

10. CONSULTATION AND COORDINATION

This chapter summarizes the consultation and coordination efforts undertaken for the *Merced River Plan/DEIS*. This National Park Service (NPS) plan was developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the implementing regulations developed by the Council on Environmental Quality (CEQ), which require diligence in involving any interested or affected members of the public in the planning process (40 CFR 1508.22). Compliance with the National Historic Preservation Act (NHPA) is integrated into the NEPA compliance process, using the NHPA Section 106 review process to coordinate the evaluation of effects on cultural resources.

Throughout this Yosemite National Park planning process, an intensive effort was made to involve professionals from all aspects of river and park management, in consultation with culturally associated American Indian tribes and groups, elected officials, other agency partners, local communities, park visitors, and private citizens, as summarized below.

PUBLIC INVOLVEMENT HISTORY

The public planning process for the *Merced River Plan/DEIS* has helped the NPS to understand and fully consider the interests of the public. Individuals, other public agencies, culturally associated Indian tribes and groups, organizations, and businesses have identified various issues and opportunities regarding the *Merced River Plan/DEIS* as part of this comprehensive process. This section describes the public involvement process, summarizes the public comments received, and describes how the NPS used these comments to identify significant issues to consider in the plan. In general, the major planning issues that would be resolved by the *Merced River Plan/DEIS* involve: (1) best management strategies for protecting and enhancing river values; (2) visitor use and associated user capacity for the river corridor; and (3) the types, sizes, and suitable locations of facilities and services needed to support visitor use.

Identification of Planning Issues: Scoping and Public Workshops

Formal internal and public scoping for the *Merced River Plan/DEIS* was conducted in accordance with CEQ regulations related to NEPA and NHPA compliance. The NPS solicited public and agency comments for the plan during a series of public scoping periods and public workshops.

Public Scoping

The purpose of scoping is to conduct an early and open process to identify issues and concerns related to the planning process and to determine the scope of issues to be addressed in the environmental analysis. Public scoping was conducted in consultation with interested organizations and individuals. The NPS initiated public scoping for the *Merced River Plan/DEIS* after a notice of intent appeared in the *Federal Register* in April 2007 for 60-day period. The public scoping period re-opened in June 2009, after a March 2008 court-issued opinion directed the NPS to expand the scope of the *Merced River Plan/DEIS*. The NPS extended the public scoping period several times and facilitated a series of

workshops and public meetings associated with each public scoping period. **Table 10-1** describes the public scoping comment periods from April 2007 to February 2010. The NPS considered all comments received since 2007 as part of this current planning process.

During the 2007 scoping period, the NPS received 191 public scoping responses (letters, faxes, emails, and comment forms), which included 81 form letters. During the 2009 through 2010 scoping period, the NPS received 576 response letters, which included 112 form letters.

TABLE 10-1: PUBLIC SCOPING COMMENT PERIODS FOR THE MERCED RIVER PLAN/DEIS

Initial Public Scoping for the <i>Merced River Plan/DEIS</i> – April 11, 2007
<ul style="list-style-type: none"> • Notice of Intent to prepare an Environmental Impact Statement (EIS) – Published on April 11, 2007, in the <i>Federal Register</i> (Vol.72,(69), page 18272). • Public scoping period – Open for 60 days, to close on June 10, 2007. • Three public meetings during the public scoping period – Mariposa on May 16, 2007; San Francisco on May 17, 2007; and Yosemite Valley on May 30, 2007. • Public response – During the 2007 scoping period, the NPS received 191 public scoping responses (letters, faxes, emails, and comment forms), including 81 form letters. • A summary of the 2007 public comments was posted on Jan. 31, 2011, to the park's website at www.nps.gov/yose/parkmgmt/mrp_documents.htm.
Public Scoping Period Re-opened – June 30, 2009
<ul style="list-style-type: none"> • Notice posted in the <i>Federal Register</i> (Vol. 74 (124), pages 31306-06) on June 30, 2009, announcing the opportunity to provide comments on a revised Merced River Plan, as directed in the March 27, 2008, court-issued opinion to expand the scope of the plan. The notice expressed that "all previous prior scoping comments remain under consideration." • Public scoping period – Open for 60 days, to close on Aug. 29, 2009 • Ten public meetings during the public scoping period – Oakhurst on Oct. 26, 2009; Lee Vining on Oct. 27, 2009; Yosemite Valley on Oct. 28, 2009; Mariposa on Nov. 2, 2009; Fresno on Nov. 3, 2009; Groveland on Nov. 4, 2009; Sacramento on Nov. 9, 2009; Berkley on Nov. 10, 2009; Los Angeles on Nov. 16, 2009, and Dec. 2, 2009 • First extension of the public scoping period– On Aug. 25, 2009, a notice was posted in the <i>Federal Register</i> (Vol. 74 (163) pages 42,917-18) announcing the first extension of the public scoping period, for 90 days, through Dec. 4, 2009. The notice stated, "Comments already provided in response to the June 30, 2009, Notice of Intent need not be resubmitted." • Second extension of the public scoping period – On Nov.16, 2009, the NPS issued press releases announcing a second extension of the public scoping period for 60 days. The NPS accepted scoping comments through Feb. 4, 2010. Subsequently, related public notices appeared in newspapers throughout Northern California and the Yosemite region, including in the <i>Sierra Star</i> (on Nov. 19, 2009) and the <i>Union Democrat</i> (on Nov. 23 and Nov. 30, 2009), which notified the public that the public scoping period had been extended. • On Nov. 17, 2009, the NPS sent an e-newsletter to more than 5,700 recipients stating the public scoping period would be extended through Feb. 4, 2010. Also on Nov. 17, the NPS posted information about the extension of the public scoping period prominently on the park's website. Shortly thereafter, the NPS sent 25,000 postcards to Yosemite campers informing them of the planning process that was underway and providing them with directions about how to obtain more information on the park's website. Official notice of this second extension was initiated by the park on Nov. 19, 2009. This notice appeared in the <i>Federal Register</i> on Feb. 4, 2010 (Vol. 15 (23) pages5,083). The notice stated, "Any comments already provided need not be resubmitted," indicating that comments from 2007 onwards would be considered in this planning effort. • Public response – During the 2009-2010 scoping period, the NPS received 576 public responses (letters, faxes, emails, and comment forms), including 112 form letters. • A summary of the 2009-2010 public comments was posted on Jan. 31, 2011, on the park's website.

