

# Chapter I: Purpose of and Need for the Project

## Introduction

### **What is a Wild and Scenic River?**

In the 1960s, it was widely recognized that many of the nation's rivers were being dredged, dammed, and degraded at an alarming rate. In response, the U.S. Congress established the Wild and Scenic Rivers Act in October 1968, which pronounced that:

*... selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. (Public Law 90-542 as amended; 16 USC 1271-1287)*

A Wild and Scenic River is one that has been identified as having distinctively unique or *outstandingly remarkable values* that set it apart from all other rivers, making it worthy of special protection. The goal of designating a river as Wild and Scenic is to preserve its free-flowing character and unique qualities for the benefit of present and future generations.

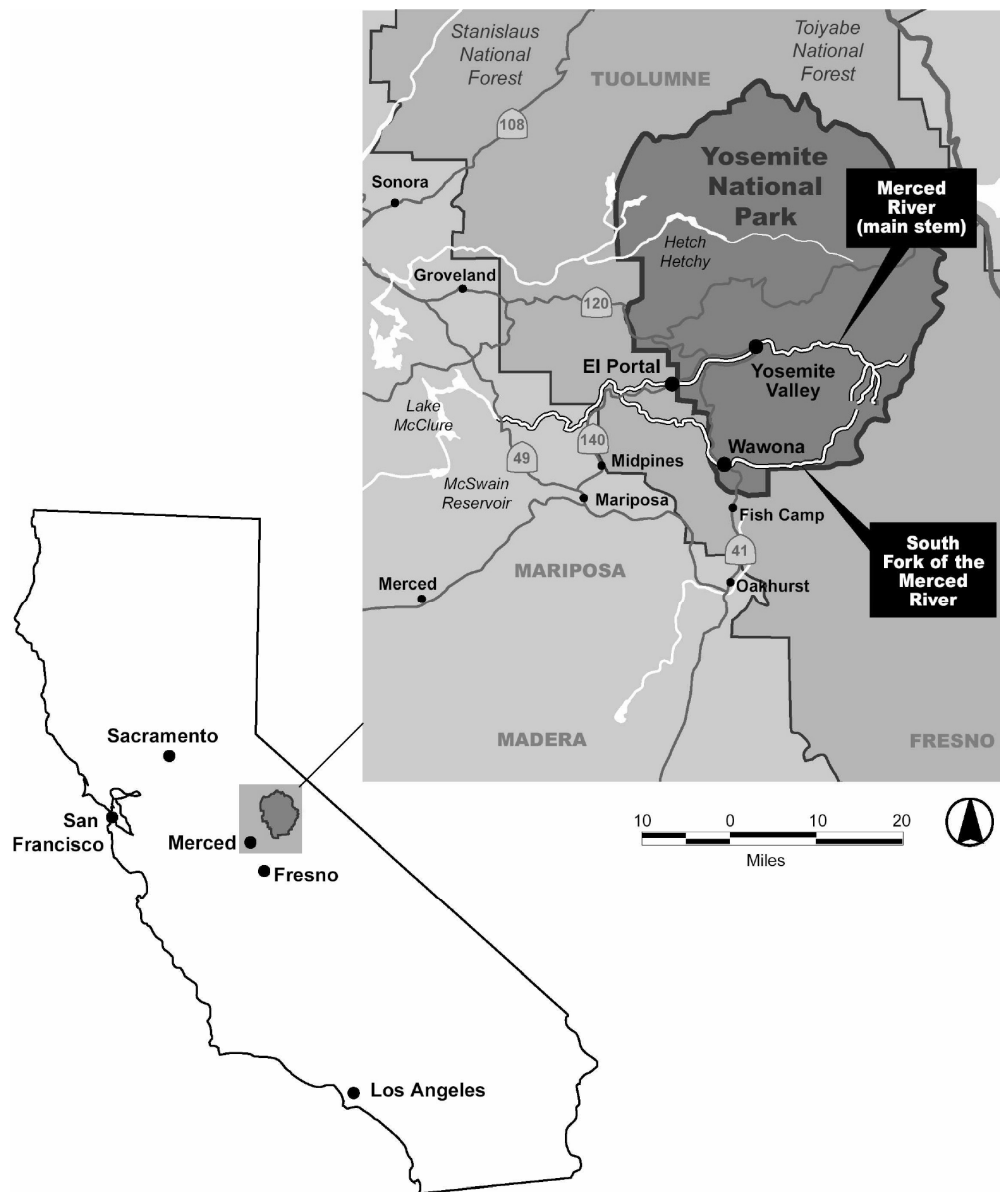
While a Wild and Scenic River designation increases protection for a river, it does not necessarily disallow use or development within a river corridor. In order to outline the permitted levels of use and development, the agency(s) with primary responsibility for managing a Wild and Scenic River must prepare a comprehensive management plan. The purpose of a comprehensive management plan is to specify the levels of management for protecting and enhancing the river and its immediate environment.

