



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, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2015-035 Commercial Use Authorization Commercial Stock Use (55202)

The Executive Leadership Team has reviewed the proposed project and completed its environmental assessment documentation, and we have determined the following:

- There will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- There will be no adverse effect on historical, cultural, or archeological resources.
- 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

Recommendations for Conditions or Stipulations:

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

- To avoid or minimize potential new disturbances to culturally significant sites, commercial use authorization holders are highly recommended to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible.

For complete compliance information see PEPC Project 55202.

//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.*



Categorical Exclusion Form

Project: 2014-035 2015 Commercial Use Authorization Commercial Stock Use

PEPC Project Number: 55202

Project Description:

The purpose of this project is to issue Commercial Use Authorizations (CUA) to approved commercial stock users for the 2015 season in Yosemite National Park. Issuance of the CUAs and administrative processing will begin on April 1, 2015. The activity will be authorized to begin on or after May 15, 2015. Stock trips typically do not begin until around Memorial Day weekend, depending on weather and trail conditions. The authorization will expire after November 1, 2014.

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 trips and/or pack support trips for hikers with the use of pack stock. Holders are required to originate and terminate pack trips outside of the park boundary, unless authorized by the Superintendent. Holders are required to use designated camp areas when travelling overnight in the wilderness. Holders are regulated by the terms and conditions of the CUA that is administered and managed by Yosemite National Park, Office of Special Park Uses in conjunction with the Yosemite Wilderness Office. Each permit Holder is limited to a maximum number of annual visitor use nights and stock nights.

Project Locations:

Madera, Mariposa, Mono, and Tuolumne Counties, CA

Mitigation:

- To avoid or minimize potential new disturbances to culturally significant sites, commercial use authorization holders are highly recommended to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible.

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 (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Superintendent: //Michael Gautier// acting **Date:** 5/13/15
Don L. Neubacher

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Yosemite National Park.*



ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 02/06/2015

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: 2014-035 2015 Commercial Use Authorization Commercial Stock Use
PEPC Project Number: 55202
Project Type: Commercial Use Authorization (CUP)
Project Location:
 County, State: Madera, California
 County, State: Mariposa, California
 County, State: Mono, California
 County, State: Tuolumne, California
Project Leader: Ruth Middlecamp

B. 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			An interdisciplinary group of resource specialists, including an archeologist, will continue to address resource concerns related to commercial stock use. Soil disturbances will not exceed current stock uses.
2. From geohazards	No				
3. Air quality	No				
4. Soundscapes	No				
5. Water quality or quantity		Negligible			Stock campsites must be 100 feet from any water source.
6. Streamflow characteristics	No				

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
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 – old growth timber, riparian, alpine	No				
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			Conditions outlined in the Commercial Use Authorization strongly encourage the use of weed-free feed.
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				

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
17. Visitor experience, aesthetic resources	No				
18. Archeological resources		Negligible			Stock users travel throughout the park; archeological resources are parkwide. An interdisciplinary group of resource specialists, including an archeologist, will continue to address resource concerns related to commercial stock use. The permit 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. Rocks, flowers, plants and parts of plants (alive or dead) as well as other natural resources may not be removed.
19. Prehistoric/historic structure	No				
20. Cultural landscapes	No				
21. Ethnographic resources		Negligible			To avoid or minimize potential new disturbances to culturally significant sites, commercial use authorization holders are advised to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible. Tribal spreadsheet; October 2014
22. Museum collections (objects, specimens, and archival and manuscript collections)	No				

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
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		
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		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
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

1. Are personnel preparing this form familiar with the site? Yes
 - 1.A. Did personnel conduct a site visit? No
2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
3. Are there any interested or affected agencies or parties? No
4. Has consultation with all affected agencies or tribes been completed? Yes, October 2014 spreadsheet
5. 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
Michael Gauthier	Chief of Staff
Kathleen Morse	Chief of Planning
Randy Fong	Chief of Project Management
Jeffrey Hilliard	Chief of Administration Management
Ron Borne	Chief of Facilities Management
Linda C. Mazzu	Chief of Resources Management & Science
Kris Kirby	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Kevin Killian	Chief of Visitor and Resource Protection
Ruth Middlecamp	Project Leader

Madelyn Ruffner Renea Kennec	Environmental Planning and Compliance Program Manager NEPA Specialist
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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>3/11/15</u>
<u>Madelyn Ruffner//</u> Compliance Program Manager – Madelyn Ruffner	<u>3/16/15</u>
<u>//Randy Fong//</u> Chief, Project Management – Randy Fong	<u>3/17/15</u>

Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u> Don L. Neubacher	<u>3/19/15</u>

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Yosemite National Park.*



PARK ESF ADDENDUM

Today's Date: March 11, 2015

PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: 2014-035 2015 Commercial Use Authorization Commercial Stock Use
PEPC Project Number: 55202
Project Type: Commercial Use Authorization (CUP)
Project Location:
County, State: Madera, California
County, State: Mariposa, California
County, State: Mono, California
County, State: Tuolumne, California
Project Leader: Ruth Middlecamp

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST				
Listed or proposed threatened or endangered species (Federal or State)?	Yes			Sierra Nevada bighorn sheep, Yosemite toad, and Sierra Nevada yellow-legged frog
Species of special concern (Federal or State)?		No		
Park rare plants or vegetation?		No		
Potential habitat for any special-status species listed above?	Yes			Yosemite toads are in Kerrick Meadow.
NATIONAL HISTORIC PRESERVATION ACT CHECKLIST				
Entail ground disturbance?	Yes			Soil disturbances will not exceed current stock uses.
Are any archeological or ethnographic sites located within the area of potential effect?	Yes			Parkwide
Entail alteration of a historic structure or cultural landscape?		No		
Has a National Register form been completed?		No		

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
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				
Fall within a wild and scenic river corridor?	Yes			Merced and Tuolumne Rivers
Fall within the bed and banks AND will affect the free-flow of the river?		No		
Have the possibility of affecting water quality of the area?		No		
Remain consistent with its river segment classification?	Yes			
Fall on a tributary of a Wild and Scenic River?	Yes			Parkwide
Will the project encroach or intrude upon the Wild and Scenic River corridor?		No		
Will the project unreasonably diminish scenic, recreational, or fish and wildlife values?		No		
WILDERNESS ACT CHECKLIST				
Within designated Wilderness	Yes			
Within a Potential Wilderness Addition?	Yes			



National Park Service
U.S. Department of the Interior

Yosemite National Park
Date: 03/11/2015

ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. **Project Description:**

Project Name: 2014-035 2015 Commercial Use Authorization Commercial Stock Use

Prepared by: Renea Kennec **Date Prepared:** 03/11/2015 **Telephone:** 209-379-1038

PEPC Project Number: 55202

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

Parkwide

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

☐ No

☒ Yes

Source or reference:

4. **Potentially Affected Resources:**

Archeological resources affected:

Name and number: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Historical Structures/Resources Affected:

Name and number: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Ethnographic Resources Affected:

Name and number: Park-Wide permit; presence/absence of resources determined on a site by site basis.

Notes: Tribal review began in October 2014.

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

☐ 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

☐ Alter or remove features/elements of a historic setting or environment

☐ No (inc. terrain)

☐ Add non-historic features/elements (inc. visual, audible, or atmospheric)
☒ No to a historic setting or cultural landscape
☒ No Disturb, destroy, or make archeological resources inaccessible
☒ No Disturb, destroy, or make ethnographic resources inaccessible
☒ Yes Potentially affect presently unidentified cultural resources
☒ No Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
☒ No Involve a real property transaction (exchange, sale, or lease of land or structures)
☒ Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

☒ Anthropologist

Name: Jennifer Hardin

Date: 01/13/2015

Comments: Tribal review began October 2014. To avoid or minimize potential new disturbances to culturally significant sites, CUA holders are advised to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible.

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: To avoid or minimize potential new disturbances to culturally significant sites, CUA holders are advised to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible.

Doc Method: Park Specific Programmatic Agreement

☒ Archeologist

Name: Sonny Montague

Date: 02/10/2015

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: To avoid or minimize potential new disturbances to archeological sites, CUA holders are advised to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address archeological resource issues at stock use areas, inventory camp site locations, develop GIS maps and narratives, develop draft best management practices and monitoring protocols, monitor CA-TUO-3795 at Castle Camp, and implement protection measures when possible.