All public scoping responses were reviewed and analyzed using the NPS' Planning, Environment and Public Comment analysis tools. Each response was carefully read, and individual ideas were assigned a code according to subject matter. A total of 4,458 discrete ideas were identified. These statements technically constitute the formal "public comments." A public scoping comment summary report was prepared by the NPS and posted to the web on Jan. 31, 2011. The *2010 Merced Wild and Scenic River Comprehensive Management Plan Public Comment Summary* and all public comments are available at www.nps.gov/yose/parkmgmt/mrp_documents.htm. This scoping summary was a primary reference used by the planning team to identify significant issues to address and integrate in the range of alternatives.

Public Scoping Workshops

The NPS held 18 public workshops devoted to scoping for the *Merced River Plan/DEIS* between July 2009 and December 2010. To promote participation, the NPS mailed more than 30,000 postcards to interested parties on the mailing list; these postcards provided a schedule of public scoping meetings and instructions for submitting comments. The NPS advertised public meetings in a variety of ways, including announcements on the park's website and in electronic newsletters and news releases. Fliers were also posted in gateway communities, throughout the park, and on campground bulletin boards. In addition to these meetings, public discussion regarding the *Merced River Plan/DEIS* took place at monthly open houses in Yosemite Valley and at quarterly meetings of Yosemite Gateway Partners.

Internal Scoping

Internal scoping was conducted with NPS managers and staff, culturally associated American Indian tribes and groups, affected federal and state agencies, and local government entities. An interdisciplinary team, made up of Yosemite staff and subject-matter experts, provided feedback to the planning team to help identify relevant planning issues and opportunities in the Merced Wild and Scenic River corridor. Comments were submitted through various channels, including interdisciplinary meetings, through a division liaison or chief, or through members of the planning team. The NPS interdisciplinary planning team used a rigorous process to fully evaluate and analyze public and internal scoping comments. Several documents guided the team: the public scoping summary report (in conjunction with the full text public comments); the *Merced Wild and Scenic River Values Draft Baseline Conditions Report*; and research studies to identify issues and opportunities to address through the Merced Wild and Scenic River planning process. This information base was augmented using the collective knowledge of subject-matter experts, park managers, and the interdisciplinary planning team.

Other Public Workshops, Outreach Activities, and Forums

Public workshops are a foundation of the public-involvement process, providing an opportunity for the public, the NPS interdisciplinary planning team, and subject-matter experts to interact. The NPS held more than 40 public workshops devoted to public involvement in the *Merced River Plan/DEIS* between July 2009 and August 2012. The NPS also held additional public forums, including several online webinars and site visits. Each public forum reflected the most current point in the planning process and

allowed the public to give feedback to the planning team. As part of Yosemite's commitment to robust public involvement, transparency and open communication, all public comments received during workshops and through other public outreach efforts are posted routinely to the park website. The public workshops conducted to date are described below and in **Table 10-2**. The NPS will continue to facilitate workshops throughout the development of the *Merced River Plan/Final EIS*, expected in 2013.

In Summer 2010: Workshops engaged the public in a foundational aspect of the plan, the analysis and articulation of the outstandingly remarkable values (ORVs) for the Merced Wild and Scenic River. The *Draft 2010 Outstandingly Remarkable Values Report for the Merced Wild and Scenic River* was provided, and public feedback was solicited to help refine the ORV statements and understand their condition.

In Spring 2011: The NPS hosted a workshop series dedicated to sharing information about the baseline conditions of the Merced River's ORVs as well as management considerations related to transportation and user capacity. Park staff and consultants gave informational presentations, fielded technical questions, and gathered feedback from members of the public. These workshops were simultaneously broadcast via webinar. After the meetings, recordings were posted to <https://yose.webex.com> where they have been viewed and downloaded more than 300 times since posting.

In Fall 2011: The NPS offered an alternatives development workshop series that included a webinar. In addition to the standard means for notifying the public about this public involvement opportunity, the NPS also used social media, such as Facebook and Twitter, to announce meetings and webinars to thousands of people through one post. This workshop series previewed a range of options to address management issues under consideration and to solicit feedback on that range of options. The planning team asked the public to give feedback on how these options might be combined into conceptual management alternatives. The NPS planning team developed a detailed planning workbook for this public outreach phase and distributed more than 700 copies of the *Fall 2011 Merced Wild and Scenic River Planning Workbook*. The workbook was also available for review, comment, and download on Yosemite's website. The NPS received 245 individual public comment letters in response. That feedback was used by the planning team during the development phase of the preliminary alternative concepts.

In Spring 2012: The public was invited to comment on the range of preliminary alternative concepts for the Merced Wild and Scenic River Plan. The NPS distributed almost 1,000 copies of the *Merced Wild and Scenic River Preliminary Alternatives Concepts Workbook* during this outreach phase, and a series of five workshops, three site visits, and two webinars were offered. The workbook was available for review, comment, and download on Yosemite's website. The two webinars were also recorded and posted at <https://yose.webex.com>. Webinar recordings have been viewed and downloaded more than 100 times. During public scoping, the public commented on these preliminary alternative concepts. The NPS received 413 public comment letters in response. The NPS examined and synthesized input received through internal and public workshops, site visits, and the administrative and public review of these preliminary alternative concepts to refine the management alternatives analyzed in this *Merced River Plan/DEIS*.

In Summer 2012: The NPS offered a public workshop to consult with subject-matter experts and representatives from academic institutions, tribal governments, and local, state, and federal government agencies on protecting and enhancing ORVs and management of user capacity.