### **Merced Wild and Scenic River**

In 1987, the U.S. Congress designated the Merced River a Wild and Scenic River to protect its free-flowing condition and to protect and enhance its unique values for the benefit and enjoyment of present and future generations (16 USC 1271). The passage of Public Law 100-149 on November 2, 1987, and Public Law 102-432 on October 23, 1992, placed 122 miles of the main stem and South Fork of the Merced River, including the forks of Red Peak, Merced Peak, Triple Divide Peak, and Mt. Lyell, into the Wild and Scenic Rivers System (see figure I-1). The National Park Service manages 81 miles of the Merced River, encompassing both the main stem and the South Fork in Yosemite National Park and the El Portal Administrative Site.

Pursuant to the Wild and Scenic Rivers Act requirements for preparing a comprehensive management plan, the National Park Service prepared and issued the *Merced Wild and Scenic River Comprehensive Management Plan and Final Environmental Impact Statement* (Merced River Plan/FEIS) in June 2000 (NPS 2000c). In August 2000, a Record of Decision was signed (NPS 2000d), making the *Merced Wild and Scenic River Comprehensive Management Plan* (Merced River Plan) the official document for managing activities within the 81 miles of river corridor within National Park Service jurisdiction. (A revised Record of Decision was signed in November 2000 [Appendix A in NPS 2001a].)

**Figure I-1**  
**Regional Map**



The specific purpose of the Merced River Plan is to provide direction and guidance for managing visitor use, development of lands and facilities, and resource protection within the boundaries of the Merced Wild and Scenic River (also referred to as the *river corridor*). The plan provides a template against which future implementation plans are judged. All future activities in the Merced Wild and Scenic River corridor must meet the rigorous policies of the Merced River Plan to ensure that a given project protects and enhances what the Wild and Scenic Rivers Act refers to as the river's *Outstandingly Remarkable Values*—the natural, cultural, and recreational values that make the Merced River worthy of special protection. Therefore, the Merced River Plan provides general direction and guidance for future management decisions within the river corridor. The Merced River Plan amends and serves as a companion document to the park's 1980 *General Management Plan* (NPS 1980a).

## **Legal History**

Since the Record of Decision was signed in August 2000, the Merced River Plan has been the subject of a lengthy litigation process. The validity of the plan was challenged based on contentions that the National Park Service failed to prepare a plan that protected and enhanced the Outstandingly Remarkable Values of the Merced River, thereby violating the Wild and Scenic Rivers Act. The Merced River Plan was upheld in U.S. District Court with the exception that language be added to specifically indicate how the plan amends the park's *General Management Plan*.

However, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit Court of Appeals, or the Court) further ruled that the Merced River Plan is deficient on two grounds. In its October 27, 2003, opinion, the Court stated that the “Merced Wild and Scenic River Comprehensive Management Plan (CMP) is invalid due to two deficiencies: (1) a failure to adequately address user capacities; and (2) the improper drawing of the Merced River’s boundaries at El Portal.”<sup>1</sup> On April 20, 2004, the same court clarified its original opinion, stating that the National Park Service “must prepare a new or revised CMP that adequately addresses user capacities and properly draws the river boundaries in El Portal.”

The Merced River Plan proposed to address user capacity through a system known as the Visitor Experience and Resource Protection (VERP) framework. VERP is one of the preferred methods for managing use in national parks and establishes indicators and standards for the natural and cultural resource conditions, as well as the visitor experience. Although the Merced River Plan committed to full implementation of VERP within approximately five years, the plan only presented a series of sample indicators and standards. The Ninth Circuit Court of Appeals found the use of sample indicators and standards to be deficient and held that the Wild and Scenic Rivers Act “require[s] that the VERP be implemented through the adoption of quantitative measures sufficient to ensure its effectiveness as a current measure of user capacities. If the National Park Service is correct in projecting that it will need approximately five years fully to implement the VERP, it may be able to comply with the user capacity mandate in the interim by implementing preliminary or temporary limits of some kind.”

