



A PDF text file of the project's approved environmental compliance package containing the letter of compliance completion, categorical exclusion form, environmental screening form, and any other associated environmental clearance forms, as applicable (e.g., Wilderness Minimum Requirement Analysis, Wild and Scenic River Section 7 Analysis). The signed originals of the package are on file in the Environmental Planning and Compliance Office at Yosemite National Park.

Letter of Compliance Completion

To: Ruth Middlecamp, Project Manager

From: Cicely Muldoon, Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2020-166 Programmatic CE: Motorcycle Tour CUA (PEPC: 98142)

The Superintendent and park interdisciplinary team have reviewed the proposed project and completed an impact analysis and documentation, and 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 to historic properties.
- There will not be serious or long-term undesirable environmental or visual effects.

The subject proposed project, therefore, is now cleared for all National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance requirements as presented above. Project plans and specifications are approved and construction and/or project implementation can commence.

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

- Only actions explicitly described in Planning, Environment, and Public Comment system (PEPC) 98142 are approved for implementation; changes or additions to actions described here must be reviewed and approved by the Yosemite Environmental Planning and Compliance Office. The Commercial Use Authorization (CUA) holder will follow all provisions stipulated in their CUA permit.
- The CUA Manager with Yosemite Business and Revenue Management will review this Programmatic CE annually to determine if any changes or updates to the Programmatic Categorical Exclusion (PCE) are necessary before issuing that year's CUAs to holders.
- CUA holders and their guests will obey all noise provisions of the CUA permit.
- Speed limits should be followed at all times to minimize collisions with wildlife and roadkill. Additionally speed reductions are recommended during warm rainy weather (when amphibians disperse) and during dusk and dawn.
- Compliance with food-storage and garbage disposal requirements must be achieved at all times.

- Refer to the Standard Operating Procedure (SOP's) for programmatic categorical exclusions on Sharepoint (linked in Sharepoint and attached to this Programmatic CE) for comprehensive mitigations and considerations for the proposed work

Superintendent: Cicely Muldoon **Date:** January 13, 2021
Cicely Muldoon, Superintendent,

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



Categorical Exclusion Documentation Form (CE Form)

Project: Programmatic CE: Motorcycle Tour CUA
PEPC Project Number: 98142
Description of Action (Project Description):

This is a request for a programmatic Categorical Exclusion (CE) to continue to issue Commercial Use Authorizations (CUA) to commercial guided motorcycle tour companies conducting road-based tours in Yosemite National Park. This programmatic CE will cover CUAs issued beginning on January 1, 2021. The CUA is only valid for one year.

The activity is a front country, road-based tour and does not enter wilderness or authorize off road use. Group size is limited to 40 people per party maximum. (This size is the same for Death Valley National Park where most groups travel through to get to Yosemite NP). Motorcycles operated on park roads will be required to meet California Vehicle Code requirements including noise limits and vehicle modifications. This Commercial Use Authorization will be issued as an " out-of-park" CUA which requires all visitor services to originate and terminate outside of the boundaries of the park area. The authorization holder is not authorized to advertise, solicit business, collect fees, or sell any goods or services within the boundaries of the park area. The CUA will only be issued for a period of 1 calendar year. Companies must apply for a new CUA each new year. The CUA holder is regulated by the terms and conditions of the CUA which is administered and managed by the Yosemite National Park, Commercial Use Authorization Office in conjunction with the Yosemite National Park Protection Division. The CUA holder must obtain additional authorizations for commercial activities not covered under this CUA. The CUA holder is required to obtain any additional permits or license required by law. The CUA holder is required to submit an annual report listing the total number of trips to the park, the total number of visitors and the annual gross receipts collected from conducting their business in the park.

The Commercial Use Authorization (CUA) is a tool required by the National Park Service to regulate and oversee the commercial use of National Park Service lands not regulated under a Concessions Management contract.

Project Locations:

Location

County: Mariposa & Tuolumne Counties **State:** CA

Mitigation(s):

- Only actions explicitly described in PEPC 98142 are approved for implementation; changes or additions to actions described here must be reviewed and approved by the Yosemite Environmental Planning and Compliance Office. The CUA holder will follow all provisions stipulated in their CUA permit.
- The CUA Manager with Yosemite Business and Revenue Management will review this Programmatic CE annually to determine if any changes or updates to the PCE are necessary before issuing that year's CUAs to holders.
- CUA holders and their guests will obey all noise provisions of the CUA permit.
- Speed limits should be followed at all times to minimize collisions with wildlife and roadkill. Additionally speed reductions are recommended during warm rainy weather (when amphibians disperse) and during dusk and dawn.

- Compliance with food-storage and garbage disposal requirements must be achieved at all times.
- Refer to the SOP's for programmatic categorical exclusions on Sharepoint (linked in Sharepoint and attached to this Programmatic CE) for comprehensive mitigations and considerations for the proposed work

CE Citation: A.6 Commercial use licenses involving no construction.