Doc Method: Park Specific Programmatic Agreement

☒ [X] Historical Architect

Name: Kevin McCardle

Date: 02/17/2015

Check if project does not involve ground disturbance ☐ []

Assessment of Effect: ☐ No Potential to Cause Effect ☐ No Historic Properties Affected ☒ X No

Adverse Effect ☐ Adverse Effect ☐ Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Park Specific Programmatic Agreement

No Reviews From: Curator, Historian, 106 Advisor, Other Advisor, Historical Landscape Architect

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

☐ **No Potential to Cause Effects**
☐ **No Historic Properties Affected**
☒ **No Adverse Effect**
☐ **Adverse Effect**

2. Documentation Method:

☐ [] A. STANDARD 36 CFR PART 800 CONSULTATION

Further consultation under 36 CFR Part 800 is needed.

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

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

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

☐ [] 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:

☒ [X] 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.

☐ E. COMBINED NEPA/NHPA Document

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

☐ G. Memo to SHPO/THPO

☐ H. Memo to ACHP

SHPO/THPO Notes:

3. Additional Consulting Parties Information:

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.)

- Assessment of Effect - To avoid or minimize potential new disturbances to culturally significant sites, commercial use authorization holders are advised to limit their activities to previously used areas. In 2015, the interdisciplinary stock group should continue to address ethnographic and archeological resource issues at stock use areas, inventory camp site locations, improve GIS data, develop draft best management practices, and implement protection measures when possible.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Historic Preservation Officer

Kimball Koch //Kimball Koch// **Date:** 3/12/15

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: //Don L. Neubacher// **Date:** 3/19/15
Don L. Neubacher

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

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
YOSEMITE NATIONAL PARK
COMMERCIAL USE AUTHORIZATION
UNDER THE AUTHORITY OF Section 418, P.L. 105-391 (16 USC 5966)

1. AUTHORIZED ACTIVITY:

Commercial Guiding: STOCK USE

Permit Number: **YOSE-15 -**
(Official Use Only)

2. HOLDER (Fill in information below. Please print legibly.)

↓NAME (Owner or Authorized Agent)

Authorization Begins: May 01, 2015

Authorization Expires: November 15, 2015

↓ORGANIZATION/COMPANY

Passenger Transportation Authority #
CA PUC# _____

↓MAILING ADDRESS

↓TELEPHONE NUMBER

↓ FAX NUMBER

3. LOCATION: The holder is hereby authorized to use the following described land or facilities in the following named area: **Areas within Yosemite National Park open to the general public and designated in the attached permit condition and appendices.**

4. SUMMARY OF AUTHORIZED ACTIVITY: (see attached sheets for additional information and conditions)
The holder is authorized to conduct **Guided Day Rides, Full Service Pack Trips, Spot Pack Trips and Continuous Hire Trips.**

XX **Out- of- Park:** The visitor services described above must originate and terminate outside of the boundaries of the park area. This authorization does not authorize the holder to advertise, solicit business, collect fees, or sell any goods or services within the boundaries of the park area.

 In-Park: The visitor services described above must originate and be provided solely within the boundaries of the park area.

5. COST RECOVERY: Required X Amount \$ 350.00
APPLICATION FEE Required Not Required X Amount \$ 50.00

6. INSURANCE: Liability Required X Coverage Amount \$ 1,000,000 minimum (reference page 2, condition #4)

7. NEPA Compliance: **CATEGORICALLY EXCLUDED** X EA/FONSI EIS OTHER APPROVED PLANS
NHPA Section 106 Compliance: No Effect No Adverse Effect X, pursuant to Special Conditions: 28D & 29A

8. CONDITIONS OF AUTHORIZATION:

ISSUANCE of this authorization is subject to the attached conditions and attachments.

The undersigned hereby accepts this authorization subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

(**This permit is not valid until signed by the Superintendent or authorized agent thereof.*)

9. SIGNATURES.

Authorization Holder: _____

Signature

(Print Name and Title)

Date

Authorizing NPS Official: _____

Signature (Chief of Business and Revenue Management Div. for Superintendent)

Date

CONDITIONS OF THIS AUTHORIZATION

1. **False Information:** The holder is prohibited from knowingly giving false information. To do so will be considered a breach of conditions and be grounds for revocation: [RE: 36 CFR 2.32(a) (3)].

2. **Legal Compliance:** The holder shall exercise this privilege subject to the supervision of the park area Superintendent. The holder shall comply with all applicable laws and regulations of the area and terms and conditions of the authorization. The holder must acquire all permits or licenses of State or local government, as applicable, necessary to provide the services described above, and, must operate in compliance with all applicable Federal, State, and local laws and regulations, including, without limitation, all applicable park area policies, procedures and regulations. The commercial services described above are to be provided to park area visitors at reasonable rates and under operating conditions satisfactory to the park area superintendent.

3. **Liabilities & Claims:** This authorization is issued upon the express condition that the United States, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the (holder), its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this authorization or occasioned by any occupancy or use of said premises or any activity carried on by the (holder) in connection herewith, and the (holder) hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

4. **Insurance:** Holder agrees to carry general liability insurance against claims occasioned by the action or omissions of the holder, its agents and employees in carrying out activities and operations under this authorization. The policy shall be in the amount of at least \$1 million and naming the “**United States of America “National Park Service, Yosemite National Park”, (P.O. Box 700, El Portal, CA 95318) as “Additional Insured”**”. Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.

a) If the holder operates a motor vehicle used to transport clients, the holder shall also obtain the following:

(i) **Automobile Liability** - To cover all owned, non-owned and hired vehicles by the holder; Comprehensive Automobile Liability as required by the State of California and/or the U.S. Dept. of Transportation.

(Vehicle Coverage for Passenger Carriers; base on Federal Motor Carrier Safety Administration regulations)

(1) \$1,500,000 per occurrence for any vehicle with capacity of fifteen (15) passengers or less.

(2) \$5,000,000 per occurrence for any vehicle with a capacity of sixteen (16) passengers or more.

(3) Carriers operating only within the State of California are required to, at least, meet the minimum insurance requirements set by the California Public Utility Commission.

The holder shall provide insurance coverage based upon the largest capacity vehicle it will operate in the Park. The Superintendent reserves the right to revise the minimum required limits.

If claims reduce available insurance below the required per occurrence limits, the holder shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.

b) Holder agrees to have on file with the park copies of the above insurance with the proper endorsements.

5. Cost Recovery: Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the authorization activity will be reimbursed by the holder. Administrative costs and estimated costs for activities onsite must be paid when the authorization is approved. If any additional costs are incurred by the park, the holder will be billed at the conclusion of the authorization.

6. Benefit: Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this Authorization or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the Authorization be for the benefit of such corporation.

7. Transfer of Authorization: This Authorization may not be transferred or assigned without the written consent of the park area Superintendent.

8. Termination of CUA: This Authorization may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.

9. Preference to Renew: The holder is not entitled to any preference to renewal of this Authorization except to the extent otherwise expressly provided by law. This Authorization is not exclusive and is not a concession contract.

10. Construction: The holder shall not construct any structures, fixtures or improvements in the park area. The holder shall not engage in any groundbreaking activities without the express, written approval of the park area Superintendent.

11. Report of Gross Receipts: The holder is to provide the park area Superintendent upon request (and in any event, immediately after expiration of this Authorization) a statement of its gross receipts from its activities under this Authorization and any other specific information related to the holder's operations that the park area Superintendent may request, including but not limited to, visitor use statistics and resource impact assessments. (See conditions # 46-48.)

12. Accounting System: The holder is to maintain an accounting system under which its accounts can be readily identified with its system of accounts classification. This accounting system must be capable of providing the information required by this Authorization. The holder grants the United States of America and the General Accounting Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this Authorization.

APPENDIX SPECIAL PARK CONDITIONS

Reference copies of the *Yosemite National Park 36 C.F.R. 1.7(b) Superintendent's Compendium* and of 36 CFR Part 1-199 ; are available on the internet at <http://www.nps.gov/yose/parkmgmt/lawsandpolicies.htm>, The *Wilderness Management Plan* (approved 1989) is available from the Research Library.

In an effort to work cooperatively in managing and protecting park resources this office will endeavor to maintain positive communication with the commercial stock users. Information regarding the use and management of identified sensitive resources and resource areas which may be affected by the authorized activity will be disseminated through direct consultation, written and electronic notices, and/or group meetings.

13. DEFINITIONS:

Holder: For the purpose of this Authorization the word "Holder" shall include employees and/or agents of the company issued this Authorization.

Authorization/Permit: The terms "Authorization" and "Permit" shall be used interchangeably in reference to the Commercial Use Authorization

Backpacking/Backpacker: For the purpose of this Authorization the term(s) "Backpacking" and or "Backpacker" refer to the user or use of the Yosemite wilderness by any person or group for trips which occur overnight in the wilderness and where a Yosemite Wilderness Permit is required.

Developed Area(s): For the purpose of this Authorization the term "Developed Area(s)" is defined as those areas and trails outside of designated wilderness, such as roadside vistas, developed visitor facilities and/or walkways, e.g. the Tuolumne visitor services areas, parking lots, roadways etc.