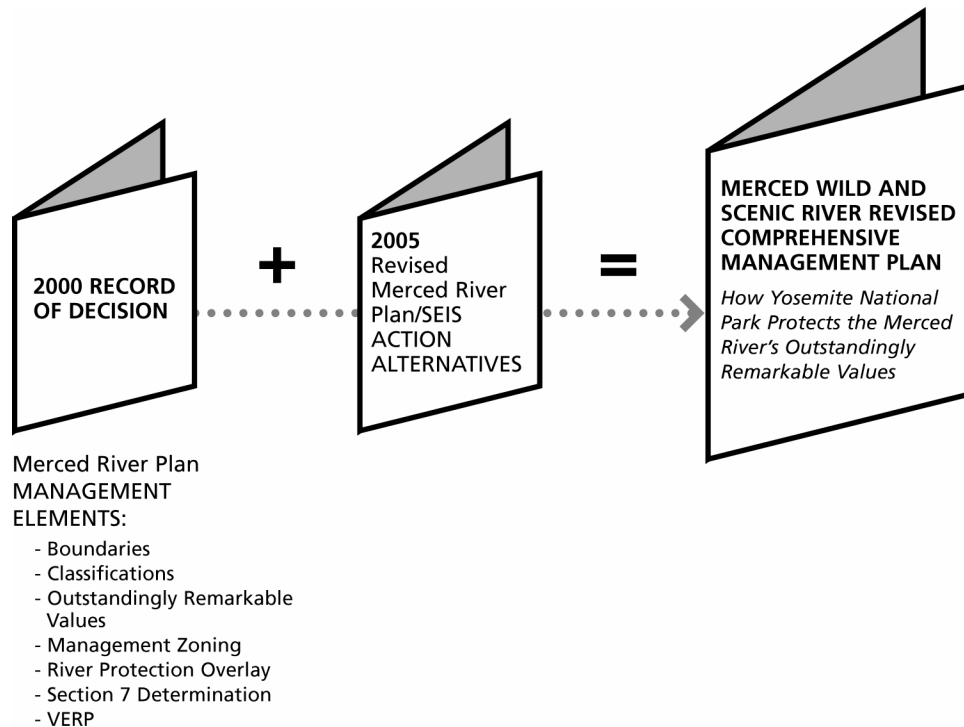
The 2000 Merced River Plan established the river boundary in the El Portal segment of the Merced Wild and Scenic River as the 100-year floodplain along with adjacent wetlands, or the extent of the River Protection Overlay, whichever was greater. The Court found that the narrow river corridor boundary did not fully take into account the location of Outstandingly Remarkable Values. Thus, the opinion states that the National Park Service must “reevaluate the river corridor boundary based on the precise location of Outstandingly Remarkable Values.”

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<sup>1</sup> Friends of Yosemite Valley v. Norton, 348 F.3d 789, 803 9th Cir. 2003.

In response to the Court’s direction, the National Park Service is preparing this *Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* (hereafter referred to as the Revised Merced River Plan/SEIS). This revised plan will amend the existing Merced River Plan to address the deficiencies identified by the Court and to specify how it amends the *General Management Plan*. Taken together, the Revised Record of Decision from November 2000 and the selected alternative from this plan will comprise the Revised Merced River Plan (figure I-2).

**Figure I-2**  
Revision Process for the Merced Wild and Scenic River Revised Comprehensive Management Plan



## Project Background

The 81 miles of the Merced Wild and Scenic River managed by the National Park Service flow through park wilderness lands, other national park lands, private lands, and lands managed as part of the El Portal Administrative Site. The 1987 federal legislation that designated the Merced River as a Wild and Scenic River states that a management plan “shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of such river segments” (16 USC 1274[a]). Furthermore, the 1968 Wild and Scenic Rivers Act states “Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area” (16 USC 1281[a]).

A description of the basic elements of the Wild and Scenic Rivers Act can be found on pages I-7 through I-18 of the Merced River Plan/FEIS (NPS 2000c). In addition, Appendix A of that document provides the text of the Wild and Scenic Rivers Act as it applies to the Merced Wild

and Scenic River. Appendix B of that document provides a legislative history of bills associated with designation and management of the Merced Wild and Scenic River. That information is incorporated into this plan by reference.

While the Merced River Plan is programmatic and does not dictate any specific actions, it is a working manual for guiding decisions related to land use and activities—both allowed and not allowed—in the river corridor. It is intended to guide decisions today and to communicate the land use goals for the Merced River corridor well into the future. The plan applies seven management elements to establish desired future conditions, typical visitor activities and experiences, and park facilities and management activities allowed in the river corridor. These elements are described in detail in the Merced River Plan/FEIS, which is incorporated into this document by reference (NPS 2000c).

The 2004 Court Order directing this revision of the Merced River Plan specifically requires the National Park Service to revise the plan to (1) address user capacity in the river corridor, and (2) reassess the river corridor boundary in the El Portal segment based on the location of Outstandingly Remarkable Values. The Ninth Circuit Court of Appeals found that the plan was invalid due to these two deficiencies. Other management elements of the plan (e.g., the River Protection Overlay, management zoning, Outstandingly Remarkable Values, river classifications, and river boundaries outside of El Portal) had been challenged in an earlier phase of litigation before the U.S. District Court in Fresno. The District Court rejected challenges to those elements of the plan, and the findings in this regard were never appealed to the Ninth Circuit. Therefore, the National Park Service considers the remaining elements of the Merced River Plan to be appropriate tools that can be used to further the mandates of the Wild and Scenic Rivers Act. When coupled with the remaining plan elements, the revised User Capacity Program and the revised El Portal boundary work synergistically. Together, they form a comprehensive framework for managing the river. Because the newly revised elements of the Plan can and do function with pre-existing elements in a comprehensive manner, the remaining management elements as described in the existing Merced River Plan/FEIS are not being revisited in this plan.

