19. Prehistoric/historic structure		Negligible			See #18 above.
20. Cultural landscapes		Negligible			See #18 above.
21. Ethnographic resources		Negligible			See #18 above.
22. Museum collections (objects, specimens, and archival and manuscript collections)	No				
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	No				
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				
25. Energy resources	No				
26. Other agency or tribal land use plans or policies	No				

27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

C. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		No		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		No		Mitigated; in complying with all the conditions of the Commercial Use Authorization, the holder shall train their employees and educate their clients to ensure that the park's geological, biological, historical, and archeological resources are not disturbed.
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		No		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		No		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		No		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		No		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		No		

H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		No		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		No		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		No		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		No		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		No		

For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

D. OTHER INFORMATION

Are personnel preparing this form familiar with the site? Yes

Did personnel conduct a site visit? No

Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No

Are there any interested or affected agencies or parties? No

Has consultation with all affected agencies or tribes been completed? No

Are there any connected, cumulative, or similar actions as part of the proposed action? (e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project)? No

E. INTERDISCIPLINARY TEAM SIGNATORIES

<u>Interdisciplinary Team</u>	<u>Field of Expertise</u>
Don L. Neubacher	Superintendent
Kathleen Morse	Chief of Planning
Mark Butler	Chief of Project Management
Katariina Tuovinen	Chief of Administration Management
Ed Walls	Chief of Facilities Management
Niki Nicholas	Chief of Resources Management & Science
Marty Nielson	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Charles Cuvelier	Chief of Visitor and Resource Protection
Ruth Middlecamp	Project Leader
Elexis Mayer	Environmental Planning and Compliance Program Manager
Jeannette Simons	NHPA Specialist
Renea Kennec	NEPA Specialist

F. SUPERVISORY SIGNATORY

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

Compliance Specialists	Date
<u>//Renea Kennec//</u> Compliance Specialist – Renea Kennec	<u>7/14/10</u>
<u>//Elexis Mayer//</u> Compliance Program Manager – Elexis Mayer	<u>7/19/10</u>
<u>//Mark A. Buler//</u> Chief, Project Management – Mark Butler	<u>7/21/10</u>

Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u> Don L. Neubacher	<u>7/22/10</u>

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National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 07/13/2010