TABLE 10-2: PUBLIC WORKSHOPS CONDUCTED TO DATE

2009 Summer/Fall/Winter: Public Scoping Workshops
The NPS hosted a series of 18 public workshops during the 2009 public scoping period. These meetings occurred in park, gateway and regional communities, and in major metropolitan areas in California. Locations included Fresno, Oakhurst, Lee Vining, Yosemite Valley, Mariposa, Fresno, Groveland, El Portal, Sacramento, Berkeley, Los Angeles, and Wawona. Presentations on the scope, history, and purpose of the plan were given. Participants were asked questions about what they valued and what they wanted to see protected in the river corridor, and what, if anything, should be changed.
2010 Summer: Outstandingly Remarkable Values (ORVs) Workshops
The NPS hosted a series of seven workshops to engage the public on three main topics: (1) specific locations or features that exemplify river values that the NPS may have missed in its ORV evaluation for the river corridor, (2) observations or knowledge of the conditions that relate to these river values, (3) the best ways to protect and enhance river values. The workshops took place in Wawona, San Ramon, Fresno, Oakhurst, Yosemite Valley, Groveland, and El Portal. Paper copies of the <i>Draft 2010 Outstandingly Remarkable Values Report for the Merced Wild and Scenic River</i> were distributed at the workshops, and electronic versions were posted to Yosemite's website for public review and comment. During this unofficial comment period, the NPS received and reviewed 33 individual public comment letters.
2011 Spring: Baseline Conditions Workshops
The NPS hosted a series of five workshops and a science forum that were simultaneously broadcast by webinar and a science forum. These workshops focused on the conditions of the river's ORVs and management considerations that a successful Merced River Plan would need to address. The workshops also included the topics of transportation and user capacity. The NPS posted the <i>Draft Merced Wild and Scenic River Values Baseline Conditions Report</i> for public review and comment. During this unofficial comment period, the NPS received and reviewed six individual public comment letters.
2011 Fall: Alternatives Development Workshops
This series of five workshops provided an opportunity to solicit early public input on the options the NPS was considering to protect river values or address user capacity or land-use management for the Merced River Plan. The NPS developed a planning workbook to help the public prepare for and participate in the workshops. More than 700 paper copies of the <i>Fall 2011 Merced Wild and Scenic River Planning Workbook</i> were distributed at the workshops, and electronic versions were posted to the park's website for public review and comment. The NPS conducted workshops in Yosemite Valley, El Portal, Wawona, and San Francisco, as well as one online webinar. The park received 245 comment letters in response to the workbook.
2012 Spring: Preliminary Alternatives Concepts Workshops
These workshops, site visits, and webinars presented an initial range of preliminary alternative concepts for consideration by the public, stakeholders, and internal and external partners. The information provided to the public described the process for developing and refining user capacities for the Merced River corridor. A planning workbook was made available to the public on March 19, 2012, with a comment period extending through April 20, 2012. Paper copies of the <i>Merced Wild and Scenic River Preliminary Alternatives Concepts Workbook</i> were distributed at the workshops, and electronic versions were posted to Yosemite's website for public review and comment. During this period, the NPS received 413 public comment letters.
2012 Summer: ORV Workshop
In August 2012, the NPS sponsored a public workshop titled "protection and enhancement of river values" to review the foundational planning materials with the public and foster discussion of user capacity, including a 2011 river-use study, in regard to the Merced River Plan. This 2012 meeting in Yosemite Valley fulfilled the requirement of the 2009 <i>Settlement Agreement</i> to meet with the public between the release of the preliminary alternative concepts and the forthcoming <i>Merced River Plan/DEIS</i> . At the meeting, user capacity subject-matter experts presented "boats, beaches, and river banks: visitor evaluations of recreation on the Merced River in Yosemite Valley" to discuss visitor-use issues with the public audience, made up of consult with individual experts and representatives from academic institutions, tribal governments and local, state, and federal government agencies during the meetings, notes were taken and later uploaded with the full slide presentations on Yosemite's website.

Other Public Outreach Activities and Forums

In order to ensure that interested and affected parties were meaningfully engaged in the planning process, the NPS developed a robust public involvement program. In addition to the standard outreach activities required by NEPA, the NPS successfully engaged in a variety of public outreach activities and forums.

Distribution of fliers, postcards, and print materials relating to the planning process helped involve members of the public who might not otherwise be aware of the opportunity to become involved in the Merced River Plan. Online webinars allowed people whose schedule or geographic location might preclude them from attending in-person public meetings engage in the planning process. The posting of recorded webinars online also extended the life of the presentation. People who did not know about or were not able to attend the live presentations could still access to information provided at a later time. Use of social media, such as Facebook and Twitter, for outreach was intended to reach a broader public, especially those without a history of involvement in the Merced River Plan. These and other outreach activities and forums helped ensure low-income and minority communities that could be affected by the proposal and alternatives were involved in the planning process.

Issues to be Addressed in the ‘Merced River Plan/DEIS’

Internal and public scoping and workshops identified major issues that a successful *Merced River Plan/DEIS* would address. The NPS identified these issues from formal 2007-2010 public scoping comments; public comments from interim (informal) comment opportunities; the *Draft Merced Wild and Scenic River Values Baseline Conditions Report*; and research studies conducted during the 2010 and 2011 field seasons. This information base was augmented with the collective knowledge of subject-matter experts, park managers, and the interdisciplinary planning team.

Internal and public comments were considered to be significant if they addressed the overall purpose of and need for the plan or identified potential effects within the project area. As such, these issues were identified as those to consider, explore, and integrate in the range of alternatives.

Major issues include:

- Natural resource stewardship and restoration, including protection and enhancement of water quality, free-flowing condition, geologic/hydrologic processes, and biological and scenic values.
- Cultural resource stewardship, including protection and enhancement of archeological and ethnographic resources, as well as careful consideration of historic cultural resources.
- Visitor experience issues, including recreational use of the Merced Lake High Sierra Camp, trailhead quotas, camping, separation of use types, dispersal of visitor uses, floating, rafting, and watercraft use.
- Land-use and facility management issues, including those related to the types and locations of services offered, siting of administrative facilities, infrastructure to support visitor and administrative use, transportation, circulation, and parking.

- User-capacity issues related to the kinds and amounts of visitor and administrative use, tools for managing visitor use and access, indicators and standards of quality, and a monitoring program.