This Revised Merced River Plan/SEIS is intended to correct the deficiencies in the original Merced River Plan/FEIS as appropriate. As a supplemental document, the extensive background information from the original document will not be repeated, but as mentioned above is incorporated into this document by reference.

Since the Record of Decision was signed in 2000, the Merced River Plan's guidance has directed a number of projects in the river corridor. From ecological restoration efforts to the removal of the Cascades Diversion Dam, various planning efforts have been analyzed using the management direction provided in the Merced River Plan. Included in each planning document is a chapter specifically devoted to how a particular project conforms to the guidance of the Merced River Plan, along with analysis of how the actions in the project enhance the river's Outstandingly Remarkable Values. This has become a standard procedure for any activity that is required to comply with the National Environmental Policy Act (NEPA) in the Merced River corridor.

## Purpose of the Project

The purpose of the Revised Merced River Plan/SEIS is to produce a revised comprehensive management plan that:

- Protects and enhances the Merced Wild and Scenic River's Outstandingly Remarkable Values and free-flowing condition by adopting a user capacity program that is consistent with the Wild and Scenic Rivers Act and the 1982 Secretarial Guidelines.<sup>2</sup>
- Develops a user capacity program that provides for a diversity of appropriate recreational opportunities and visitor freedom, so long as this does not conflict with the National Park Service mission of protecting natural and cultural resources and the quality of the visitor experience.
- Re-examines the river area boundary based on the Outstandingly Remarkable Values at El Portal pursuant to the Wild and Scenic Rivers Act's protection and enhancement mandate.
- Makes appropriate revisions to the park's 1980 *General Management Plan* (as amended), as directed by the 1987 legislation designating the river Wild and Scenic.

The alternatives evaluated in this Revised Merced River Plan/SEIS will be otherwise consistent with the purposes of the 2000 Merced River Plan, which provides direction and guidance on how best to manage visitor use, development of lands and facilities, and resource protection within the river corridor.

## Need for the Revised Merced River Plan/SEIS

The project is needed to comply with the Ninth Circuit Court of Appeals' ruling directing the National Park Service to revise the Merced River Plan in a timely manner. The plan must remedy the deficiencies identified by the Court to ensure protection and enhancement of the Outstandingly Remarkable Values of the Merced Wild and Scenic River.

The National Park Service will fulfill its requirement to revise the comprehensive management plan for the Merced River when the Record of Decision on the *Final Merced Wild and Scenic River Revised Comprehensive Management Plan* and *Supplemental Environmental Impact Statement* is signed by the National Park Service Pacific West Regional Director, and published in the *Federal Register* in 2005.

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<sup>2</sup> The 1982 Wild and Scenic Rivers Guidelines were prepared jointly by the Secretary of the Interior (National Park Service) and Secretary of Agriculture (U.S. Forest Service). These guidelines present the overall process for determining "Eligibility, Classification and Management of Wild and Scenic Rivers" on National Park Service and U.S. Forest Service lands. (See [www.nps.gov/rivers/guidelines/html](http://www.nps.gov/rivers/guidelines/html) [Federal Register, Vol. 47, No. 173, September 7, 1982]). The General Management Principles for "Public Use and Access" state that, "Public use will be regulated and distributed where necessary to protect and enhance (by allowing natural recovery where resources have been damaged) the resource values of the river area. Public use may be controlled by limiting access to the river, by issuing permits, or by other means available to the managing agency through its general statutory authorities."