Wilderness: For the purpose of this Authorization the term "Wilderness" is defined as those areas designated as Wilderness and/or areas where wilderness use permits are required and/or where wilderness regulations apply, e.g. the Lyell Canyon, Mono Meadow Trail, Rancheria Falls Trail, etc.

Commercial Transportation: For the purpose of this Authorization the term "Commercial Transportation" shall mean the transportation by the Holder of any client, by any motor vehicle owned and/or operated by the Holder within areas of Yosemite National Park, whether, or not, it is incidental to the commercial operation.

Day Hike/Day Hiker/Hiker: For the purpose of this Authorization the term(s) "Day Hike", "Day Hiker" and or "Hiker" refers to the use of the front-country and/or wilderness by any person or group for day trips only, and where a Yosemite Wilderness Permit is not required.

Food: For the purpose of this Authorization the term "Food" shall include any human food, pet food, grain or other sweet stock food, food-tainted garbage, food-tainted equipment, toiletries such as soap, toothpaste, and cosmetics, and any creams, ointments or lotions.

Full Service Trip: For the purpose of this Authorization the term "Full Service Trip" is defined as a trip where the packer, stock, and cook stay with client(s), preparing and maintaining camp and offering client services such as day rides and meals. The Holder is responsible for obtaining a valid Wilderness Permit.

Spot Trip: For the purpose of this Authorization the term "Spot Trip" or "Spot Pack Trip" is defined as a trip where the client either hikes or is taken by horseback, which may include pack animal, to their campsite and left. The Holder does not stay with the client; the Holder may or may not return on a predetermined date to pick up the client. The client is responsible for obtaining a valid Wilderness Permit for their party however, if the Holder overnights in the Yosemite Wilderness they will need to have a separate valid Wilderness Permit or be included on the client's permit. (To be included on the client's permit the guide must stay in camp with the client.)

Continuous Hire Trip: For the purpose of this Authorization the term "Continuous Hire" is defined as a trip where the packer, and stock, support a client by moving gear/equipment from point to point, but do not prepare/maintain the camp or offer any other client services other than moving gear/equipment." The Holder must have a valid Wilderness Permit, either being included on the client's permit or separately depending if they camp in the same area as the client.

Stock: For the purpose of this Authorization the term "Stock" shall mean horses, mules, burros and/or llamas.

This permit is only applicable for, use of the area(s), the activities and terms designated in this permit. This permit is not valid until signed by the Superintendent or authorized agent thereof.

14. **Visitor Acknowledgement of Risk (Release of Liability):** The CUA holder may not request or require guests or clients participating in activities to sign a liability waiver form, insurance disclaimer and/or indemnification (hold-harmless) agreement. The CUA holder may require guest or clients participating in activities authorized under this CUA to sign a Visitor Acknowledgement of Risk (VAR) form. The VAR must contain a description of the risks involved in the activity. A template of a National Park Service-approved Visitor Acknowledgement of Risk form is available on the Yosemite National Park website at <http://www.nps.gov/yose/planyourvisit/permits.htm>. The VAR form that the CUA holder will use must be submitted to the park within 60 days of the effective date of the CUA for approval.
15. **Carry Permit:** The Holder is required to carry a valid copy of page 1 (cover page) of this authorization while operating within the park. (See condition #28)
16. **Acknowledgement of Activity Purpose** - In accepting this Authorization, the Holder acknowledges that the proposed activity, in order to qualify for a Commercial Use Authorization (CUA), must bear a direct relationship to the purpose for which the Park was established; *for example*, visitor understanding and enjoyment of the park. Even though the activity may be primarily recreational in nature, the Holder agrees to provide time, stops, and talks to accurately explain the natural ecosystems, history and culture within the park, to their clientele.
17. **Solicitation** - This Authorization does not permit the Holder to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States.
18. **Advertising** - Advertising for the authorized activity (CUA) shall not state or imply endorsement by the National Park Service or Yosemite National Park. Commercial photography or commercial filming, within the park, may require a separate filming permit and must be approved by the Superintendent. (Contact the Office of Special Park Uses (209) 379-1858 for information.)
19. **Additional Permits** - It is the responsibility of the Holder to obtain any additional permits for activities not covered under this CUA. For additional information or permits regarding additional tour activities contact the Office of Special Park Uses (209) 379-1851.
20. **Entrance Fees** - The Holder agrees to pay all applicable entrance fees in effect at the time of arrival at the Park entrance station or designated fee collection site. The park entrance fee for a commercial vehicle is ten (10) dollars per person over the age of fifteen (15) and allows for a seven (7) consecutive day visit. Company guides will not be charged an entrance fee when entering for the purpose of conducting the activity authorized under this authorization. Attempting to avoid payment of appropriate fees is a violation of federal law.
21. **Harassment** - Harassment of, and/or threats to park visitors or any National Park Service employee by the Holder will result in the suspension and/or revocation of this Authorization.
22. **Safety** - The Holder shall take every reasonable precaution to ensure the safety of its clients, its employees, other park visitors, and park employees.
23. **Damage** - The Holder shall pay the United States Government for any damage(s) resulting from this special use which would not reasonably be inherent in the use which the Holder is authorized to make, as described in this Authorization.
24. **Addition of Clients:** Additional customers may not be added to the group while the Holder is in the park. (*Exception: A hiker who is seriously ill or injured and requests evacuation by horseback may be added if the Holder deems it safe and appropriate to do so, and contact with NPS for EMS assistance would be delayed.* The Holder must notify the Office of Special Park Uses of the incident as soon as possible, by phone or email.) All bookings and financial transactions must take place outside of the Park.
25. **Use Limits:** - It is expressly understood that the Superintendent may impose public use limits based upon his authority stated in Title 36 of the Code of Federal Regulations, Section 1.5.
 - A.) The Holder is restricted to the annual number of visitors and stock use nights listed on page one (1) of this Authorization as well as group size limits for individual trips.

- 26. Wilderness Use Permits** - Permits for backcountry camping and other reservation systems must be obtained separately from this Authorization. The Holder must identify themselves as a commercial operator and provide the CUA Permit number when obtaining a Wilderness Permit from any Yosemite National Park Wilderness Permit Station. Yosemite Wilderness Permits are required for all commercial users of the Yosemite Wilderness who begin backcountry trips at Yosemite trailheads. These permits are subject to Yosemite's trailhead quota system. This includes groups who enter the Park from a US Forest Service trailhead on a USFS permit, but spend a night in the Yosemite front-country and/or any trip that exchanges guests in a "turn-around" or "through-trip" situation at a Yosemite trailhead. **Commercial pack trips where stock are trucked or moved to Yosemite trailheads to begin a trip inside the Park are prohibited,** unless authorized by the Superintendent. (Permit reservations may be made through the park website at <http://www.nps.gov/yose/planyourvisit/backpacking.htm>. The phone number to call for assistance with wilderness permits is 209-372-0740.)
- 27. Outfitter Guide Permit** – The Holder must obtain a valid "Outfitter Guide Permit" from the Forest Supervisor, United States Forest Service (USFS), in whose jurisdiction all trips will begin and end. A copy of the valid "Outfitter Guide Permit" signature page must be sent to the Office of Special Park Uses to be kept on file.
- 28. Holder Responsibility:**
- A.)** The Holder and all participants authorized herein must comply with all of the conditions of this Authorization including all conditions, exhibits, amendments, or written directions of the park superintendent. The Holder will provide training, and documentation of training upon request, for each Guide and employee regarding the terms and conditions of the CUA. The Holder is responsible for complying with all applicable rules and regulations of the park. The Holder shall insure that all employees and clients entering the park are informed of all conditions" of this Authorization, which apply to their activity and usage of the park.
- B.)** Guides must be a minimum of eighteen (18) year old. The Holder shall ensure that their guides possess the knowledge, skills and experience necessary to safely lead groups on day and/or overnight trips into the park. Guides will be trained in Leave No Trace principles and tactics. The guides must have experience in the areas in which they guide and must be able to locate and use the identified traditional sites for stock camping. Guides leading clients into the park must understand the hazards involved and be properly trained and prepared for conditions and situations, which may be encountered. Guides must be familiar with the CUA, all its terms and conditions, under which they are allowed to operate in Yosemite National Park.
- C.)** The Holder will cooperate in Field Evaluations when contacted by Park Rangers. The packer/guide will identify themselves as a commercial operator and present the following documents when requested by the Ranger.
1. A copy of Page 1 (cover page) of a current Yosemite Stock CUA under which they are operating.
 2. A copy of a valid Wilderness Permit
 3. At least one employee per group must have in possession a current/valid CPR certification card. If during any trip the group splits, at least one employee per group must have in possession a current/valid CPR certification card.
 4. At least one employee per group must have in possession a current/valid First Aid certification card. If during any trip the group splits, at least one employee per group must have in possession a current/valid First Aid certification.
- D.)** 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. The Holder is responsible for informing its employees and clients of Park regulations and assuring compliance on full service trips. During trips where the Holder accompanies the client but, does not stay with them throughout their daily activities, that client, or at least one person in their group, must be in possession of a valid Yosemite Wilderness Regulation form. (The Holder is responsible for the actions of its client(s) when the group is dispersed or is unmonitored unless the Holder can show proof that the client has signed an acknowledgement of having received, understood and agreed to abide by the current wilderness regulations for the area.)