PARK ESF ADDENDUM

Today's Date: **July 13, 2010**

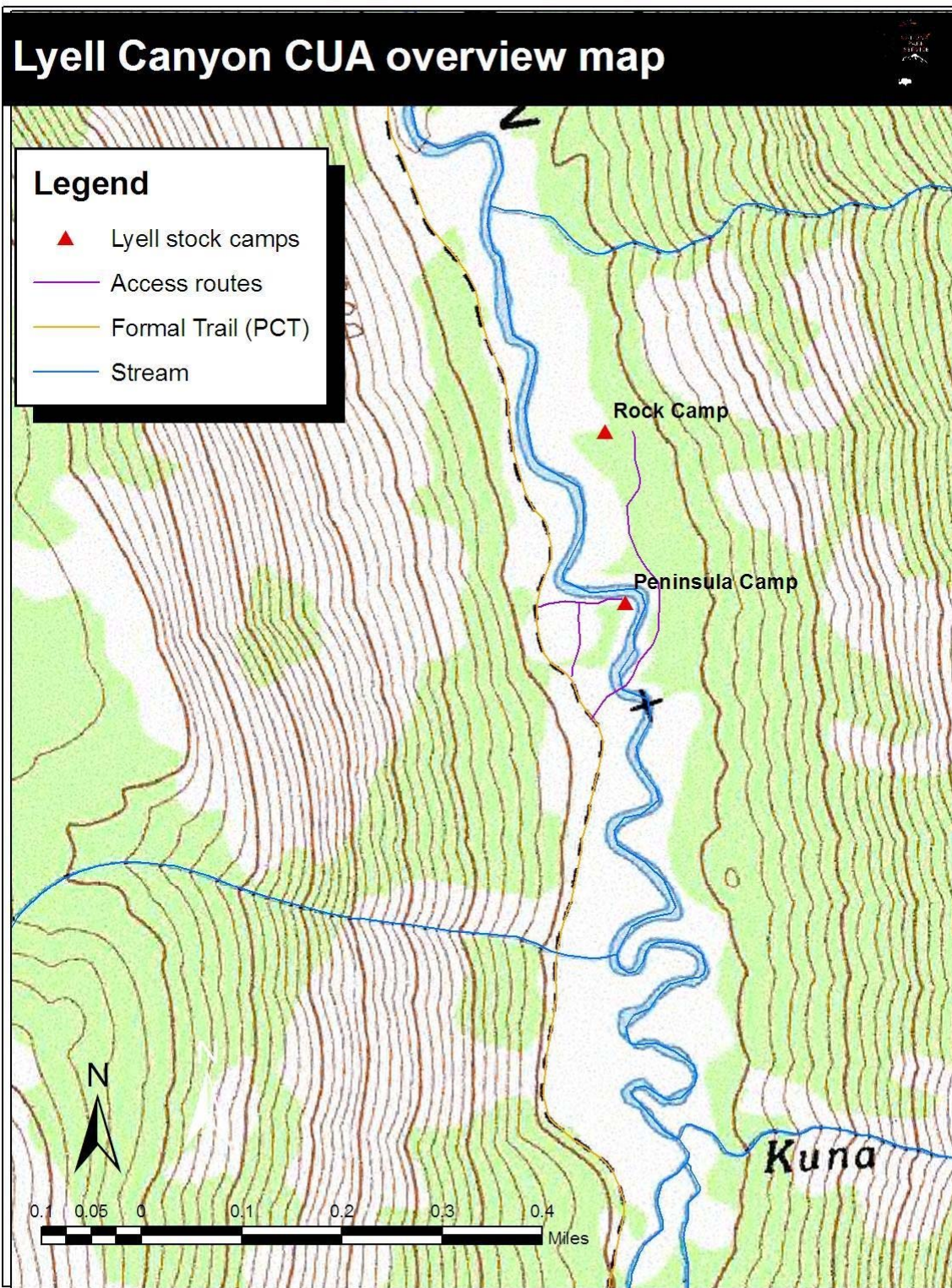
PROJECT INFORMATION

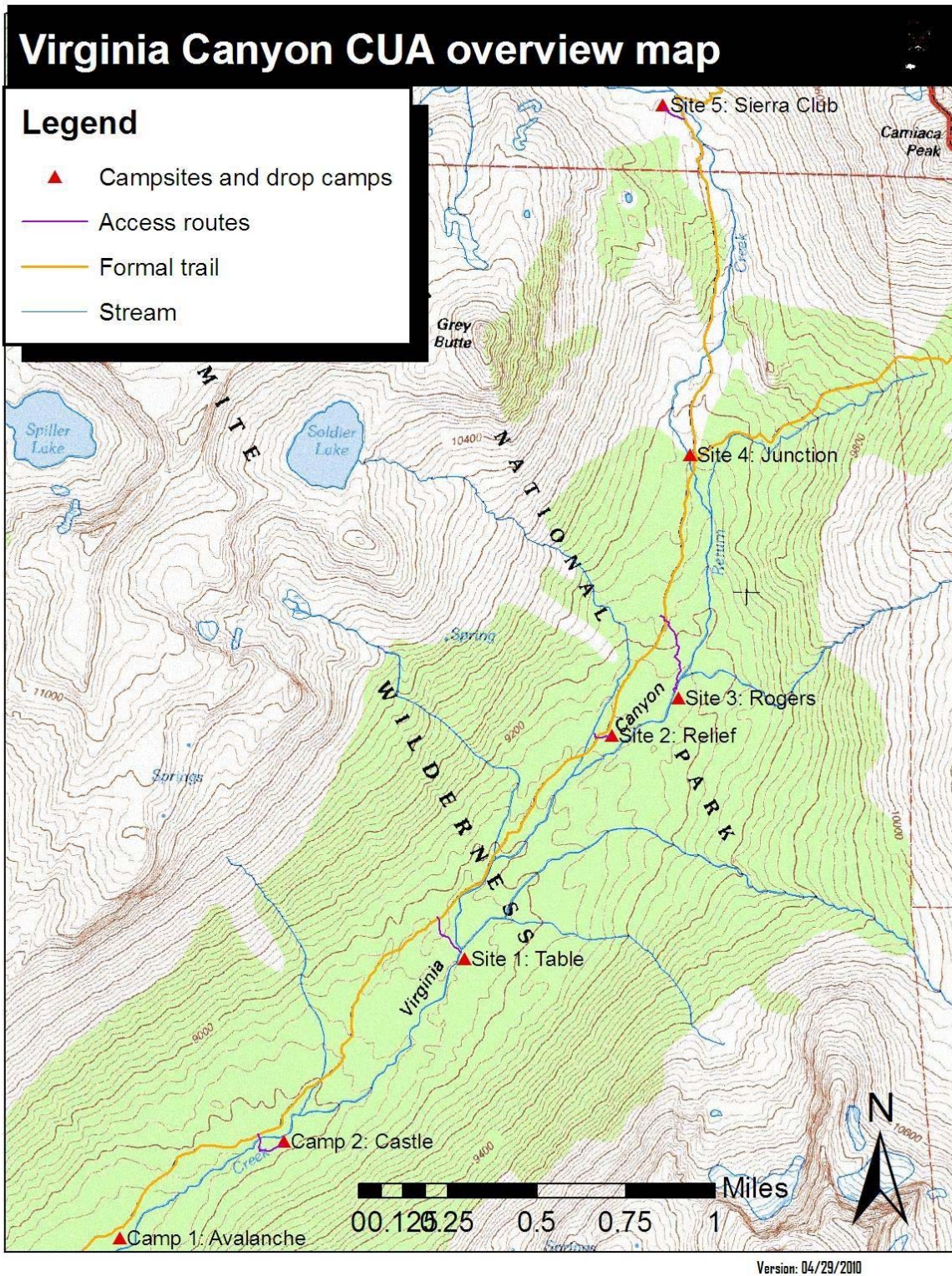
Park Name: Yosemite National Park
Project Title: 2010-054 Commercial Use Authorization - Stock Use
PEPC Project Number: 31213
Project Type: Commercial Use Authorization (OTHER)
Project Location: County, State: Mariposa, Tuolumne, Madera, California
Project Leader: Ruth Middlecamp

