

Categorical Exclusion

(Version: OCT06)

Compliance Tracking Number: 2007-119

PEPC Project Number: 20097

A. PROJECT INFORMATION

Title: Wilderness Bear Canister Regulation Modification

Location: Wilderness, Mariposa, California

Project Manager: Mark Fincher, Visitor Protection, Yosemite National Park

B. COMPLIANCE DETERMINATION

This project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act (NEPA) analysis under Categorical Exclusion: DO12 3.4 D (2)

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. Environmental impacts will be negligible or less when the project is implemented with the conditions stipulated under **Project Mitigations and Conditions** in **Section I** at the end of the attached *Environmental Screening Form*.

Additional supporting information for this determination and the stipulated conditions can be found in the following attachments (when checked):

- Environmental Screening Form*
- Preservation Assessment Form (YOSE-XXX)*
- Wilderness Minimum Requirement Analysis*
- Wild and Scenic River Section 7 Determination*
- Other:

C. DECISION

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances or conditions in DO12 3.5 or 3.6 apply and the action is fully described in DO12, Section 3.4.

//R. Kevin Cann//

Michael J. Tollefson, Superintendent

10/31/07

Date

Original: Statutory Compliance File
cc: Project Proponent

Attachments (1)

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
P.O. Box 577
Yosemite, California 95389

IN REPLY REFER TO:
L7617 (YOSE-PM)

Memorandum

To: Mark Fincher, Project Manager, Visitor Protection, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: Notice to Proceed, 2007-119 Wilderness Bear Canister Regulation Modification

Your proposed project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act analysis under Categorical Exclusion: DO12 3.4 *Minor changes in programs and regulations pertaining to visitor activities.*

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. This project clearance is valid providing that you adhere to any conditions that may be stipulated in the enclosed *Categorical Exclusion Form* and associated documents when implementing this project.

//R. Kevin Cann//
Michael J. Tollefson

10/31/07
Date

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.*

Environmental Screening Form

(Version: NOV06)

Compliance Tracking Number: 2007-119

PEPC Project Number: 20097

A. PROJECT INFORMATION

Title: Wilderness Bear Canister Regulation Modification

Location: Wilderness, Mariposa, California

Project Manager: Mark Fincher, Visitor Protection, Yosemite National Park

B. PROJECT DESCRIPTION AND BACKGROUND

This project is to modify an existing regulation. The modification would make bear resistant food storage canisters mandatory parkwide, eliminating an exception ("required only within 7 air miles of any road") that was built into the original food storage regulation. This exception was due to unavailability of canisters for those entering from Forest Service trailheads and to accommodate long distance hikers. Canisters are now more available from a variety of sources, and many long distance hikers are already using canisters, so this change will have very minimal effect on a small group of visitors. This change better protects bears and simplifies a confusing regulation. We would like to announce this modification this fall/winter and have next summer as a lead-in before the regulation is fully enforced in 2009.

Table B1 – Background Information

	Yes	No	N/A	Explanation/Notes
1. Did NPS staff conduct a site visit? If yes, list attendees. If no, explain.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2a. Is the project providing compliance for an action associated with but not covered by an approved plan? (Identify the plan); OR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yosemite National Park Wilderness Management Plan
2b. Is the project in an approved plan? (Identify the plan and provide a section or page citation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2c. Is the project consistent with that plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2d. Is the Plan's CE, FONSI, or ROD current?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. Are there any interested or affected parties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Backpackers and stockpackers will have to carry bear canisters in all Wilderness areas.
3b. Has a diligent effort been made to communicate with them?	<input type="checkbox"/>			
4a. Are there any affected agencies or tribes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4b. Has consultation been completed?	<input type="checkbox"/>			

Table B2 – Environmental Screening Form Attachments (provide Attachment letter—A, B, etc.)

	Yes	No	N/A	Explanation/Notes
1. Maps	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Drawings (e.g., design, construction)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Site Plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Non-NEPA/NHPA Approvals (Explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Other (Explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Regulation modification; see Attachment A.

