



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: Adelia Bles, Project Manager, Yosemite National Park

From: Cicely Muldoon, Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: Programmatic Categorical Exclusion (PCE) for Motorcycle Tour Commercial Use Authorization (CUA) (PEPC: 106169)

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 NEPA and 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 PEPC 106169 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.
- Compliance with food-storage and garbage disposal requirements must be achieved at all times.
- 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.
- Refer to the Standard Operating Procedures (SOPs) for PCEs on Sharepoint (linked in Sharepoint) for comprehensive mitigations and considerations for the proposed work.
- The CUA Manager with Yosemite Business and Revenue Management will review this PCE annually to determine if any changes or updates to the PCE are necessary before issuing that year's CUAs to holders.

There are no NHPA Recommendations for Conditions or Stipulations identified.

Teri Austin for Cicely Muldoon

Date:

March 11, 2022

Superintendent Signature:

*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 Categorical Exclusion for Motorcycle Tour CUA

PEPC Project Number: 106169

Description of Action (Project Description):

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. This CUA, also known as a permit, is issued to companies or individuals conducting a commercial in-park business. This Programmatic Categorical Exclusion (PCE) covers commercial guided motorcycle tour companies conducting road-based tours in Yosemite National Park.

Issuance of this type of CUA may be categorically excluded under NPS Director's Order #12, Action 3.3 A (6): Commercial use licenses involving no construction (2015 NEPA Handbook). This Programmatic CE is in accordance with the NPS Management Policies (2006), Endangered Species Act (1973), Director's Order 77 (Natural Resources Protection), Code of Federal Regulations Title 36, and the Superintendent's Compendium. This PCE supersedes PEPC 98142.

Barring any changes to the program, the permit or federal laws and regulations, permits may be issued under this PCE for a total of ten years and shall cover CUAs issued beginning March 1, 2022.

This CUA is issued for front country, motorcycle 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 service 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.

Programmatic CE Review and Updates:

This document will be reviewed periodically to determine if any updates are needed. Any new activities, significant changes in technology or scope of work, or amendments to this PCE will trigger consultation with the Compliance Office, Facilities Management, and Resources Management and Science.

Mitigation(s):

See Letter of Compliance Completion Form for mitigations.

CE Citation: 3.3.A.6 Commercial use licenses involving no construction.

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 Signature: Teri Austin for Cicely Muldoon **Date:** March 11, 2022

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Explanation
A. Have significant impacts on public health or safety?	No	None
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	None
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	None
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	None
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	None
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	None
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	None
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	None
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	None
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	None
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	None



ENVIRONMENTAL SCREENING FORM (ESF)

Updated Sept 2015 per NPS NEPA Handbook

A. PROJECT INFORMATION

Project Title: Programmatic Categorical Exclusion for Motorcycle Tour CUA
PEPC Project Number: 106169
Project Type: Commercial Use Authorization (CUP)
Project Location:
County, State: Mariposa & Tuolumne Counties, California
Project Leader: Adelia Bles

B. PROJECT DESCRIPTION: See Categorical Exclusion form

C. RESOURCE IMPACTS TO CONSIDER:

Resource	Potential for Impact	Potential Issues & Impacts
Air Air Quality	None	None
Biological Nonnative or Exotic Species	None	None
Biological Species of Special Concern or Their Habitat	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	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.

Resource	Potential for Impact	Potential Issues & Impacts
Cultural Archeological Resources	None	None
Cultural Cultural Landscapes	None	None
Cultural Ethnographic Resources	None	None
Cultural Museum Collections	None	None
Cultural Prehistoric/historic structures	None	None
Geological Geologic Features	None	None
Geological Geologic Processes	None	None
Lightscapes	None	None
Other Human Health and Safety	None	None
Other Operational	None	None
Other	None	None
Paleontological Paleontological Resources	None	None
Socioeconomic Land Use	None	None
Socioeconomic Minority and low-income populations, size, migration patterns, etc.	None	None
Socioeconomic	None	None
Soundscapes	Potential	Issue: Motorcycles can produce excessive noise. Impact: The CUA will have noise controls stipulated and CUA holders will follow these.
Viewsheds	None	None