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST				
1. Listed or proposed threatened or endangered species (Federal or State)?		No		
2. Species of special concern (Federal or State)?		No		
3. Park rare plants or vegetation?		No		
4. Potential habitat for any special-status species listed above?		No		
NATIONAL HISTORIC PRESERVATION ACT CHECKLIST				
5. Entail ground disturbance?		No		Minimal; no new structures are allowed under this CUA.
6. Are any archeological or ethnographic sites located within the area of potential effect?		No		The holder will not allow employees or clients to disturb or remove any natural and/or historic and/or cultural artifacts from the park, including arrowheads, rock mortars, glass bottles/jars or similar artifacts.
7. Entail alteration of a historic structure or cultural landscape?		No		
8. Has a National Register form been completed?		No		

9. Are there any structures on the park's List of Classified Structures in the area of potential effect?		No		
WILD AND SCENIC RIVERS ACT CHECKLIST				
10. Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne River.
11. Fall within the bed and banks AND will affect the free-flow of the river?		No		
12. Have the possibility of affecting water quality of the area?		No		
13. Remain consistent with its river segment classification?	Yes			
14. Fall on a tributary of a Wild and Scenic River?	Yes			Parkwide.
15. Will the project impact the Wild and Scenic River corridor?	Yes			Camping is prohibited within 100 feet of any river or stream.
16. Will the project unreasonably diminish scenic, recreational, or fish and wildlife values?		No		
17. Consistent with the provisions in the Merced River Plan Settlement Agreement?	Yes			
WILDERNESS ACT CHECKLIST				
18. Within designated Wilderness?	Yes			This activity is associated with the Wilderness Management Plan.
19. Within a Potential Wilderness Addition?		No		







ASSESSMENT OF ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park **Park District:** Parkwide

2. **Project Description:**

- a. **Project Name:** 2010-054 Commercial Use Authorization - Stock Use
- b. **Date:** July 13, 2010
- c. **PEPC Project ID Number:** 31213

3. **Has the area of potential effects been surveyed to identify cultural resources?**

- ☐ No
☐ Yes, Source or reference:

☒ Check here if no known cultural resources will be affected. (If this is because area has been disturbed, please explain or attach additional information to show the disturbance was so extensive as to preclude intact cultural deposits.)