C. ASSESSMENT OF POTENTIAL RESOURCE EFFECTS

Are any impacts possible on the following resources?	Yes	No	N/A	Data Needed to Determine/Notes
1. Geologic resources: soils, bedrock, streambeds, etc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. From geohazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Soundscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Water quality or quantity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Stream flow characteristics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Marine or estuarine resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Floodplains or wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Land use, including occupancy, income, values, ownership, type of use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Rare or unusual vegetation – old growth timber, riparian, alpine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Unique ecosystems, biosphere reserves, World Heritage Sites	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yosemite National Park is a World Heritage site; no historic properties would be adversely affected by implementing this project; see Section F, National Historic Preservation Act Checklist
13. Unique or important wildlife or wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Unique or important fish or fish habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Introduce or promote non-native species (plant or animal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Recreation resources, including supply, demand, visitation, activities, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Visitor experience, aesthetic resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The effects will be negligible. Backpackers and stockpackers will have to carry canisters in all areas of wilderness; currently the policy applies to areas 7 miles from trailhead.
18. Cultural resources including cultural landscapes, ethnographic resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
20. Minority and low income populations, ethnography, size, migration patterns, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
21. Energy resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. Other agency or tribal land use plans or policies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
23. Resource, including energy, conservation potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
24. Urban quality, gateway communities, etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
25. Long-term management of resources or land/resource productivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
26. Other important environment resources (e.g. geothermal, paleontological resources)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comments, Mitigations and Conditions:

1. None

D. MANDATORY CRITERIA

If implemented, would the proposed action:	Yes	No	N/A	Data Needed to Determine/Notes
1. Have material adverse effects on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Have adverse effects on such unique 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; floodplains; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Have highly controversial environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Threaten to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA sec. 102(2)(E))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Have a disproportionate, significant adverse effect on low-income or minority populations (EO 12898)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Contribute to the introduction, continued existence, or spread of federally listed noxious weeds (Federal Noxious Weed Control Act)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Contribute to the introduction, continued existence, or spread of non-native invasive species or actions that may promote the introduction, growth or expansion of the range of non-native invasive species (EO 13112)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Require a permit from a federal, state, or local agency to proceed, unless the agency from which the permit is required agrees that a CE is appropriate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Have the potential for significant impact as indicated by a federal, state, or local agency or Indian tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. Have the potential to be controversial because of disagreement over possible environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
19. Have the potential to violate the NPS Organic Act by impairing park resources or values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comments, Mitigations and Conditions:

1. None

E. SPECIAL STATUS SPECIES CHECKLIST

Within the area of potential effect, are there:	Yes	No	N/A	Data Needed to Determine/Notes
1. Listed or proposed threatened or endangered species (Federal or State)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Species of special concern (Federal or State)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Park rare plants or vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Potential habitat for any special-status species listed above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If "yes" to any of the above questions, a Special-Status Species Checklist must be completed and attached.				
Comments, Mitigations and Conditions:				
1. None				

F. NATIONAL HISTORIC PRESERVATION ACT CHECKLIST

Within the area of potential effect:	Yes	No	N/A	Data Needed to Determine/Notes
1. Will there be ground disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Are there any archeological sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Are there any Native American Indian traditional cultural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Is there a historic property (a building, structure, feature, or all or any part of an archeological district or site, or a historic district or site, or any associated landscape element) that is listed or eligible for listing on the <i>National Register</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Is there a National Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is there a structure(s) on the park's <i>List of Classified Structures</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is there any cultural resource requiring an evaluation of eligibility as a historic property under NHPA, Section 106, before an affect determination can be made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Would there be alteration of any historic property or associated landscape element covered by 2-7, above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If "yes" to <u>any</u> of the above, then an Assessment of Effects form (YOSE-XXX) must be completed and attached.				
Mitigations and Conditions:				
1. None				