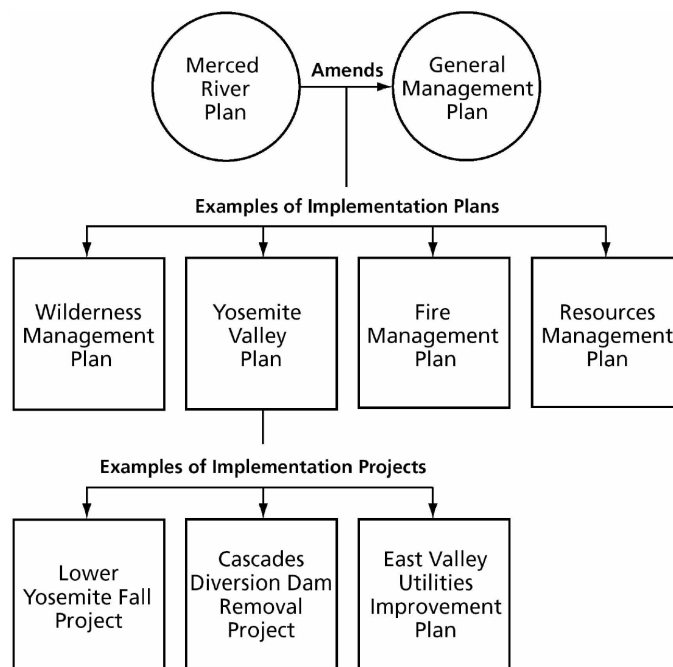
# Planning Context

## Relationship to Yosemite National Park Plans

Planning in the National Park System occurs on several levels. The overall guiding documents for park management are general management plans and comprehensive river management plans. They establish a shared understanding among park managers and the public about the kinds of resource conditions and visitor experiences that will best fulfill the purpose of a park or protect Outstandingly Remarkable Values of a the Merced Wild and Scenic River. Together, these plans provide overall conceptual guidance for park managers. General management plans are required for national parks by the National Parks and Recreation Act of 1978. The 1980 *General Management Plan* is the overall guiding document for planning in Yosemite National Park.

Implementation plans, which tier off of programmatic plans (like the *General Management Plan* and the Merced River Plan), focus on “how to implement an activity or project needed to achieve a long-term goal” (NPS 2000f). Implementation plans may direct specific projects as well as ongoing management activities or programs. They provide a more extensive level of detail and analysis than do general management plans or river management plans. The relationship of the Merced River Plan to other Yosemite National Park plans is shown in figure I-3.

**Figure I-3**  
Relationship to Yosemite National Park Plans



## Relationship to the General Management Plan

The 1980 *General Management Plan* established five broad goals<sup>3</sup> to guide the long-range management of Yosemite National Park and to perpetuate its natural splendor.

- Reclaim priceless natural beauty
- Allow natural processes to prevail
- Promote visitor understanding and enjoyment
- Markedly reduce traffic congestion
- Reduce crowding

These five goals are intertwined, and no one goal can be emphasized to the exclusion of the others. In fact, achieving every goal in the *General Management Plan* to its fullest extent is not possible due to inherent conflicts among the goals. While broad, these goals are also ambitious, and the challenges associated with accomplishing them are both significant and complex.

In addition to the five broad goals, the *General Management Plan* established a number of management objectives and proposed a host of specific actions. However, the *General Management Plan* recognized that new studies and analyses would be necessary to determine how best to accomplish its goals and objectives and to temper or refine its specific prescriptions. In particular, studies of natural processes, transportation, and housing requirements were envisioned.

Part of the purpose of the Merced River Plan is to make appropriate revisions to the *General Management Plan* as directed by the Wild and Scenic Rivers Act. As part of the legal challenge to the 2000 Merced River Plan, the U.S. District Court directed the National Park Service to document these revisions. A discussion of how the Merced River Plan amends the *General Management Plan* is presented in Chapter V.

This Revised Merced River Plan will also amend portions of the visitor carrying capacity element of the *General Management Plan*. In the era when the *General Management Plan* was adopted, visitor carrying capacity for national park plans was based on the capacity of facilities and infrastructure. Changes to existing facilities and infrastructure were recommended to fulfill and support management objectives. In this way, facility capacity defined the visitor carrying capacity. In 1980, the total visitor capacity “goals” established in the *General Management Plan* were well below the actual level of facilities. That is, the existing facility capacities were greater than the capacities deemed optimum by the plan. Thus the *General Management Plan* called, not only for a reduction in facility capacity, but relocation of many existing facilities out of Yosemite Valley. These goals to remove and relocate facilities have guided all park planning efforts subsequent to the *General Management Plan*, including this Revised Merced River Plan.

However, in the 1990s, national scientific and scholarly research, and National Park Service policy discussions, resulted in the adoption a new methodology for determining visitor carrying capacity. This methodology—the VERP framework—is described in the 2001 National Park Service Management Policies and in new Park Planning Program Standards signed in August 2004.

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<sup>3</sup> These goals apply to Yosemite National Park and are not applicable to the El Portal Administrative Site.



While the land use management zones and general management direction of the 1980 *General Management Plan* still largely meet the 2004 Park Planning Program Standards, the 1980 approach to visitor carrying capacities does not. In order to meet the new policy standards, Yosemite National Park will amend that element of the *General Management Plan* by translating the former carrying capacity approach to the more responsive VERP process through each new planning effort undertaken. Chapters III and V contain discussion of how the user capacity elements of the *General Management Plan* will be amended by this Final Revised Merced River Plan/SEIS.