29. Supervision/Compliance: Common regulations include, but are not limited to the following.

A. Protection of Natural Resources & Cultural Artifacts (Historic and Prehistoric)

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. Rocks, flowers, plants and parts of plants (alive or dead) as well as other natural resources may not be removed.

B. Traditional use areas/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, submitted and approved as traditional stock use sites. Contact the Wilderness Office for a map of these 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 use areas and fire rings clean and garbage free. Stock use in Virginia, Lyell and Kerrick Canyons will only be allowed at traditional stock use sites. Conditions for use can be found in appendix 1. Maps of these traditional use areas can be found in appendix 2. All traditional use areas must be scheduled and approved through the Wilderness Office by calling 209-372-0347 or, 209-379-1992 (to request the Wilderness Duty Officer) even for trips originating outside of Yosemite.

C. Food Storage – Food and food containers must be stored by the methods outlined below at all times. Open food containers must be within 6 feet of an awake person. Any person camping within the Yosemite Wilderness is required to store food items, items carrying food scents and toiletries in National Park Service approved bear resistant food storage containers. All other food storage systems are prohibited in the Wilderness. This requirement applies during those periods when items are not being transported, consumed or prepared for consumption, or when items are unattended for a sufficient time to allow a bear access to them. Items must be kept in approved containers which are closed and secured properly. During Full Service trips the Holder is responsible for properly storing food items and stock feed, this includes grain and/or sweet stock feed. Food may not be left unattended during the day if not stored in approved food storage containers. The client is responsible for proper food storage during Spot Pack Trips or Continuous Hire Trips. (Information regarding approved food storage containers may be found at <http://www.nps.gov/yose/planyourvisit/bearcans.htm> by contacting the Yosemite Wildlife Office at 209-372-0476.)

D. Sanitation – Conditions for the disposal, containerization, or carryout of human body waste have been established as follows:

1. In non-developed areas, solid human waste must be buried 6-inches deep in the soil or follow 36 CFR for direction. Where soil depth does not allow for a 6-inch burial, solid human waste shall be buried half the distance of the existing soil depth.
2. Toilet paper must be packed out.

E. Removal of Trash and Refuse - All articles that are transported into the park by the Holder must be transported out of the park. This includes all refuse and trash.

F. Motorized Equipment - Wilderness Area regulations prohibit the use of motorized equipment.

G. Rafts and Float tubes - The Holder will not transport rafts, boats, float tubes or other floatation devices into the wilderness.

H. Feeding Wildlife - Park regulations prohibit the feeding or disturbing of any wildlife in Yosemite National Park. The Holder will communicate this regulation to their clients. An effort should be made to educate the client(s) as to the serious effects violation of this regulation may have on wildlife.

(29. Supervision/Compliance continued)

- I. **Bear Damage Reports** - The Holder shall report all bear contacts and/or bear damage incidents. (Reports may be made at any Wilderness Permit Station or by contacting the Office of Special Park Uses at 209-379-1851.)
(Special Park Conditions Continued)
- J. **Controlling Clients** - The Holder shall ensure that clientele and vehicles do not obstruct vehicular or pedestrian traffic on roads, trailheads or along trails. The Holder will be responsible for controlling clients at those places where the tour travels in the park. This will include keeping clients from walking in posted sensitive areas, including restoration areas, where resource destruction may result. The Holder shall share the roads and trails with other groups ranging from private/commercial hikers to private/commercial stock user. The Holder is expected to exercise courtesy and sound judgment to avoid and alleviate risks when encountering other groups and stock.
- K. **Fireworks** – Possession and/or use of fireworks is prohibited in the park.
- L. **Audio Disturbances** – The Holder will not transport external speaker audio devices, such as AM/FM radios and/or CD or MP3 players. Devices used with personal headphones/earplugs are allowed.
- M. **Cell Phones** – Except in the case of an emergency, the Holder should discourage the use of cell phones in areas where other hiker's wilderness experience might be negatively impacted by their use.
- N. **Firearms** – Those persons authorized to bring livestock into the wilderness areas are permitted to carry a firearm in accordance with National Park Service regulations and California State Law. Firearms must be kept unloaded when not being used. Firearms may only be discharged for the sole purpose of dispatching injured or ill livestock, when, in the judgment of the Holder, destruction of the animal is most humane. The Holder must contact the park emergency communications center (209-379-1992) who will then notify the area district ranger/wilderness duty officer (WDO) of the action, regarding the dispatching of an animal and the coordination of the disposal of the animal carcass. The Holder may be required, at its own expense, to dispose of an animal carcass.
30. **Group Size - Group** size shall not exceed the amounts established in the Wilderness Management Plan. This shall not exceed a total of 25 head of stock and/or 15 persons total (clients, guides and employees). Stock are not allowed to travel cross country. Specific language has been added to the Superintendent's Compendium 1.5(a) (1) [Authorized under Code of Federal Regulations, Title 36, Chapter 1.7 (b)] regarding group size. It states that any group exceeding group size limitations must split into subgroups providing:
- 1) adherence to the above group size limitations,
 - 2) wilderness trips that begin within the park start from separate trailheads (*such as turnaround or through trips*), and
 - 3) the group travels and camps at least ½ mile apart at all times.
31. **Stock Management** – (Reference Superintendent's Compendium 36 CFR§ 2.16, Horses and Pack Animals)
- A. **Through or Turnaround Trips** - Overnight stays in the Park for the purpose of permitted "through" or "turn-around" trips are allowed **only** in Delaware North Corporation (DNC) stable facilities. **Overnight grazing or holding stock in the wilderness without guests** is prohibited, except as described in conditions 33 "Caches".
- B. **Tuolumne Meadows Stock Loading Area** – Loading and unloading of stock is to be done in the parking lot adjacent to the Delaware North Corporation (DNC) stable. While traveling on trails, stock must travel in single file. Stock will be controlled to prevent off trail travel and to prevent "short-cutting", widening and degrading of existing trails.
- C. **New Construction** - No new structures will be built, including hitching rails, campfire rings, rock walls, drift fences, or trenches.

(31. Stock Management Continued)

D. Holding Stock -

1. In Camp:

Stock must be kept out of the campsite or core use area (within 50 ft. of the fire ring) except during active loading and unloading of gear and packing and unpacking of animals – at which time they may be tied to trees in the core camp. Any time stock are tied to a tree, they must be monitored to ensure that they are not causing damage. Excessive movement by a tied animal causes damage to both the tree and the soil around the tree. Animals causing damage must either be hobbled or moved to a high line to avoid causing damage. Any dirt pawed out from the base of trees must be replaced. All manure must be **removed** from the campsite or core area and holding area. Manure must be broken down and scattered to promote rapid decomposition. Manure should be removed and spread at least 100 feet from water. Other than during active loading and unloading of gear and packing and unpacking of animals, stock are to be tied to a highline. Free hobbling is allowed, however, one-leg hobbling is prohibited. The practice of picketing or staking out stock in meadows is prohibited.

2. On the Trail

While on the trail stock may be temporarily tied to trees for short periods of time to allow riders to dismount for sightseeing, taking breaks, meals, snacks, etc. Anytime stock are tied to a tree, they must be monitored to ensure that they are not causing damage to the tree or ground around the tree. Excessive movement by a tied animal cause's damage to both the tree and the soil around the tree, Animals causing damage must either be hobbled or moved to avoid causing damage. Any soil pawed out from the base of trees must be replaced. If stock need to be tied for long periods of time, for example while clients are fishing or taking an extended hike, stock must be monitored or properly placed on a highline to insure minimal resource damage.

3. High Lines - A high line is a rope tied between trees for the purpose of holding stock for an extended period of time. High lines may only be placed in established holding areas (when identified) or at least (100) feet from streams or lakeshores and all watercourses, running or dry. If no established high line sites are available a temporary high line maybe placed on a durable surface where resource damage is minimal. All high line ropes must be padded sufficiently to prevent damage to the bark of the tree. Stock must be tied to the high line far enough away from the base of any tree so as to not cause damage to the tree or ground at the base of that tree. Any dirt pawed out from the base of trees must be replaced.