For a detailed table of the major issues to be addressed in the *Merced River Plan/DEIS*, see “Purpose and Need for the Merced River Plan” (Chapter 2).

TRIBAL/FEDERAL/STATE/LOCAL AGENCY CONSULTATION

Culturally Associated American Indian Tribes and Groups

The NPS consulted with traditionally associated American Indian tribes and groups throughout the development of the *Merced River Plan/DEIS*. Yosemite National Park currently maintains consultation relationships with seven American Indian tribes and groups that claim traditional cultural association with park lands and resources. This includes five federally recognized American Indian tribes (Bridgeport Paiute Indian Colony of California, Bishop Paiute Tribe, North Fork Rancheria of Mono Indians of California, Picayune Rancheria of the Chukchansi Indians, and the Tuolumne Band of Me-Wuk Indians), and two American Indian groups (American Indian Council of Mariposa County, Inc. [also known as the Southern Sierra Miwuk Nation] and the Mono Lake Kutzadika^a). Consultation with federally-recognized American Indian tribes takes place on a government-to-government basis.

In December 2009, Yosemite requested tribal participation in the Merced Wild and Scenic River Plan. The NPS formally requested information from culturally associated tribes and groups for the protection of traditional cultural resources and historic properties with traditional cultural or religious significance. Tribal consultation included regularly scheduled and special meetings, as well as tribal site visits. Comments received from traditionally associated American Indian tribes and groups have been considered throughout the planning process. Yosemite officials will continue to consult with culturally associated tribes and groups throughout the EIS implementation process and will work directly with appropriate tribal government officials when plans or activities could have direct or indirect effects on traditional cultural resources, tribal interests, practices, traditional use areas and/or sacred sites. **Table 10-3** outlines tribal consultation meetings for the *Merced River Plan/DEIS* since July 2007.

The Yosemite National Park American Indian Consultation Program facilitates regulatory compliance with the National Historic Preservation Act; the National Environmental Policy Act; the Native American Graves Protection and Repatriation Act; and other statutes, policies, and guidance related to American Indian resources, issues, and concerns. The NPS will continue to conduct formal and informal consultations with traditionally associated American Indian tribes and groups about proposed NPS plans and actions that have the potential to affect the treatment, use, and access to cultural and natural resources with documented or potential cultural meaning for those groups.

TABLE 10.3: TRIBAL CONSULTATION MEETINGS THROUGH DEC. 1, 2012

Merced Wild & Scenic River Comprehensive Management Plan/EIS Tribal Consultation Meetings (as of Dec. 1, 2012)			
Date	Meeting	Location	Participants with the NPS
July 2007	Annual All Tribes Meeting	Tuolumne Lodge, Yosemite	Bishop Paiute Tribe, Mono Lake Kudzadika ^a , American Indian Council of Mariposa County (AICMC), Picayune Rancheria of Chukchansi Indians, Tuolumne Band of Me-Wuk Indians
July 2008	Annual All Tribes Meeting	Wawona Hotel Sunroom, Yosemite	Bishop Paiute Tribe, Mono Lake Kudzadika ^a , AICMC, Picayune Rancheria of Chukchansi Indians, Tuolumne Band of Me-Wuk Indians
July 2009	Annual All Tribes Meeting	Tuolumne Lodge, Yosemite	Bishop Paiute Tribe, Mono Lake Kudzadika ^a , AICMC, Picayune Rancheria of Chukchansi Indians, Tuolumne Band of Me-Wuk Indians, Bridgeport Indian Colony, North Fork Rancheria of Mono Indians of California
July 2010	Annual All Tribes Meeting	Yosemite Lodge, Yosemite	Bishop Paiute Tribe, Mono Lake Kudzadika ^a , AICMC, Picayune Rancheria of Chukchansi Indians, Tuolumne Band of Me-Wuk Indians, Bridgeport Indian Colony, North Fork Rancheria of Mono Indians of California
February 2011	Quarterly Consultation Meeting	Tuolumne Band of Me-Wuk, Rancheria	Tuolumne Band of Me-Wuk Cultural Committee
August 2011	Annual All Tribes Meeting	Wawona Hotel, Yosemite	Mono Lake Kudzadika ^a , AICMC, Picayune Rancheria of Chukchansi Indians, Tuolumne Band of Me-Wuk Indians, North Fork Rancheria of Mono Indians of California
September 2011	Monthly Tribal Council Meeting, AICMC	Mariposa	AICMC Tribal Council
December 2011	Consultation Meeting	Tuolumne Band of Me-Wuk, Rancheria	Tuolumne Band of Me-Wuk Cultural Committee
January 2012	Monthly Wauhoga Meeting	Mariposa	Wauhoga Committee
February 2012	Monthly Wauhoga Meeting	Mariposa	Wauhoga Committee
March 2012	Quarterly Consultation Meeting	Tuolumne Band of Me-Wuk, Rancheria	Tuolumne Band of Me-Wuk Cultural Committee
March 2012	Quarterly Consultation Meeting	North Fork Rancheria of Mono Indians of California	North Fork Rancheria of Mono Indians of California Tribal Council
July 13, 2012	Annual All Tribes Meeting	Lee Vining	Bishop Paiute Tribe, Mono Lake Kudzadika ^a , AICMC, Picayune Rancheria of the Chukchansi Indians, Tuolumne Band of Me-Wuk, North Fork Rancheria of Mono Indians of California
July 17, 2013	Tribal Site Visit	Yosemite Valley	AICMC, Tuolumne Band of Me-Wuk Indians
Aug. 14, 2012	Tribal Site Visit	El Portal	AICMC, Tuolumne Band of Me-Wuk Indians
Aug. 27, 2012	Quarterly Consultation Meeting	Tuolumne Band of Me-Wuk, Rancheria	Tuolumne Band of Me-Wuk Cultural Committee
Nov. 7, 2012	Tribal Site Visit	Yosemite Valley	AICMC

Consultation with Federal Agencies

U.S. Army Corps of Engineers

The Clean Water Act (Public Law 92-500) requires federal land agencies to consult with the U.S. Army Corps of Engineers (Army Corps) regarding wetlands in the vicinity of proposed projects. The NPS is consulting with the Army Corps regarding the *Merced River Plan/DEIS*, wetlands delineation, and permit requirements necessary to implement proposed actions in the plan, in accordance with Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act.