4. **Potentially Affected Resources:**

Archeological resources affected?

Name and numbers: Parkwide permit; presence/absence of resources determined on a site by site basis.

Ethnographic resources affected?

Name and numbers: Parkwide permit; presence/absence of resources determined on a site by site basis.

5. **The proposed action will:**

- ☐ Destroy, remove, or alter features/elements from a historic structure
- ☐ Replace historic features/elements in kind
- ☐ Add non-historic features/elements to a historic structure
- ☐ Alter or remove features/elements of a historic setting or environment (inc. terrain)
- ☐ Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
- ☐ Disturb, destroy, or make archeological resources inaccessible
- ☐ Disturb, destroy, or make ethnographic resources inaccessible

- ☐ Potentially affect presently unidentified cultural resources
- ☐ Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
- ☐ Involve a real property transaction (exchange, sale, or lease of land or structures)
- ☐ Other (please specify)

6. Measures to prevent or minimize loss or impairment of historic/prehistoric properties:

- Specific concerns about designated sites in Virginia and Lyell Canyons. We have provided recommendations to Wilderness for avoiding intensive ground disturbance on known sites through close work with the outfitters. We need long-term follow through on archeological investigation of at least one of the traditional camps, which requires funding through fee or other project-specific mechanisms.
- Implement permit Special Conditions 29D and 30A.

7. Supporting Study Data:

8. Attachments:

☐ Maps ☐ Archeological survey, if applicable ☐ Drawings ☐ Specifications ☐ Photographs
☐ Scope of Work ☐ Site plan ☐ List of Materials ☐ Samples ☐ Other:

Prepared by: Renea Kennec **Date:** July 13, 2010 **Title:** Environmental Protection Specialist **Telephone:** (209)379-1038

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:

☒ Archeologist
Name: Sonny Montague
Date: 07/13/2010
Comments:

Check if project does not involve ground disturbance ☐

Assessment of Effect: ☐ No Historic Properties Affected ☒ No Adverse Effect ☐ Adverse Effect ☐ Streamlined Review

Recommendations for conditions or stipulations:

Specific concerns about designated sites in Virginia and Lyell Canyons. We have provided recommendations to Wilderness for avoiding intensive ground disturbance on known sites through close work with the outfitters. We need long-term follow through on archeological investigation of at least one of the traditional camps, which requires funding through fee or other project-specific mechanisms.

Doc Method: Stipulations/Conditions

☒ Historical Architect

Name: Sueann Brown

Date: 07/07/2010

Comments:

Check if project does not involve ground disturbance ☐

Assessment of Effect: ☐ No Historic Properties Affected ☒ No Adverse Effect ☐ Adverse Effect ☐ Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Park Specific Programmatic Agreement

☒ Historical Landscape Architect

Name: David Humphrey

Date: 07/08/2010

Comments:

Check if project does not involve ground disturbance ☐

Assessment of Effect: ☐ No Historic Properties Affected ☒ No Adverse Effect ☐ Adverse Effect ☐ Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Park Specific Programmatic Agreement

No Reviews From: Curator, Archeologist, Historian, 106 Advisor, Other Advisor, Anthropologist

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

☐ No Historic Properties Affected ☒ No Adverse Effect ☐ Adverse Effect

2. Compliance requirements:

☐ A. STANDARD 36 CFR PART 800 CONSULTATION

Further consultation under 36 CFR Part 800 is needed.

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

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

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

☐ C. PLAN-RELATED UNDERTAKING

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

Specify plan/EA/EIS: _____

☐ D. UNDERTAKING RELATED TO ANOTHER AGREEMENT

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

Specify: _____

☐ E. COMPLIANCE REQUIREMENTS SATISFIED BY USE OF NEPA

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

☐ F. No Potential to Cause Effects [800.3(a)(1)]

☐ G. STIPULATIONS/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.

Recommended by Park Section 106 coordinator:

Signature of Historic Preservation Officer //Jeannette Simons//

Date: 7/15/10

D. 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.

Signature of Superintendent //Don L. Neubacher//

Date: 7/22/10

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Office in Yosemite National Park.*