CE Justification: Project is a Commercial Use Authorization (CUA) for motorcycle groups traveling through the park.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Superintendent: Cicely Muldoon **Date:** January 13, 2021
 Cicely Muldoon, Superintendent,

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

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Notes
No Extraordinary Circumstances Found		



ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

A. PROJECT INFORMATION

Project Title:	Programmatic CE: Motorcycle Tour CUA
PEPC Project Number:	98142
Project Type:	Commercial Use Authorization (CUP)
Project Location:	
County, State:	Mariposa & Tuolumne Counties, California
Project Leader:	Ruth Middlecamp

B. PROJECT DESCRIPTION

See Categorical Exclusion form

C. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	None	
Biological Nonnative or Exotic Species	None	
Biological Species of Special Concern or Their Habitat <i>Species of Special Concern</i>	Potential	Issue: Many species of special concern occur throughout the park, however the issuance of this CUA will not change visitor use activities or change impacts to wildlife. Impact: CUA holders will follow park speed limits to avoid impacts to wildlife.
Biological Vegetation	None	
Biological Wildlife and/or Wildlife Habitat including terrestrial and aquatic species <i>Wildlife behavior, food conditioning, & habituation</i>	Potential	Issue: CUA holders must store food and trash properly to avoid food conditioning and habituation in bears and other wildlife. Impact: CUA holders will store food and trash properly, in accordance with park regulations.
Cultural Archeological Resources	None	
Cultural Cultural Landscapes	None	

Cultural Ethnographic Resources	None	
Cultural Museum Collections	None	
Cultural Prehistoric/historic structures	None	
Geological Geologic Features	None	
Geological Geologic Processes	None	
Lightscares Lightscares	None	
Other Human Health and Safety	None	
Other Operational	None	
Other Other	None	
Socioeconomic Land Use	None	
Socioeconomic Minority and low-income populations, size, migration patterns, etc.	None	
Socioeconomic Socioeconomic	None	
Soundscapes Soundscapes <i>Soundscapes</i>	Potential	Issue: Motorcycles can produce excessive noise. Impact: The CUA will have noise controls stipulated and CUA holders will follow these.
Viewsheds Viewsheds	None	
Visitor Use and Experience Recreation Resources	None	
Visitor Use and Experience Visitor Use and Experience <i>Visitor Experience</i>	Potential	Issue: Visitors will have the opportunity to participate in guided motorcycle tours. Impact: Enhances visitor experience by expanding touring opportunities.
Water Floodplains	None	
Water Marine or Estuarine Resources	None	

Water Water Quality or Quantity	None	
Water Wetlands	None	
Water Wild and Scenic River	None	
Wilderness Wilderness	None	



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. **Park:** Yosemite National Park

2. **Project Description:**

Project Name: Programmatic CE: Motorcycle Tour CUA

Prepared by: Wesley Wills **Date Prepared:** 11/10/2020 **Telephone:** (209) 379-1455

PEPC Project Number: 98142

Locations:

County, State: Mariposa & Tuolumne Counties, CA

Describe project: See Categorical Exclusion form

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

This project does not involve ground disturbance and involves private vehicles driving on paved and annually maintained public roads and highways.

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

	No
X	Yes
	Source or reference:

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

Archeological Resources Present: No

Historical Structures/Resources Present: Yes

Property Name: Tioga Road Historic District **LCS:**

Property Name: Glacier Point Road Historic District **LCS:**

Historical Structures/Resources Notes: Various other roads constructed in the historic period and maintained on an annual basis are in the project area.

Cultural Landscapes Present: No

Ethnographic Resources Present: No

Ethnographic Resources Notes: The traditionally associated American Indian tribes have not been consulted on this project, because the project does not involve ground disturbance or other activities that may potentially affect properties with religious and cultural significance.

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
No	Alter or remove features/elements of a historic setting or environment (inc. terrain)
No	Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
No	Disturb, destroy, or make archeological resources inaccessible
No	Disturb, destroy, or make ethnographic resources inaccessible>
No	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:

[X] 106 Advisor

Name: Hope Schear

Date: 11/12/2020

Comments: No HA/HLA required. Tioga Road and Glacier Point Road Historic Districts fall within the APE. However, the undertaking will have no adverse effect on these properties. There will be no ground disturbance and the roads would be used as intended.

Check if project does not involve ground disturbance [X]

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 or Other Programmatic Agreement

[X] Anthropologist

Name: Liz Williams

Date: 11/10/2020

Comments: This is continuation of an existing permit. Noise is addressed via CA decibel regulations.

Check if project does not involve ground disturbance [X]

Assessment of Effect: ___No Potential to Cause Effect X No Historic Properties Affected ___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations: Will monitor for complaints.

Doc Method: Park Specific or Other Programmatic Agreement

[X] Archeologist

Name: Wesley Wills

Date: 11/10/2020

Comments: This project does not involve ground disturbance and has no potential to affect archeological sites.