Resource	Potential for Impact	Potential Issues & Impacts
Visitor Use and Experience Recreation Resources	None	None
Visitor Use and Experience Visitor Use and Experience	Potential	Issue: Visitors will have the opportunity to participate in guided motorcycle tours. Impact: Enhances visitor experience by expanding touring opportunities.
Water Floodplains	None	None
Water Marine or Estuarine Resources	None	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 Categorical Exclusion for Motorcycle Tour CUA

Prepared by: Kirstie Dunbar-Kari **Date Prepared:** 02/22/2022 **Telephone:** (209) 379-1175

PEPC Project Number: 106169

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? Yes

4. Potentially Affected Resource(s):

Archeological Resources Present: No

Historical Structures/Resources Present: Yes

Property Name: Tioga Road Historic District

Property Name: Glacier Point Road Historic District

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. This activity is ongoing in the park and to date, the park has received no complaints from traditionally associated tribes concerning noise related to motorcycle use.

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

Yes/No	The proposed action will...
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)
No	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: 02/23/2022

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

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:

Doc Method: Park Specific or Other Programmatic Agreement

[X] Anthropologist

Name: Hope Schear

Date: 02/23/2022

Comments: This is continuation of an existing park use. Noise is addressed via CA decibel regulations. To date, the park has not received complaints related to noise from traditionally associated tribes.

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:

Doc Method: Park Specific or Other Programmatic Agreement

☒ **Archeologist**

Name: Erin Davenport

Date: 02/23/2022

Comments: This project does not involve ground disturbance and has no potential to have direct effects archeological sites. Indirect effects could include temporary noise impacts to the setting of historic properties, but this would not be adverse.

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:

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
☒ 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. 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:

SHPO Received:

THPO Required:

THPO Sent:

THPO Received:

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 106169 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:

YOSE 2020 PA Streamlined Review Category 14 e) Permitting, Lease Agreements, Contracts, and Commercial Use Authorizations

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Hope Schear

Date: February 28, 2022

Section 106 Coordinator

Signature: _____

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 Signature: Teri Austin for Cicely Muldoon **Date:** March 11, 2022



Other Compliance/Consultations Form

Park Name: Yosemite National Park

PEPC Project Number: 106169

Project Title: Programmatic Categorical Exclusion for Motorcycle Tour CUA

Project Type: Commercial Use Authorization

Project Location: County, State: Mariposa & Tuolumne Counties, CA

Project Leader: Adelia Bles

ESA

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.

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:

Data Entered By: Kirstie Dunbar-Kari

Date: Feb 22, 2022

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	None

Question	Yes/No	Details
D. State Section 401 Permit?	No	Issue Date: Expiration Date:
E. Tribal Water Quality Permit?	No	None
F. CZM Consistency determination needed?	N/A	N/A
G. Erosion & Sediment Control Plan Required?	No	None
H. Any other permits required?	No	Permit Information:
Other Information:	Yes	Project will have no effect on water quality or floodplains.

Data Entered By: Kirstie Dunbar-Kari

Date: Feb 22, 2022

Floodplains & Wetlands Mitigations

No Floodplains & Wetlands mitigations are associated with this project.

Wilderness

Question	Yes/No	Details
A. Does this project occur in or adjacent to Designated, Recommended, Proposed, Study, Eligible, or Potential Wilderness?	No	None
B. Is the only place to conduct this project in wilderness?	N/A	Not in Wilderness
C. Is the project necessary for the administration of the area as wilderness?	N/A	None
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	None
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	None
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.	N/A	Initiation Date: Completed Date: Approved Date:
Other Information: Park roads are not in designated wilderness.	Yes	See question column

Data Entered By: Kirstie Dunbar-Kari

Date: Feb 22, 2022

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)	N/A
G. Other:	No

Other Information:

Data Entered By: Kirstie Dunbar-Kari

Date: Feb 22, 2022