Under Section 404 of the Clean Water Act (33 U.S.C. 1344), permit approval is required for projects that may result in the discharge of dredged or fill material into waters of the United States. This includes all navigable waters, their tributaries, impoundments of these waters, and adjacent wetlands. Examples of Section 404 activities include infrastructure development, road fills, and riprap. Some actions proposed in the *Merced River plan/DEIS* may require permits for the discharge of fill material. The NPS would work with the Army Corps to obtain any required Section 404 permits prior to implementing any such action.

Under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), permit approval is required for the placement of structures in or over, or work in or over, navigable waters of the United States which affects their course, location, condition or capacity. The U.S. Army Corps of Engineers administers Section 10 permits. The NPS will conduct all projects associated with the *Merced River Plan/DEIS* with all Army Corps permit approvals in place. Review copies of the *Merced River Plan/DEIS* are being provided to the Army Corps as part of the consultation process.

NPS Water Resources Division

Two executive orders—11988 Floodplain Management and 11990 Protection of Wetlands—direct federal agencies to enhance floodplain and wetland values; to avoid development in wetlands and floodplains whenever there is a practicable alternative; and to avoid impacts associated with the occupancy or modification of floodplains or wetlands to the extent possible. The NPS Water Resources Division has engaged in administrative review of the *Merced River Plan/DEIS* to ensure the NPS met all obligations under these executive orders.

U.S. Fish and Wildlife Service

The Endangered Species Act of 1973, as amended (16 USC 1531 et seq.), requires all federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of federally listed species or critical habitat. Ongoing consultation with the USFWS has been conducted during preparation of the *Merced River Plan/DEIS*. Review copies of the *Merced River Plan/DEIS* are being provided to the USFWS as part of the consultation process.

The NPS initiated informal consultation with the USFWS on Aug. 11, 2010. Updated special-status species lists were obtained from the USFWS on June 6, 2011, and again on April 27, June 27, and

October 18, 2012. Consultation with the agency will continue throughout the environmental compliance process for the *Merced River Plan/DEIS*, and the NPS will obtain an updated list of federally endangered or threatened species every 90 days through project implementation.

U.S. Geological Survey

The expertise of the U.S. Geological Survey (USGS) was instrumental in developing a comprehensive study of rock-fall hazard and risk in Yosemite Valley, a research study commissioned to inform this planning effort and guide park management. Information from this study was a key element of land use and facilities analyses and related management decisions. The internationally peer-reviewed *Quantitative Rock-fall Hazard and Risk Assessment for Yosemite Valley, Yosemite National Park, California* report (April 2012) can be found on the park's website at <http://www.nps.gov/yose/naturescience/rockfall.htm>. Review copies of the *Merced River Plan/DEIS* have been provided to the USGS as part of the consultation process.

U.S. Forest Service

The U. S. Forest Service (USFS) manages the 29 miles of Merced Wild and Scenic River segments from the El Portal Administrative Site boundary to the northwest boundary of the Sierra National Forest under the 1991 U.S.F.S. *South Fork and Merced Wild and Scenic River Implementation Plan*. The USFS has been provided with a review copy of this *Merced River Plan/DEIS*.

U.S. Bureau of Land Management

The U.S. Bureau of Land Management (BLM) manages the 12 miles of Merced Wild and Scenic River segments from the northwest boundary of the Sierra National Forest to Lake McClure under the 1991 *Merced Wild and Scenic River Management Plan*. The BLM has been provided with a review copy of this *Merced River Plan/DEIS*.

Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the president and Congress on national historic preservation policy. This agency administers the NHPA's Section 106 review process and works with federal agencies to help improve how they consider historic preservation values in their programs.

The ACHP has issued regulations for the implementation of Section 106, titled "Protection of Historic Properties" (36 CFR 800). Yosemite initiated consultation with ACHP in May 2008 by notifying the agency that the park intended to prepare an Environmental Impact Statement (EIS) to comply with NHPA's Section 106. However, in August 2012, at the request of the California State Historic Preservation Officer (SHPO), this process was amended. In September 2012, the ACHP, SHPO, and other consulting parties were provided with the opportunity to review and comment on draft criteria for the historic resources component of the Cultural ORV. Comments were received via conference

call and in writing and are considered in the development of the historic resources component of the cultural ORV.

Yosemite now intends to comply with Section 106 under the standard four-step consultation process outlined in 36 CFR Part 800. It is Yosemite's intention to continue to use the NEPA process to the extent possible to fulfill the public involvement requirements of both NEPA and Section 106. To comply with Section 106 under this four-step process, the park is working with ACHP, SHPO, and other consulting parties to develop a plan-specific programmatic agreement regarding the implementation of the *Merced River Plan/DEIS*. This programmatic agreement is being developed concurrently with this plan and will be included as an appendix of the final plan. Parties to this agreement, including the ACHP, the State Historic Preservation Officer and the traditionally associated American Indian tribes and groups have been provided with review copies of this *Merced River Plan/DEIS*. Consultation with ACHP will continue throughout the development and implementation of the plan as stipulated in the programmatic agreement.

Consultation with State Agencies

California State Historic Preservation Officer

The California State Office of Historic Preservation is responsible for administering federal- and state-mandated historic preservation programs to protect California's irreplaceable archaeological and historical resources. Consultation takes place under the direction of the State Historic Preservation Officer, a gubernatorial appointee. The NPS initiated consultation with the State Historic Preservation Office regarding the *Merced River Plan/DEIS* in June 2007. This initial consultation was under the terms of the *1999 Programmatic Agreement among the National Park Service at Yosemite, the California State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) Regarding Planning, Design, Construction, Operations, and Maintenance, Yosemite National Park, California* (1999 PA), which is an October 1999 programmatic agreement developed in consultation with American Indian tribes and groups having cultural association with Yosemite. The parties involved in this 1999 programmatic agreement have been provided with review copies of this *Merced River Plan/DEIS*.