Check if project does not involve ground disturbance [X]

Assessment of Effect: ___No Potential to Cause Effect X No Historic Properties Affected ___No Adverse Effect ___Adverse Effect ___Streamlined Review

Recommendations for conditions or stipulations:

Doc Method: Park Specific or Other Programmatic Agreement

No Reviews From: Curator, Historical Architect, Historian, 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
X	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.)

[X] **C. Undertaking Related to Park Specific or Another Agreement**
The proposed undertaking is covered for Section 106 purposes under another document such as a park, region or statewide agreement established in accord with 36 CFR 800.7 or 36 CFR 800.14.

[] **D. Combined NEPA/NHPA Process**
Process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 is in accord with 36 CFR 800.8.c.

[] **E. Memo to Project File**

3. Consultation Information

SHPO Required: No
SHPO Sent: N/A
SHPO Received: N/A

THPO Required: N/A
THPO Sent: N/A
THPO Received: N/A

SHPO/THPO Notes:

Advisory Council Participating: No
Advisory Council Notes:
Additional Consulting Parties: No

4. Stipulations and Conditions: Following are listed any stipulations or conditions necessary to ensure that the assessment of effect above is consistent with 36 CFR Part 800 criteria of effect or to avoid or reduce potential adverse effects.

5. Mitigations/Treatment Measures: Measures to prevent or minimize loss or impairment of historic/prehistoric properties: (Remember that setting, location, and use may be relevant.)

- Only actions explicitly described in PEPC 98142 are approved for implementation; changes or additions to actions described here must be reviewed and approved by the Yosemite Environmental Planning and Compliance Office. The CUA holder will follow all provisions stipulated in their CUA permit.

6. Assessment of Effect Notes:

Project is covered under the Yosemite PA (14.e).

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Compliance Specialist

NHPA Specialist _____ **Date:** _____
Hope Schear
Hope Schear

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: _____ **Date:** _____
Cicely Muldoon
Cicely Muldoon

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



Other Compliance/Consultations Form

Park Name: Yosemite National Park
PEPC Project Number: 98142
Project Title: Programmatic CE: Motorcycle Tour CUA
Project Type: Commercial Use Authorization
Project Location:
 County, State: Mariposa & Tuolumne Counties, CA
Project Leader: Ruth Middlecamp

ESA

<p>Any Federal Species in the project Area? Yes If species in area: No Effect Was Biological Assessment prepared? If Biological Assessment prepared, concurred? Formal Consultation required? No Formal Consultation Notes: There's a Biological Opinion in place for fisher, California Red-legged Frog, and roads in relation to amphibians (attached in PEPC). This activity will have no effect on endangered species in Yosemite, as long as mitigations are followed.</p> <p>Formal Consultation Concluded: Any State listed Species in the Project Area? Yes Consultation Information: State-listed species like the great gray owl occur along roads but this project specifically will have no effect as long as mitigations are followed. General Notes:</p>			
Data Entered By:	Heather Mackey	Date:	Nov 23, 2020

ESA Mitigations

No ESA mitigations are associated with this project.

Floodplains/Wetlands/§404 Permits

Question	Yes	No	Details
A.1. Is project in 100- or 500-year floodplain or flash flood hazard area?		No	Not in floodplain or flash flood hazard area.
A.2. Is Project in wetlands as defined by NPS/DOI?		No	Not in wetland as defined by NPS/DOI.
B. COE Section 404 permit needed?		No	No placement of fill in waters of the United States.
C. State 401 certification?		No	

D. State Section 401 Permit?		No	Issue Date: Expiration Date:
E. Tribal Water Quality Permit?		No	
F. CZM Consistency determination needed?			N/A
G. Erosion & Sediment Control Plan Required?		No	
H. Any other permits required?		No	Permit Information:
Other Information:			Project will have no effect on water quality or floodplains.
Data Entered By:	Ninette Daniele		Date: Dec 1, 2020

Floodplains & Wetlands Mitigations

No Floodplains & Wetlands mitigations are associated with this project.

Wilderness

Question	Yes	No	
A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness?		No	
B. Is the only place to conduct this project in wilderness?		No	
C. Is the project necessary for the administration of the area as wilderness?		No	
D. Would the project or any of its alternatives adversely affect (directly or indirectly) Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness? (If Yes, Minimum Requirements Analysis required)		No	
E. Does the project or any of its alternatives involve the use of any of the Wilderness Act Section 4(c) prohibited uses: commercial enterprise, permanent road, temporary road, motor vehicles, motorized equipment, motorboats, landing of aircraft, mechanical transport, structure, or installation? (If Yes, Minimum Requirements Analysis required)		No	
If the answer to D or E above is "Yes" then a Minimum Requirements Analysis is required. Describe the status of this analysis in the column to the right.			Initiation Date: Completed Date: Approved Date:
Other Information: Park roads are not in designated wilderness.			
Data Entered By:	Ninette Daniele		Date: Dec 1, 2020

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

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

Other Information:

Data Entered By:	Ninette Daniele	Date:	Dec 1, 2020
-------------------------	-----------------	--------------	-------------