E. Travel and Camping - The Holder will not travel or camp more than ¼ mile off a maintained trail or access route as designated by the NPS. Off trail travel is allowed only for the purposes of watering stock, accessing a traditional use area or when authorized by the Superintendent as an authorized cross-country route. The current list of authorized cross-country trials is listed below. The Holder must contact the Yosemite Wilderness Office for information about these routes.

1. Miwok Lake Route
2. Avonelle Lake Route
3. Mattie Lake Route
4. Lyell Fork of the Merced Route
5. Horse Thief Canyon Route
6. Givens Lake Route

F. Snow Removal from Trails - The Holder may not interfere with the natural process of snow melting from trails by shoveling snow from the trail; placing or shoveling ashes and/or dirt on the snow to accelerate its melting or by any other means, other than the normal movement of people and/or stock over the trail.

G. Loose Herding - Loose herding is not permitted except when reasonable or prudent to prevent injury to stock or people.

- H. Open Grazing:** Open grazing shall be permitted in all areas of the park except in the vicinity of the five High Sierra Camps, where camping is not allowed or as otherwise prohibited. 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. See Appendices 1&2 for a description of all closed grazing areas.
- I. Stock Bells** - The Holder will minimize the use of stock bells.
- J. Feeding and Salting** - *The use of weed-free feed is strongly encouraged.* Feeding or salting will not be allowed in meadows. Rocky or timbered areas will be used to hold stock for the purpose of feeding.
- K. Manure** - Manure deposited on parking areas and sidewalks shall be shoveled and removed from the area by the Holder. In other park locations where stock are held for rest or feeding, manure will be raked or scattered.
- L. Drift Fences** - Drift fences must be kept up and gates closed when leaving an area.
- 32. Mitigation** - The Holder shall be responsible for costs associated with mitigation of illegal resource impacts.
- 33. Caches** - Equipment and/or food caches shall not be maintained within Yosemite National Park. Gear may be left in camp with an employee *only* if guests will be using the camp the following day. (e.g. "one group leaves the camp and a new group arrives the following day".) The employee who remains in camp must have a valid wilderness permit in possession for the overnight stay in the wilderness. Food must be properly stored. Property left unattended for more than 24 hours will be considered abandoned and may be confiscated.
- 34. Glacier Point Road Restriction** – Vehicles over thirty (30) feet and/or vehicles pulling trailers are prohibited beyond the Sentinel Dome parking area, located along the Glacier Point Road. Trailers may not be left at the Sentinel Dome parking area or along the Glacier Point Road. Trailers may be dropped off and parked at the Badger Pass parking area in the first lot on the left, except during holiday weekends. (Contact the Office of Special Park Uses for additional information.)
- 35. Hetch Hetchy Road Restriction** – *Vehicles or the combination of a vehicle and trailer exceeding twenty-five (25) feet and/or ninety-six (96) inches in width are prohibited on the Hetch Hetchy Road unless the vehicle has a commercial use authorization and authorized pilot vehicle.*
- 36. Visitor Information** - Information provided through tour leaders, brochures, literature or advertising will insure that the information that is provided to park visitors is accurate and reflects the most current information available to depict park flora, fauna, culture and history. (Information may be found on the internet at <http://www.nps.gov/yose/index.htm>.)
- 37. Commercial Transportation** - The Holder shall not transport clients in motor vehicles within the boundaries of Yosemite National Park unless proof of Federal and/or State Transportation Authority and a valid commercial vehicle insurance certificate is on file with the Office of Special Park Uses.
- 38. Vehicle Markings** - Vehicle markings, transportation authority number and company name or logo, must be displayed on both right and left side of all company operated vehicles used to transport passengers. Minimum size lettering for logos will be four inches and must be visible from a distance of fifty (50) feet in daylight.
- 39. Commercial Vehicle Safety Inspections** – Holder shall fully cooperate regarding the inspection of commercial passenger vehicles in Yosemite National Park. (Commercial passenger vehicles in Yosemite National Park are occasionally inspected by law enforcement rangers for mechanical deficiencies and compliance with current laws, regulations and permit conditions.)

- 40. Equipment Inspection** - Holder shall ensure equipment, tack and gear used in the authorized activity, including vehicles, shall be inspected to ensure that it is sound and in safe operating condition before each trip. Inspection documents, showing when equipment was placed into service, when equipment was inspected and/or repaired and who inspected it, will be maintained by the Holder and will be made available for park inspection upon request.
- 41. Emergency Medical Response** – The Holder shall have at least one employee per group who is trained and currently certified in Cardio Pulmonary Resuscitation (CPR certification by either Red Cross or American Heart Association will be accepted). At least one employee per group must also hold a minimum certification of Standard First Aid. A copy of current certificates must be made available upon request of the National Park Service. The tour leader will carry and maintain a readily accessible kit for emergency medical care of sufficient size and use for the number of persons in the group. If during any trip the group splits at least one employee per group must possess a CPR and First Aid certification and have readily accessible a clearly identified first aid kit that at a “minimum” contains: a note pad and pen or pencil, a working headlamp or pen light, 2 pair medical examination gloves, twelve antimicrobial and/or antiseptic hand wipes, ten 4x4 sterile dressings, four 8x10 and/or 5x9 trauma pads, four rolls of 3” gauze bandage, four triangular bandages, one or two rolls of medical tape (1” or 2” adhesive tape 10 yards), and one pocket Mask for CPR.
- 42. Report of Injury** - The Holder is required to make a report of ANY serious personal injury (an injury requiring professional medical attention) and/or property damage incident occurring within the park involving the Holder’s vehicles, clientele, and/or employees. The report must be made at the first available opportunity before leaving the park. A report will consist of a verbal description of the incident given to a Park Ranger, at the nearest Ranger Station or a Park Desk Officer. (Rangers may request, at their discretion, that a written statement be submitted.) The Park Desk Officer is located in Yosemite Valley and may be contacted by phone at 209-372-0608. The Holder must cooperate with any investigation of the incident by the National Park Service. The Holder must submit a written report of the incident, by mail or email, to the Office of Special Park Uses within 7 business days after the incident.
- 43. Search and Rescue Cost Recovery** - The Holder shall assume all costs incurred by the National Park Service associated with rescues, evacuations and/or searches for lost/injured/deceased persons participating in trips guided by the Holder and resulting from the Holder’s negligence.

Trip Itinerary - It is important that proposed trip itineraries are submitted in a timely manner and are accurate. Proposed itineraries will be reconciled against the actual monthly reports submitted each month. This information helps us track those authorizations that may have use limits as a condition of the permit, assist us on tracking overall commercial use in the park and allows us to plan for field evaluations of services being provided.

Submission Requirements: Reserved or pre-booked itineraries must be submitted a minimum of 14 days prior to the beginning of the trip. Notification of any trip booked without a minimum 14-days’ notice to the park, must be submitted on the day it is booked. Notice may be made to the Office of Special Park Uses by fax or email. Operating trips in the wilderness without first submitting an itinerary is a violation of your CUA. Timely submission of these reports is a condition of your permit to operate within Yosemite National Park. Failure to meet these terms and conditions may result in the holder being cited and the CUA suspended. If the itinerary report is late once, the holder will receive a single warning. If the itinerary report is late or not received for a second time in the same permit year the permit will be suspended for 14 days. More than two late and/or non-submissions will cause the permit to be revoked for the duration of the permit year and the operator may be restricted from receiving a CUA for the following year unless the operator demonstrates remedies are in place to prevent late reporting. Companies operating trips in the park during periods of suspension of the CUA will be cited and their request to receive future permits may be denied. Under terms of this permit, additional administrative fees may be charged by the NPS if reports are not received by the due date.

Itinerary Reports should be sent to the Office of Special Park Use by the following due dates. (Any trip booked without a minimum 14-days’ notice to the park, must be submitted on the day it is booked.) submit by fax or email?

January 15 (Itinerary for February)
February 15 (Itinerary for March)
March 15 (Itinerary for April)
April 15 (Itinerary for May)
May 15 (Itinerary for June)
June 15 (Itinerary for July)

July 15 (Itinerary for August)
August 15 (Itinerary for September)
September 15 (Itinerary for October)
October 15 (Itinerary for November)
November 15 (Itinerary for December)
December 15 (Itinerary for January)

- 44. Monthly Use Reports** At the end of each month that the authorized activities occurs the holder must complete the Yosemite Monthly Use Report form and send it to the Office of Special Park Uses. Timely submission of these reports is a condition of your permit to operate within Yosemite National Parks. If the report is late or not received once, the permit will be suspended. The permit may be reinstated at the Superintendent's discretion once the late report is received. If the report is late or not received for a second time in the same permit year the permit will be suspended. The permit may be reinstated at the Superintendent's discretion once the late report is received. More than two late and/or non-submissions will cause the permit to be revoked for the duration of the permit year and the operator may be restricted from receiving a CUA for the following year unless the operator demonstrates remedies are in place to prevent late reporting. Companies operating trips in the park during periods of suspension will be cited and their request to receive future permits may be denied. Under terms of this permit, additional administrative fees may be charged by the NPS if reports are not received by the due date. Reports are due by the following dates:

February 15 (Statistics for January)
March 15 (Statistics for February)
April 15 (Statistics for March)
May 15 (Statistics for April)
June 15 (Statistics for May)
July 15 (Statistics for June)

August 15 (Statistics for July)
September 15 (Statistics for August)
October 15 (Statistics for September)
November 15 (Statistics for October)
December 15 (Statistics for November)
January 15 (Statistics for December)

(The form may also be used to notify this office regarding any previously reported trips that are cancelled. Send the completed report to the address, email or fax number listed on the report form.)