Yosemite met with the State Historic Preservation Officer on June 13, 2012, to discuss the planning effort, ORVs, and potential properties affected. On July 11, 2012, the SHPO visited the park and select historic properties potentially affected by the plan. The SHPO requested that consultation regarding the *Merced River Plan/DEIS* occur per the standard four-step process (per 36 CFR Part 800). In August 2012, the park agreed that consultation under the standard consultation process outlined in 36 CFR Part 800 would provide a more deliberative vehicle to address the plan's Section 106 compliance. In September 2012, the SHPO and other consulting parties participated in a conference call to discuss draft criteria for the historic resources component of the cultural ORV. Comments submitted by SHPO were considered in the development of the historic resources component of the cultural ORV. To that end, the park is working with these consulting parties to develop a plan-specific programmatic agreement regarding the implementation of the *Merced River Plan/DEIS*. This programmatic agreement is being developed concurrently with this plan and will be included as an appendix of the

final plan. It is the park's intention to continue to use the NEPA process to the extent possible to fulfill the public involvement requirements of both NEPA and Section 106. Consultation with the SHPO will continue throughout plan development and implementation.

State Water Resources Control Board and Central Valley Regional Water Quality Control Boards

The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) are the regulatory boards within California's Environmental Protection Agency that derive their authority from Section 401 of the Clean Water Act and Section 13020 of the California Water Code.

SWRCB allocates rights to the use of surface water and, along with nine regional boards, is charged with protecting surface, ground, and coastal waters throughout the state. The RWQCB issues permits that govern and restrict the amount of pollutants discharged into the ground or surface water, which includes regulating storm water during construction activities.

Under the Clean Water Act's Section 401, every applicant for a federal permit or license for any activity that may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with state water quality standards, if an activity would result in a discharge to a water body.

Yosemite is under the jurisdiction of regional board 5, Central Valley, and therefore consults with and obtains necessary permits and/or certifications for construction activities from that board. If required, the NPS would file a Notice of Intent to discharge storm water and prepare and implement provisions of a Storm Water Pollution Prevention Plan to control run-off from construction activities.

Local Governments

Gateway Communities

Local governments, gateway and neighboring communities have been extensively involved throughout the iterative phases of planning and public outreach for the *Merced River Plan/DEIS*. Stakeholders from gateway communities have been invited to public planning workshops, and Yosemite has attended quarterly Yosemite Gateway Partners meetings throughout the planning process. Official representatives from county boards of supervisors and other local government representatives have attended public and internal meetings and workshops related to the plan and have provided comment during various phases of the planning process.

The Yosemite National Park superintendent, planning division chief, project managers, planners, and representatives from the Superintendent's Office of Public Involvement and Outreach also presented updates on the plan at gateway planning commission meetings, boards of supervisors meetings, and meetings of various community organizations interested in the planning effort.

Park Communities

There are two park communities, El Portal and Wawona, located within the Merced Wild and Scenic River corridor for which the park shares jurisdictional authority with the State of California. The NPS has concurrent civil jurisdiction in Wawona and proprietary jurisdiction in the El Portal Administrative Site.

El Portal

The El Portal Town Planning Advisory Committee is a local government entity established to provide town representation and recommendations in any collaborative planning effort with the NPS for the El Portal Administrative Site. Representatives from the Superintendent's Office and the Planning Division regularly attend El Portal Town Planning Advisory Committee meetings to inform the group about the Merced Wild and Scenic River planning process and to solicit community input on planning milestones.

Wawona

The Wawona Town Planning Advisory Committee acts as an advisory body to the Mariposa County Planning Commission for the purpose of developing a specific plan for the Wawona Community Planning Area and for the purpose of making recommendations for implementation. Representatives from the Superintendent's Office and the Planning Division attend regularly scheduled Wawona Town Planning Advisory Committee meetings to engage this group in the planning process and solicit community feedback. In January 2012, the Wawona Town Area Plan was jointly adopted by the Mariposa County Board of Supervisors and the NPS. This specific plan regulates all of the privately owned land within Section 35, Township 4 South, Range 21 East, Mount Diablo Base and Meridian, much of which is within the Merced Wild and Scenic River corridor.

Other Major Organization and Subject-matter Expert Consultation

Major Organization Consultation

Informational meetings with stakeholder groups and organizations have been conducted throughout the planning process as part of the park's commitment to a robust public involvement process. A selection of relevant cooperative mechanisms is summarized below.

Yosemite Area Regional Transportation System: The NPS has entered into a formal agreement with the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority. The NPS administers an agreement with YARTS for regional transportation services to and through Yosemite, including services along the Highway 140 / El Portal Road in the Merced River corridor. Representatives of YARTS were included on the project's mailing list, participated in relevant public meetings and were sent hard copies of public review documents.

National Trust for Historic Preservation: On Aug. 27, 2012, the NPS agreed to accept the National Trust for Historic Preservation (NTHP) request to serve as a consulting party on the *Merced River Plan/DEIS*. The NTHP were included on the project's mailing list, participated in relevant meetings in June, July, and September 2012 and were sent hard copies of public review documents and notification of public involvement opportunities.

Historic Bridge Foundation: On Aug. 23, 2012, the NPS agreed to accept the Historic Bridge Foundation (HBF) request to serve as a consulting party on the *Merced River Plan/DEIS*. HBF has been included on the project's mailing list, participated in the discussion regarding the historic resources component of the Cultural ORV in September 2012 and have been sent hard copies of public review documents, and notification of public involvement opportunities.

Other Subject-matter Expert Consultation

Pursuant to the *2009 Settlement Agreement*, subject-matter experts in the field of user capacity have been engaged throughout the planning process. These experts were engaged as consultants at the beginning of the planning process in October 2009. Experts worked with park planners to define ORVs; identify planning issues and constraints; analyze the kinds of visitor use in the corridor; develop preliminary alternative concepts; establish user capacities and estimate use levels; and evaluate and finalize capacities and mitigations. These subject-matter experts also engaged in public planning workshops during spring and fall of 2011 and again during spring and summer of 2012.