## Relationship to the 2000 Merced River Plan

The 2000 Merced River Plan was developed in coordination with the 1980 *General Management Plan*. This plan does not directly tier off the *General Management Plan* as do implementation plans, but works in concert with its goals and objectives. The Merced River Plan is a programmatic plan that guides management of the Merced Wild and Scenic River corridor. When it designated the Merced River as Wild and Scenic in 1987, Congress authorized the National Park Service to prepare its management plan for the river by making appropriate revisions to the park's 1980 *General Management Plan* (16 USC 1274[a][62]).

While the Merced River Plan adopted the five broad goals from the *General Management Plan*, it also outlined an additional set of goals for management of the Merced Wild and Scenic River. The National Park Service developed the five goals of the Merced River Plan to further the policy established by the Wild and Scenic Rivers Act, namely, to preserve designated rivers in their free-flowing condition, and protect and enhance the river's Outstandingly Remarkable Values. The Merced River Plan goals include the following:

- Protect and enhance river-related natural resources
- Protect and restore natural hydrological and geomorphic processes
- Protect and enhance river-related cultural resources
- Provide diverse river-related recreational and educational experiences
- Provide appropriate land uses

As a programmatic plan, the Merced River Plan does not specify site-specific detailed actions. Instead, the plan establishes a program that applies seven management elements to prescribe desired future conditions, typical visitor activities and experiences, and allowed park facilities and management activities in the Merced River corridor. The management elements include (1) the river boundaries within Yosemite National Park<sup>4</sup>; (2) classifications of river segments; (3) Outstandingly Remarkable Values; (4) management zoning within Yosemite National Park; (5) the River Protection Overlay; (6) the Section 7 determination process; and (7) application of the VERP framework. In addition, wilderness management would remain unchanged, along with the treatment of private property and public agency easements. Each of these management elements is discussed in greater detail below.

Except as noted in the requirements established by the Ninth Circuit Court of Appeals, the management elements, as analyzed in the June 2000 *Merced Wild and Scenic River Comprehensive Management Plan/Final Environmental Impact Statement* (Merced River Plan/FEIS) and adopted in the Record of Decision (as revised) in November 2000, remain unchanged. However, since the

<sup>4</sup> The El Portal segment is located in the El Portal Administrative Site which is located outside the boundaries of Yosemite National Park, but is under the National Park Service jurisdiction.

Record of Decision, certain actions have taken place or additional information has been obtained. Therefore, technical corrections are incorporated through this planning effort, as appropriate, and are noted in the paragraphs that follow.

## **Merced River Plan Management Elements**

### **Merced River Plan: Boundaries**

Boundaries define the area to be protected under the Wild and Scenic Rivers Act. The Wild and Scenic Rivers Act allows for river corridor boundaries that average no more than 320 acres of land per river mile, measured from the ordinary high water mark on both sides of the river.

Boundaries, however, do not limit the protection of Outstandingly Remarkable Values, which must be protected whether they are inside or outside the corridor boundaries. The Merced River Plan adopted boundaries for the Merced River corridor for each of the 8 segments identified in the Merced River Plan. The Merced River Plan adopted a quarter-mile boundary for the entire corridor, except in the El Portal Administrative Site.

In this revision, all boundaries within the Merced River corridor within Yosemite National Park remain unchanged. This document evaluates new alternatives for the boundaries within the El Portal Administrative Site, in accordance with the direction of the Ninth Circuit Court of Appeals.

### **Merced River Plan: Classifications**

The Wild and Scenic Rivers Act requires that river segments be classified and administered as *Wild*, *Scenic*, or *Recreational* river segments, based on the condition of the river at the time of designation. The classification of a river segment indicates the level of development on the shorelines, the level of development in the watershed, and the degree of accessibility by road or trail.

The Merced Wild and Scenic River contains eight segments within the National Park Service jurisdiction. There are four segments on the main stem of the Merced River: (1) Wilderness, (2) Yosemite Valley, (3) Gorge, and (4) El Portal, and four segments on the South Fork of the Merced River: (5) Wilderness, (6) Impoundment, (7) Wawona, and (8) Below Wawona. These segments are shown in figure I-4.

The 2000 Merced River Plan identified the appropriate classifications for each segment of the river. Segments within wilderness areas and the undeveloped area below Wawona are classified Wild. Areas with moderate development within the corridor (west end of Yosemite Valley, Merced River gorge) are classified Scenic. The El Portal Administrative Site, east Yosemite Valley, Wawona, and the Impoundment are classified as Recreational, reflecting the higher level of development in these areas and their more abundant roads and trails.

**Technical Correction:** The 2000 Merced River Plan designated the area at the Cascades Diversion Dam (Segment 3a, Impoundment) as Recreational. It noted that if the dam was removed, this segment would merge with the Merced River Gorge segment and would be reclassified as Scenic. The Cascades Diversion Dam was removed in 2004. Under this planning effort for the Revised Merced River Plan/SEIS, the Cascades Diversion Dam impoundment segment and the Gorge segment have been merged into one river segment (Segment 3, Main Stem-Gorge in figure I-4) under the Scenic classification. The application of these river classifications is common to all alternatives in this planning effort.