- 47. Permit Renewal** - The Holder shall give written notice of his/her intent to renew the Authorization for the next calendar year. The notification must be received by the Office of Special Park Use by December 1 of the current permit year.
- 48. Annual Report** – The Holder shall submit an annual survey, which summarizes total in-park visitor use and includes gross revenues for the year. Report forms are due by December 1 of the current permit year. (A *blank Annual Report Form* will be mailed to the Holder by the Office of Special Park Uses.)

APPENDIX 1- CONDITIONS OF USE

LYELL CANYON

As per Special Park Conditions 29(B) the following area specific conditions apply while operating in Lyell Canyon. CUA Holders must use only the following Designated Stock Use Sites as specified below

Camp 1; “Rock Camp” – (UTM: Y=4186310, X=300847: are based on NAD83 coordinates)

Access via designated access trail marked on Lyell Canyon CUA Map

Use designated highline/holding area

Grazing area is in adjacent meadow and upper meadow. Access to Upper Meadow grazing area will be via designated creek crossing and Lyell canyon trail PCT only. No travel allowed on existing stock use trails on East side of Lyell Creek.

Camp 2; “Peninsula Camp” – (UTM: Y=4186040, X=300841: are based on NAD83 coordinates)

Access via designated access trail marked on Lyell Canyon CUA Map

Use designated highline/holding area

Grazing area is in Upper Meadow. Access grazing areas will be via designated route and Lyell Canyon PCT trail only.

No travel allowed on existing stock use trails on East side of the Lyell Fork.

Must insure campers dispose of human waste on west side of Lyell Canyon PCT trail at least 100 ft. from water

These two stock camps will be signed “STOCK CAMP ONLY”

When on an approved trip, with confirmation from the Yosemite Wilderness Office for one of the above sites, the Holder finds the site occupied by a private stock group and the other stock site is also occupied the Holder may utilize a previously used and identified traditional stock use site only for those nights where both of the above sites are occupied. These previously used and identified stock sites are identified as, “Emergency Stock Camp,” on the accompanying map.

***General and area specific maps will be provided to insure CUA Holders have the necessary information to comply with area specific conditions. The conditions of this permit will be reviewed annually as outlined in the Appendices and adapted as necessary to help insure resource protection and appropriate visitor and commercial use.**

APPENDIX 1-CONDITIONS OF USE

VIRGINIA CANYON

As per Special Park Conditions 29(B) the following area specific conditions apply while operating in Virginia Canyon. CUA Holders must use only the following Designated Stock Use Sites as specified below.

Camp 1; “Avalanche Camp”- (UTM: Y= 4210080, X=292320: are based on NAD83 coordinates)

Access via designated access trail marked on Virginia Canyon CUA Map (gravel wash between hiking trail and camp).

Use designated highline/stock holding area

No grazing allowed in Castle Camp Meadow.

Camp 2; “Castle Camp” – (UTM: Y=4210520, X=293064: are based on NAD83 coordinates)

Use designated access route and creek crossing southwest of camp.

Stock is not permitted within archeological site boundary.

Use designated stock unloading and loading area southwest of the fire ring.

Use designated highline/stock holding area.

Only use existing campfire ring.

No grazing allowed in Castle Camp Meadow. The meadow is closed due to concerns over degradation of fen resources and vegetation. If stock enters Castle Camp Meadow please removed immediately.

Site 1; “Table Camp” – (UTM: Y=4211370, X=293878: are based on NAD83 coordinates)

Access via designated access trail on Virginia Canyon CUA Map

For use as a drop camp or overnight use without grazing. Limited grazing may be allowed with approval from Wilderness Office.

Use designated highline/holding area while waiting for clients.

Site 2; “Relief Camp” - (UTM: Y=4212350, X=294547: are based on NAD83 coordinates)

This site is closed to commercial stock use due to its proximity to water and susceptibility to resource damage.

Site 3; “Rogers Camp” (UTM: Y=4212520, X=294851: are based on NAD83 coordinates)

Access via designated access trail marked on Virginia Canyon CUA Map

For use as a drop camp or overnight use without grazing. Limited grazing may be allowed with approval from Wilderness Office.

Use designated highline/holding area while waiting for clients.

Site 4; Junction Camp – (UTM: UTM: Y=4213600, X=294873: are based on NAD83 coordinates)

Access via designated access trail marked on Virginia Canyon CUA Map (designated access trail adjacent to hiking trail).

To be used as drop camp or for overnight use without grazing. Limited grazing may be allowed with approval from Wilderness Office.

Use designated highline/holding area while waiting for clients.

Approval by the wilderness office can be accomplished by calling the wilderness patrol supervisor at 209-372-0549 or by contacting the Wilderness Duty Officer through the park dispatch office at 209-379-1992

APPENDIX 1-CONDITIONS OF USE

VIRGINIA CANYON

As per Special Park Conditions 29(B) the following area specific conditions apply while operating in Virginia Canyon. CUA Holders must use only the following Designated Stock Use Sites as specified below.

Site 5; Sierra Club Camp - (UTM: Y=4215200, X=294775: are based on NAD83 coordinates)

Access via designated access trail marked on Virginia Canyon CUA Map

Drop Camp only. Overnight stock use is not allowed at this site.

There is **no** designated highline/holding area for this site.

Approval by the wilderness office can be accomplished by calling the wilderness patrol supervisor at 209-372-0549 or by contacting the Wilderness Duty Officer through the park dispatch office at 209-379-1992.

***General and area specific maps will be provided to insure CUA Holders have the necessary information to comply with area specific conditions. The conditions of this permit will be reviewed annually as outlined in the Appendices and adapted as necessary to help insure resource protection and appropriate visitor and commercial use.**

APPENDIX 1-CONDITIONS OF USE

KERRICK CANYON

As per Special Park Conditions 29(B) the following area specific conditions apply while operating in Kerrick Canyon. CUA Holders must use only the following Designated Stock Use Sites as specified below.

Camp 1: “Upper Kerrick - South” – (UTM: Y= 4220757 X= 282514 are based on NAD83 coordinates)

Please consult the Upper Kerrick Canyon Overview Map (appendix 2) for all restrictions mentioned here:

- Grazing is prohibited in closed meadow areas.
- All hiking and stock traffic will be confined to the NPS trail system through closed meadow areas.
- Approved stock retention methods for grazing include; Hobbling, high lining, electric fence or any combination thereof.
 - ❖ Electric fences will be placed in area at least 100 feet from avoidance areas.
 - ❖ Refrain from placing fence in areas that have been previously used by earlier season pack stock parties.
 - ❖ Grazing stock prior to the grazing opening date is prohibited. Stock must held and fed with supplemental feed in in the designated holding area during the duration of your stay for trips occurring before opening date for grazing.
 - ❖ Stock use will be limited to designated access route & stock holding area when not grazing.
- This site will be limited to one stock party per night – *Contact Yosemite Wilderness Manager for approval.
- Camping is limited to the area immediately adjacent to the preferred fire ring as identified on the Kerrick Canyon Overview Map.