G. WILDERNESS ACT CHECKLIST

Is the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1. Within designated Wilderness?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Modification of Wilderness Regulations; see Attachment A.
2. Within a Potential Wilderness Addition?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If "yes" to either of the above, then a Wilderness Minimum Requirements Analysis must be completed and attached.				
Mitigations and Conditions:				
1. None				

H. WILD AND SCENIC RIVERS ACT CHECKLIST

Does the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1. Fall within a wild and scenic river corridor? If "yes", name the river(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Fall within the bed and banks AND affect the free-flow of the river?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Potentially affect water quality of the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Diminish or other wise change the values for which the river was designated as a Wild and Scenic River? If "yes", explain.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5a. Fall on a tributary of a Wild and Scenic River?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5b. If 5a is "yes", will the project affect the Wild and Scenic River corridor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5c. If 5a is "yes", will the project unreasonably diminish scenic, recreational, or fish and wildlife values?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If "yes" to questions 2, 5b, or 5c, then a WSRA Section 7 determination must be completed and attached.

Mitigations and Conditions:

1. None

I. NEPA Analysis and Approval Conditions

When implemented as detailed in the project description and following all Project Mitigations and Conditions listed below, this project meets the terms and conditions of a categorical exclusion to NEPA.

Applicable Categorical Exclusion:

DO12 3.4 D (2) *Minor changes in programs and regulations pertaining to visitor activities.*

Project Mitigations and Conditions:

1. None

This project has been reviewed in accordance with the above criteria and it has been determined that the project will result in no or minimal environmental effects. Therefore, it is categorically excluded from further environmental review required under the National Environmental Policy Act. Additionally, the necessary compliance coordination has been completed with regard to the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act.

//Sue S. Clark 10/24/07

Compliance Specialist

Date

//Mark A. Butler 10/25/07

Compliance Program Manager

Date

// Glen Rothell// 10/30/07

Chief, Project Management

Date

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

Attachment A



United States Department of the Interior
NATIONAL PARK SERVICE
Yosemite National Park
P.O. Box 577

IN REPLY REFER TO:
N1623
MEMORANDUM

To: Superintendent
From: Chief Ranger
Subject: Bear-Resistant Canister Requirement 2008

Under the authority of Title 36, Code of Federal Regulations, Section 1.5(a) (2) and pursuant to Section 2.10(d) Camping and Food Storage Designations, I recommend:

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.

An exception to the above requirements is granted for winter use in designated areas within Yosemite Wilderness. Overnight visitors using skis or snowshoes in the following areas are not required to store food in bear resistant food canisters: 1) above 7200 feet in elevation or 2) above 6800 feet and within a ½ mile of a marked ski trail. Overnight visitors are required to hang their food to protect it from wildlife. The winter use exception is in effect from December 15th of each year until March 30th the following year unless otherwise designated by the Superintendent.

Background Supporting Need: This change from a partial park canister requirement to a full park canister requirement is appropriate due to: 1) increased availability of canisters, with sufficient supply available to support the requirement, 2) concern that even isolated bear incidents would have significant negative impact to bear populations, and 3) public acceptance of the requirement based on research by Newman, et al and McCurdy that people were willing to abide by the regulation even in areas where bears were not considered a threat.

The winter use exception is justified because bears are not pursuing food sources in winter in the areas and time period outlined. Requiring food storage was not felt to be necessary and would put an undue burden on winter visitors. The exception may be altered by the Superintendent if conditions merit.

NPS approved food storage canisters are available for a minimal rental fee from outlets and wilderness centers throughout the park, as well as USFS and commercial outlets outside the park. Metal food lockers are provided in campgrounds at the High Sierra Camps, Little Yosemite Valley, and Lake Eleanor. Bear resistant panniers and barrels are approved for stock users.

The designation will remain in place until rescinded by the office of the Chief Ranger, Yosemite National Park.

Steve Shackelton, Chief Ranger

Date

I concur I do not concur

Michael Tollefson, Superintendent

Date