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**Figure I-4**  
**Classifications and Outstandingly Remarkable Values of the Merced Wild and Scenic River**



### Merced River Plan: Outstandingly Remarkable Values

Outstandingly Remarkable Values are defined by the Wild and Scenic Rivers Act as those characteristics that make the river worthy of special protection. These can include scenery, recreation, fish and wildlife, geology, history, culture, and other similar values, which are to be considered in determining eligibility for Wild and Scenic River designation. Outstandingly Remarkable Values are typically identified in a study prior to the designation of a Wild and Scenic River. Outstandingly Remarkable Values were identified for the Merced River prior to its Wild and Scenic designation in 1987.

The National Park Service initially published Outstandingly Remarkable Values for the Merced River corridor in the 1996 *Draft Yosemite Valley Housing Plan* (NPS 1996b). The Merced River Plan/FEIS further refined the Outstandingly Remarkable Values based on the application of new scientific information and changed ecological and hydrologic conditions in the river corridor, and to accurately reflect Outstandingly Remarkable Value criteria developed by the Interagency Wild and Scenic Rivers Coordinating Council in its guidelines for implementation of the Wild and Scenic Rivers Act (IWSRCC 1999). Two vital questions establish the criteria for the selection of Outstandingly Remarkable Values:

- Is the value river-related or river-dependent?
- Is the value rare, unique, or exemplary in a regional or national context?

Both of the above criteria must be satisfied for a characteristic to be included as an Outstandingly Remarkable Value.



The historic Wawona Covered Bridge is part of the cultural Outstandingly Remarkable Value along the South Fork of the Merced River. (NPS photo by MV Hood)

**Technical Corrections:** The 2000 Merced River Plan describes the hydrologic processes for the El Portal segment as being characterized by continuous rapids. Under this planning effort for the Revised Merced River Plan/SEIS, this description has been corrected to reflect the seasonal nature of the rapids in the El Portal segment (i.e., continuous rapids typically exist only during the seasons of snow-melt). In addition, the biological Outstandingly Remarkable Value description has been revised from “critical habitat” to “habitat” to avoid confusion with areas designated as critical habitat by the U.S. Fish and Wildlife Service under Section 4 of the Endangered Species Act. The planning corridor does not include any areas designated as critical habitat under Section 4 of the Endangered Species Act.

This Revised Merced River Plan Plan/SEIS is based on the Outstandingly Remarkable Values adopted in the Merced River Plan with the corrections noted above. The Outstandingly Remarkable Values for each segment of the river are included in table I-1 and figure I-4, and are common to all alternatives in this planning effort. (Note that Segment 3a presented in the Merced River Plan/FEIS has merged with Segment 3b to become Segment 3 since the Cascades Diversion Dam was removed in 2004.)

The National Park Service reaffirmed the Outstandingly Remarkable Values for the El Portal segment during this plan revision and gathered additional information on the locations of Outstandingly Remarkable Values within the El Portal Administrative Site to inform the development of the El Portal boundary alternatives for this revised plan.