*Justification: In August 2008 areas of Kerrick Meadow were restricted and closed to packstock grazing in order to reduce potential impacts to the now federally threatened Yosemite toad (*Anaxyrus canorus*) and federally endangered Sierra Nevada yellow-legged frog (*Rana sierra*) (both listed June 2014). The determination has been reached that some of the Kerrick Meadow closure can be reopened (on a trial basis) to allow grazing with certain precautionary measures remaining in place until the Wilderness Stewardship Plan and analyses are complete. A Meadow Grazing opening date will be established and posted on the Yosemite wilderness conditions Web page at: <http://www.nps.gov/yose/planyourvisit/wildcond.htm>*

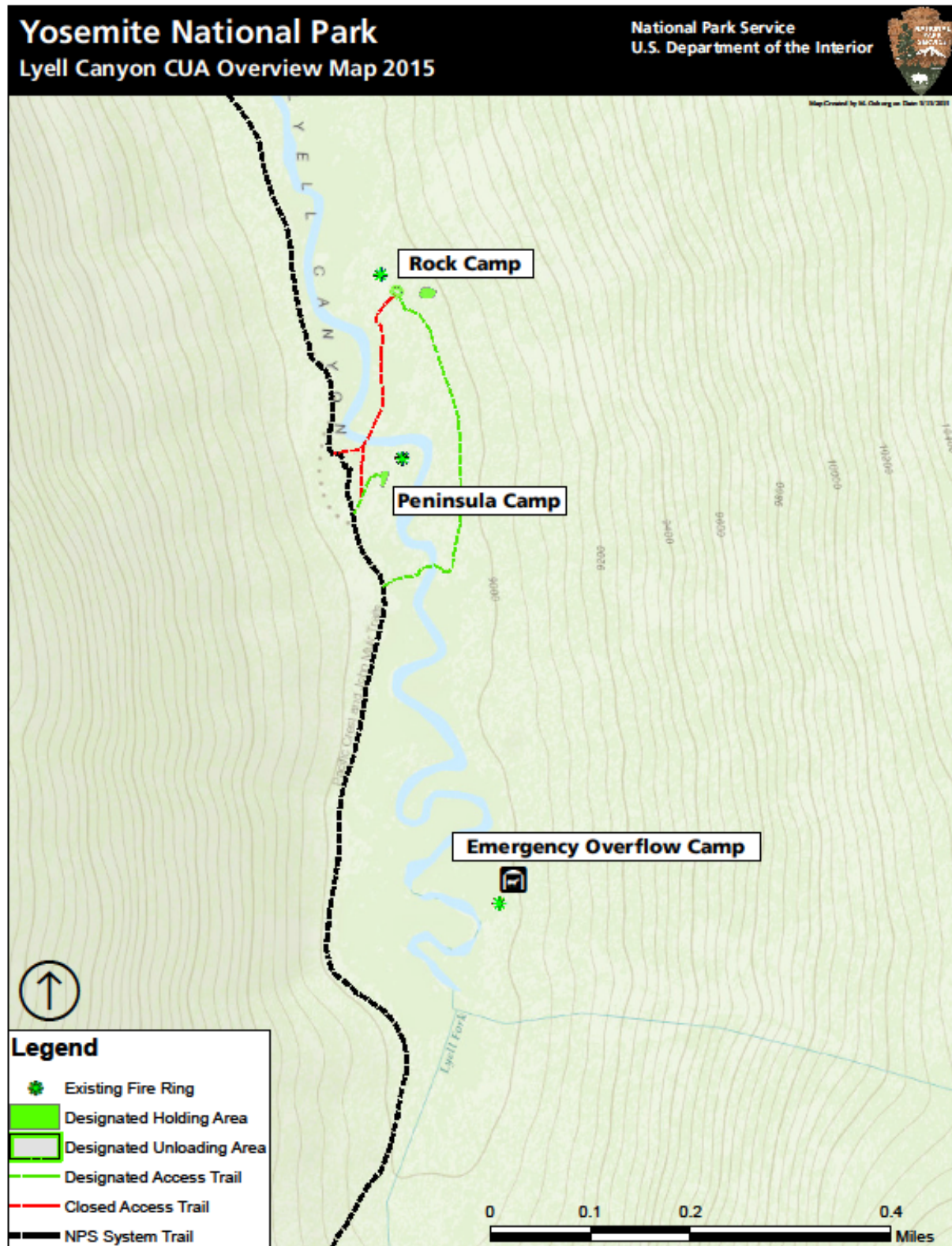
- Additional information on how the opening date is established can be found in appendix 3

**Approval for camping in Kerrick can be accomplished by calling the wilderness patrol supervisor at 209-372-0549 or by contacting the Wilderness Duty Officer through the park dispatch office at 209-379-1992.*

General and area specific maps will be provided to insure CUA Holders have the necessary information to comply with area specific conditions. The conditions of this permit will be reviewed annually as outlined in the Appendices and adapted as necessary to help insure resource protection and appropriate visitor and commercial use.