Other Agencies and Individuals Notified

The NPS sent other notification letters (not listed above) to the following:

Federal Representatives and Agencies

- Senator Barbara Boxer, U.S. Senate
- Senator Dianne Feinstein, U.S. Senate
- Representative Jeff Denham, U.S. House of Representatives, 19th District
- U.S. Environmental Protection Agency
- Federal Highway Administration

State Representatives, Agencies, and Organizations

- Senator Tom Berryhill, California State Senate
- Representative Kristin Olsen, California State Assembly
- California Air Resources Board
- Caltrans District 10
- Caltrans Planning
- California Department of Conservation
- California Department of Fish and Game Region # 4 (Central)
- California Department of Housing and Community Development
- California Native American Heritage Commission

- California Office of Historic Preservation
- California Regional Water Quality Control Board # 5F (Central Valley)
- California Resources Agency
- California Department of Water Resources
- Sierra Nevada Conservancy

County and Local Agencies and Organizations

- Eastern Sierra Council of Governments
- Council of Fresno County Governments
- Fresno County Planning Department
- Fresno County Board of Supervisors
- Inyo County Board of Supervisors
- Inyo County Planning Department
- Madera County Board of Supervisors
- Madera County Planning Division
- Mariposa County Board of Supervisors
- Mariposa County Planning Department
- Merced County Planning and Community Development
- Merced County Board of Supervisors
- Mono County Community Development Department, Planning Division
- Mono County Board of Supervisors
- San Joaquin Council of Governments
- San Joaquin County Board of Supervisors
- San Joaquin County Community Development Department
- Stanislaus Council of Governments
- Tuolumne County Board of Supervisors
- Tuolumne County Community Development Department

PUBLIC REVIEW OF THE 'MERCED RIVER PLAN/DEIS'

Copies of the *Merced River Plan/DEIS* are being distributed to those that have requested them, as well as to U.S. congressional delegations, state and local elected officials, federal agencies, traditionally associated American Indian tribes and groups, organizations and local businesses, public libraries, and the news media. Plan information, including the process and timeline for public review and comment, can be obtained on the NPS Planning, Environment and Public Comment (PEPC) at http://parkplanning.nps.gov/yose_mrp or the Merced River Plan project webpage at www.nps.gov/yose/parkmgmt/mrp_documents.htm. Please refer to these websites for exact comment review close and end dates.

Readers are encouraged to submit comments through NPS Planning, Environment and Public Comment (PEPC) at http://parkplanning.nps.gov/yose_mrp. Alternately, comments can be emailed to yose_planning@nps.gov or sent by U.S. mail. Written comments regarding this document should be postmarked by the end of the review period and directed to the mailing address below.

Superintendent, Yosemite National Park
ATTN: Merced River Plan
P.O. Box 577
Yosemite, California 95389
fax: 209-379-1294
email: yose_planning@nps.gov

Agencies, Organizations, and Businesses Receiving the ‘Merced River Plan / DEIS’

U.S. Government

Members of Congress

- Senator Barbara Boxer
- Senator Diane Feinstein
- Representative Jeff Denham, U.S. House of Representatives, 19th District
- Representative (elected) Tom McClintock, U.S. House of Representatives, 4th District

Federal Agencies

Advisory Council on Historic Preservation

U.S. Department of Agriculture, Forest Service

- Inyo National Forest
- Sierra National Forest
- Stanislaus National Forest
- Region 5

U.S. Department of Defense

- Army Corps of Engineers, Regulatory Board

U.S. Department of Health and Human Services

- U.S. Public Health Service

U.S. Department of the Interior

- Bureau of Land Management, Folsom, California, Office
- Bureau of Reclamation, Sacramento Office
- Fish and Wildlife Service, Sacramento Regional Office
- Interagency Wild and Scenic Rivers Coordinating Council
- National Park Service
 - Air Resources Division
 - Conservation Study Institute
 - Denver Service Center
 - Geologic Resources Division

- Office of Legislative and Congressional Affairs
- Pacific West Regional Office
- Washington Office
- Water Resources Division
- Wild and Scenic River Steering Council
- National Parks
 - Sequoia and Kings Canyon National Parks
 - Devils Postpile
 - Inventory & Monitoring (I&M) Sierra Nevada Network
- U.S. Department of the Interior Library
- U.S. Geological Survey
 - USGS Publications Department
 - Water Resources Division, Western Region

U.S. Department of Justice

U.S. Department of Transportation, Federal Highway Administration, Sacramento

U.S. Environmental Protection Agency, San Francisco Regional Office

American Indian Tribes and Groups

- American Indian Council of Mariposa County, Inc.
- Bishop Paiute Tribe
- Bridgeport Paiute Indian Colony
- Mono Lake Kutzadikaa Tribe
- North Fork Rancheria of Mono Indians of California
- Picayune Rancheria of the Chukchansi Indians
- Tuolumne Band of Me-Wuk Indians

California State Government

State Representatives

- Senator Tom Berryhill, California State Senate
- Representative Kristen Olsen, California State Assembly
- Representative (elected) Frank Bigelow, California State Assembly

State Agencies and Organizations

- California Air Resources Board
- Caltrans District 10
- Caltrans Planning
- California Department of Conservation
- California Department of Fish and Game Region # 4 (Central)
- California Department of Housing and Community Development
- California Native American Heritage Commission

- California Office of Historic Preservation
- California Regional Water Quality Control Board # 5F (Central Valley)
- California Resources Agency
- California Department of Water Resources
- Sierra Nevada Conservancy

County and Local Governments

Fresno County

- Council of Fresno County Governments
- Fresno County City Planning Department
- Fresno County Planning and Resource Management

Tuolumne County

- Board of Supervisors
- Community and Resources Agency
- Tuolumne County Planning Commission

Inyo County

- Board of Supervisors
- Planning Department

Madera County

- Board of Supervisors
- Planning Division

Mariposa County

- Board of Supervisors
- Planning Department
- El Portal Town Plan Advisory Committee
- Wawona Town Planning Advisory Committee

Merced County

- Association of Governments
- Board of Supervisors
- Planning Commission
- Planning Department Office