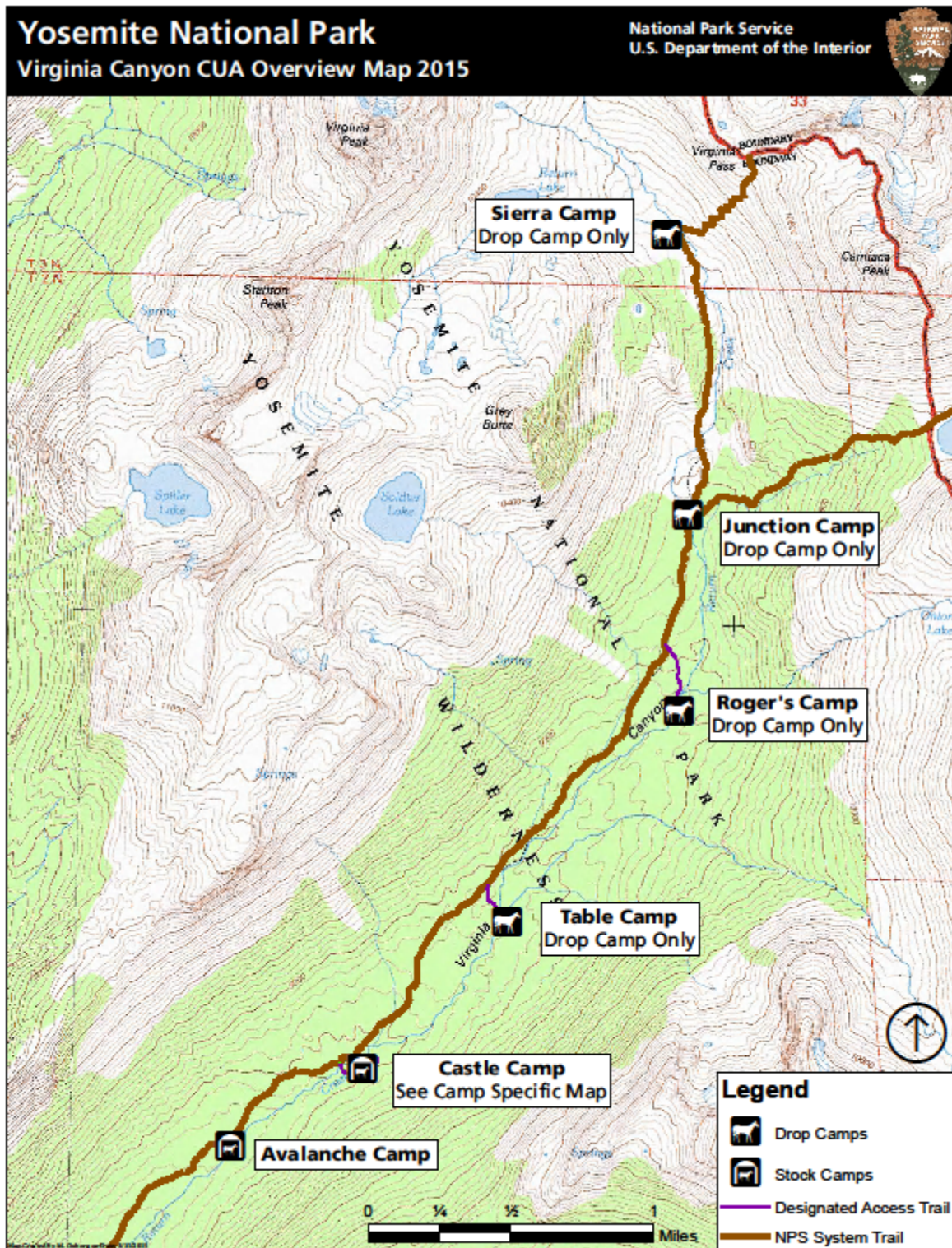
APPENDIX 2- MAP OF USE AREA

LYELL CANYON



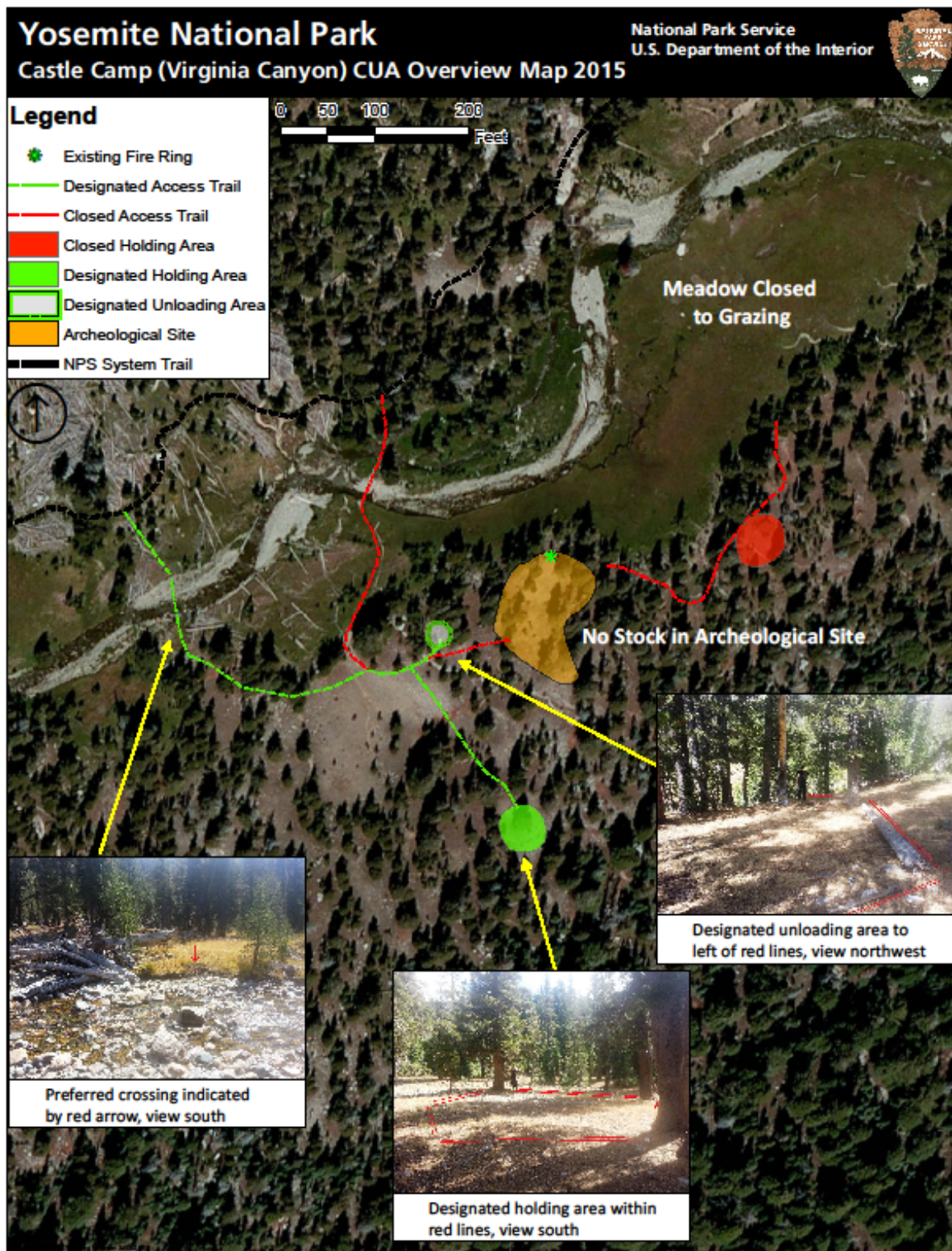
APPENDIX 2- MAP OF USE AREA

VIRGINIA CANYON



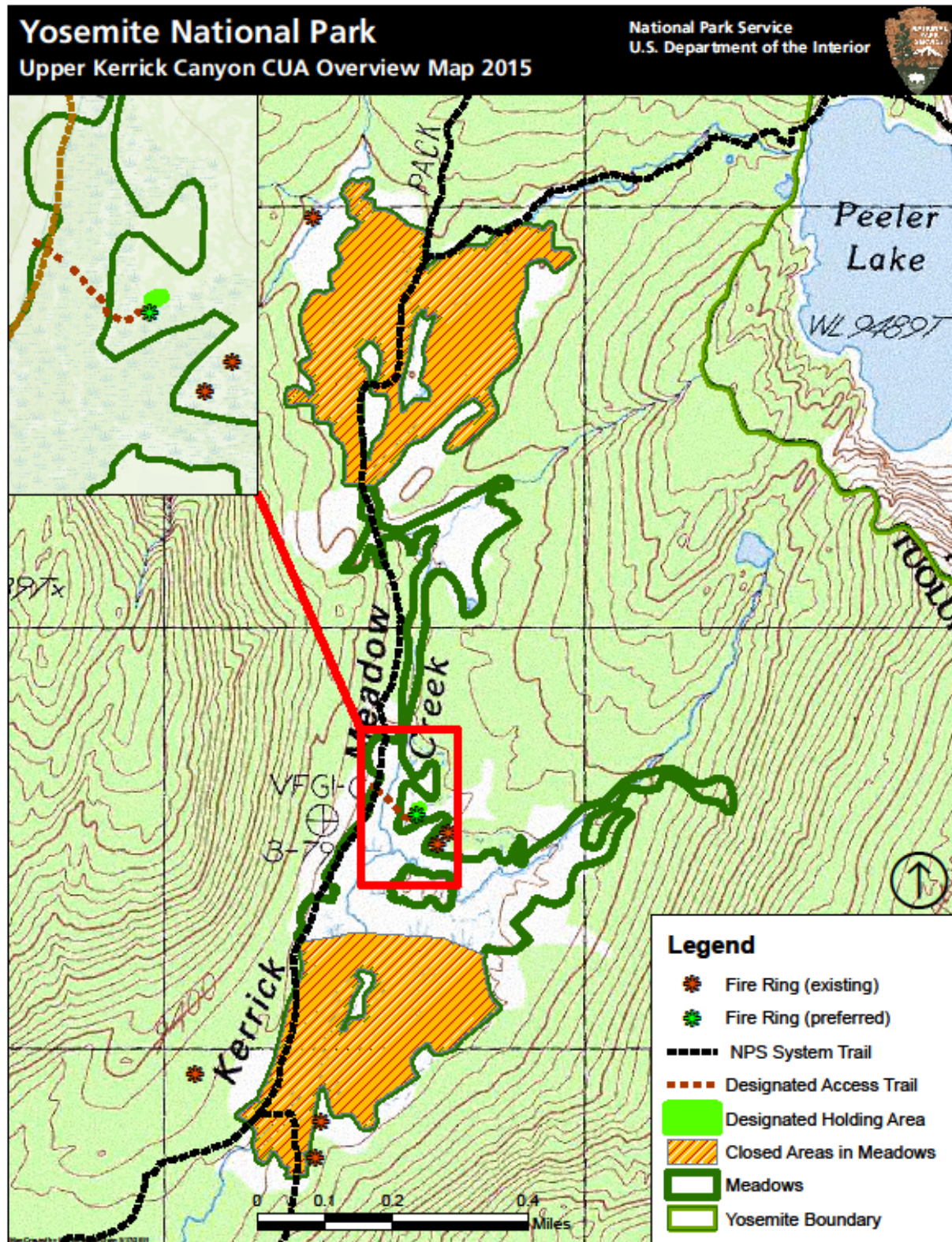
APPENDIX 2- MAP OF USE AREA

VIRGINIA CANYON (Castle Camp)



APPENDIX 2- MAP OF USE AREA

KERRICK CANYON



APPENDIX 3- MEADOW GRAZING

OPENING DATE DETERMINATION

The Park Service shall establish a grazing opening date based on timing of Yosemite toad breeding and rearing and posted in the Yosemite Annual opening dates Announcement and posted on the Yosemite Web page.

- Opening dates will coincide with post-Yosemite toad metamorphosis and dispersal from breeding areas approximately 8 weeks after snow melt. The duration of the toad breeding and rearing cycle each year shall be based on the California Data Exchange Center – Snow Survey Information obtained from the SLIDE CANYON sensor (ELEV 9200') approximate 3 miles to the SE of Kerrick Meadow. The estimated start of breeding considers snow depth and snow water content collected by this snow survey station to approximate conditions at Kerrick Meadow (ELEV 9500') 1 week later given the elevation difference and different site condition factors. In the event the station is non-functioning, manual snow survey data collected on May 1st by the Forest Service at CENTER MTN (ELEV 9400') will be used to approximate snow melt at Kerrick Meadow to establish the post 8 week grazing opening date.
 - Justification: this approach allows metamorphosed Yosemite toads enough time to disperse from concentrated breeding areas where impacts from trampling may be higher. The duration of the breeding and rearing cycle each year shall be based on the “wet” or “dry” year predictions based on the California Department of Water Resources Bulletin 120 (issued May 1st of each year). In low snow (dry) years, where sensors or snow data indicate meadows have melted prior to May 1st, May 1st will be used as the start date for the 8 week breeding and rearing period prior to meadow grazing opening date, since toads are known to delay breeding even when meadows have melted out. In high snow (wet) years, meadow grazing opening dates could be substantially delayed.
- NPS staff will conduct annual indicator monitoring of ecological condition in Kerrick Meadows.