Mono County

- Board of Supervisors
- Community Development Department, Planning
- Eastern Sierra Council of Governments

San Joaquin County

- San Joaquin County Council of Governments
- Air Pollution Control District
- Community Development Department

Stanislaus County

- Environmental Review Committee
- Planning and Community Government
- Stanislaus Council of Government

Tuolumne County

- Board of Supervisors
- Department of Public Works
- Planning Commission

Visitor Bureaus and Visitor Centers

- Yosemite / Mariposa County Tourism Bureau, Mariposa
- Mariposa County Visitors Center (Chamber of Commerce), Mariposa
- Yosemite Sierra Visitors Bureau, Oakhurst
- Oakhurst Area Chamber of Commerce, Oakhurst
- Bass Lake Chamber of Commerce, Bass Lake
- North Fork Chamber of Commerce, North Fork
- Coarsegold Chamber of Commerce, Coarsegold
- Merced Visitor Services / California Welcome Center, Merced
- Tuolumne County Visitors Bureau, Sonora
- Yosemite Chamber of Commerce, Groveland
- Mono Lake Committee Information Center and Bookstore, Lee Vining
- Mono Basin National Forest Scenic Area Visitor Center, Lee Vining
- Lee Vining Chamber of Commerce, Lee Vining
- Mono County Tourism and Film Commission, Mammoth Lakes
- Mammoth Lakes Welcome Center, Mammoth Lakes
- Bridgeport Chamber of Commerce, Bridgeport
- Northern Mono Chamber of Commerce, Topaz

Organizations and Businesses

- | | |
|--------------------------------------|--|
| • Access Fund | • California Bicycle Coalition |
| • American Alpine Club | • California Native Plant Society, Sequoia Chapter |
| • American Hiking Society | • California Preservation Foundation |
| • American Whitewater | • California Trout, Sierra Nevada Office |
| • Ansel Adams Gallery | • California Wilderness Coalition |
| • AT&T | • Californians for Western Wilderness |
| • Backcountry Horsemen of California | |
| • Bassett Memorial Library | |

- Central Sierra Environmental Resource Center
- Cycle California! Magazine
- Earth Island Institute
- David Evans & Associates, Inc.
- Delaware North Corporation
- Earth Island Institute
- Earthjustice Legal Defense Fund
- El Portal Market
- Environment Now
- Environmental Defense Fund
- Foothill Conservancy
- Foothill Resources
- Friends of the Earth
- Friends of the River
- Friends of Yosemite
- High Sierra Hikers Association
- Historic Bridge Foundation
- LSC Transportation Consultants, Inc.
- Mammoth Mountain Resort
- Mariposans for the Environment and Responsible Government
- MIG
- Mountain Light Photography
- National Audubon Society
- National Parks and Conservation Association
- Native Habitats
- Natural Resources Defense Council
- NatureBridge Yosemite
- Northcoast Environmental Center
- National Tour Association
- National Trust for Historic Preservation
- Pacific Legal Foundation
- Planning and Conservation League
- Royal Robbins, Inc.
- Service Employees International Union Local 535
- Sierra Club
- National Office
- Toiyabe Chapter
- Tehipite Chapter
- Earthjustice Legal Defense Fund
- Sierra Foothill Conservancy
- Sierra Railroad Company
- Sierra Telephone
- Southern Yosemite Mountain Guides
- Southern Yosemite Visitor's Bureau
- The Nature Conservancy
- The Redwoods in Yosemite
- The Trust for Public Land
- The Wilderness Society
- Tioga Lodge
- Tuolumne River Trust
- Upper Merced River Watershed Council
- Wawona Area Properties Owners Association
- Wild Wilderness
- Wildlands Center for Preventing Roads
- Wilderness Watch
- Yosemite Area Audubon
- Yosemite Area Regional Transportation System
- Yosemite Conservancy
- Yosemite Bug Hostel
- Yosemite Valley Campers Coalition
- Yosemite Sightseeing Tours
- Yosemite West Community Planning Advisory Committee

Libraries

- Mariposa County Library, El Portal
- Mariposa County Library, Wawona
- Mariposa County Library
- Fresno County Library
- Madera County Library
- Merced County Library
- Oakhurst
- San Francisco City, Main Branch
- Stanislaus County Library
- Los Angeles City, Central Branch
- Tuolumne County Library, Groveland
- Tuolumne County Library, Sonora
- Yosemite National Park Research Library
- U.S. Department of the Interior Library

Public Media

The following public media outlets will be sent a copy of the *Merced River Plan/DEIS*:

Newspapers

- Fresno Bee
- Los Angeles Times
- Mariposa Gazette
- Merced Sun-Star
- Modesto Bee
- Sierra Star
- Sacramento Bee
- San Francisco Chronicle
- Sonoma Union Democrat

Television Stations

- KCRA NBC 3 - Sacramento
- KGO-TV ABC 7 – San Francisco
- KMPH Fox 26 – Fresno
- KNBC 4 NBC – Burbank / Los Angeles
- KQED 9 Public TV – San Francisco
- KQVR 13 CBS - Sacramento
- KRON 4 MyNetworkTV – San Francisco
- KTVU 2 Cox – Oakland
- KXTV 10 ABC – Sacramento

Radio Stations

- KCBS AM/FM – San Francisco
- KFBK AM/FM – Sacramento
- KFIV (K-Five) AM – Modesto
- KGO AM – San Francisco
- KMJ AM/FM – Fresno
- KQED FM NPR – San Francisco
- KUHL AM – Santa Maria
- KZSQ FM - Sonoma
- KVML AM - Sonoma
- KKBN FM - Sonoma
- KXJZ FM Capital Public Radio - Sacramento

Colleges and Universities

- Cooperative Ecosystem Studies Units (CESU) Network
- California State University Fresno
- California State University Sacramento
- California State University Sonoma
- California State University Stanislaus
- Columbia College
- Merced College
- Stanford University
- University of California at Berkeley
- University of California at Davis
- University of California at Los Angeles
- University of California at Merced
- University of California Water Resources Center Archives

Note: Names of individuals receiving the *Merced River Plan/DEIS* are available upon request.

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