**Table I-1**  
**Outstandingly Remarkable Values of the Merced River (Main Stem and South Fork)**

Segment Number and Name	Outstandingly Remarkable Values (by category)
Main Stem Merced River	
1. Wilderness	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment includes views from the river and its banks of the glaciated river canyon, exposed bedrock riverbed, Merced Lake and Washburn Lake, the Bunnell Cascades, the confluence of tributaries, a large concentration of granite domes, and the Clark and Cathedral Ranges.</p> <p><i>Geologic Processes/Conditions</i> – This segment traverses a U-shaped, glacially carved canyon separated by cascades and soda springs below Washburn Lake.</p> <p><i>Recreation</i> – This segment provides outstanding opportunities for solitude along the river, with primitive and unconfined recreation. There is a spectrum of levels of recreational use. River-related recreational opportunities include day hiking, backpacking, horseback riding and packing, camping, and enjoyment of natural river sounds. Untrailed tributaries provide enhanced opportunities for solitude.</p> <p><i>Biological</i> – This segment includes a nearly full range of intact Sierran riverine environments; high-quality riparian, meadow, and aquatic habitats (such as the meadow at Washburn Lake); and special-status species such as mountain yellow-legged frog.</p> <p><i>Cultural</i> – This segment includes portions of a prehistoric trans-Sierra route in use for thousands of years and many prehistoric sites. There are many historic resources such as homestead sites, trails, river crossings, High Sierra Camp sites, and structures.</p> <p><i>Hydrologic Processes</i> – The segment is characterized by a free-flowing river and excellent water quality. The river gradient drops from 13,000 to 6,000 feet in elevation. There are examples of natural conditions, including glacial remnants, a logjam in Little Yosemite Valley that is hundreds of years old, and numerous cascades.</p>
2. Yosemite Valley	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides magnificent views from the river and its banks of waterfalls (Nevada, Vernal, Illilouette, Yosemite, Sentinel, Ribbon, Bridalveil, and Silver Strand), rock cliffs (Half Dome, North Dome/Washington Column, Glacier Point, Yosemite Point/Lost Arrow Spire, Sentinel Rock, Three Brothers, Cathedral Rock, and El Capitan), and meadows (Stoneman, Ahwahnee, Cook's, Sentinel, Leidig, El Capitan, and Bridalveil). There is a scenic interface of river, rock, meadow, and forest throughout the segment.</p> <p><i>Geologic Processes/Conditions</i> – This segment contains a classic, glaciated, U-shaped valley, providing important examples of a mature meandering river; hanging valleys such as Yosemite and Bridalveil Creeks; and evidence of glaciation (e.g., moraines below El Capitan and Bridalveil Meadows).</p> <p><i>Recreation</i> – This segment offers opportunities to experience a spectrum of river-related recreational activities, from nature study and sightseeing to hiking. Yosemite Valley is one of the premier outdoor recreation areas in the world.</p> <p><i>Biological</i> – Riparian areas and low-elevation meadows are the most productive communities in Yosemite Valley. The high quality and large extent of riparian, wetland, and other riverine areas provide rich habitat for a diversity of river-related species, including special-status species, neotropical migrant songbirds, and numerous bat species.</p> <p><i>Cultural</i> – This segment contains evidence of thousands of years of human occupation reflected in a large number of archeological sites and continuing traditional use today. Nationally significant historic resources are found here, such as designed landscapes and developed areas, historic buildings, and circulation systems (trails, roads, and bridges) that provide visitor access to the sublime views of natural features that are culturally valuable.</p> <p><i>Hydrologic Processes</i> – This segment is characterized by a meandering river, world-renowned waterfalls, an active flood regime, oxbows, unique wetlands, and fluvial processes.</p>

**Table I-1**  
**Outstandingly Remarkable Values of the Merced River (Main Stem and South Fork)**

Segment Number and Name	Outstandingly Remarkable Values (by category)
3. Gorge <sup>a</sup>	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides views from the river and its banks of the Cascades, spectacular rapids among giant boulders, Wildcat Fall, Tamarack Creek Fall, the Rostrum, and Elephant Rock.</p> <p><i>Geologic Processes/Conditions</i> – This segment is characterized by a classic V-shaped river gorge with a continuous steep gradient.</p> <p><i>Recreation</i> – This segment provides a spectrum of river-related recreational opportunities, such as picnicking, fishing, photography, and sightseeing.</p> <p><i>Biological</i> – This segment is characterized by diverse riparian areas and associated special-status species that are largely intact and almost entirely undisturbed by humans.</p> <p><i>Cultural</i> – This segment contains cultural resources, including prehistoric sites and historic sites and structures such as those relating to historic engineering projects.</p> <p><i>Hydrologic Processes</i> – This segment is characterized by exceptionally steep gradients (2,000-foot elevation drop in approximately 6 miles).</p>
4. El Portal	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Geologic Processes/Conditions</i> – This segment contains a transition from igneous to metasedimentary rocks (metasedimentary rocks are among the oldest in the Sierra Nevada).</p> <p><i>Recreation</i> – This segment provides a range of river-related recreational opportunities, in particular whitewater rafting and kayaking (class III to V) and fishing.</p> <p><i>Biological</i> – This segment contains riverine habitats such as riparian woodlands and associated federal and state special-status species, including Tompkin's sedge and Valley elderberry longhorn beetle and its habitat<sup>b</sup> (elderberry shrub). Expanses of north-facing habitat allow unlimited access to the riparian zone for wildlife species.</p> <p><i>Cultural</i> – This segment contains some of the oldest archeological sites in the Yosemite area, as well as many historic Indian villages and traditional gathering places. River-related historic resources include structures related to early tourism and industrial development.</p> <p><i>Hydrologic Processes</i> – This segment is characterized by seasonally<sup>b</sup> continuous rapids.</p>
<b>South Fork Merced River</b>	
5. Wilderness	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides views from the river and its banks of unique river features, including large pothole pools within slickrock cascades, old growth forest, and meadows.</p> <p><i>Geologic Processes/Conditions</i> – This segment is characterized by glaciated valleys in the high country and V-shaped canyons above Wawona. Moraine meadows and soda springs above Gravelly Ford are also unique, river-related geologic features.</p> <p><i>Recreation</i> – This segment provides outstanding opportunities for river-related solitude, enjoyment of natural river sounds, and primitive and unconfined recreation. This segment of the river is predominantly without trails, with the exception of four bridgeless trail crossings in the upper reaches of the segment.</p> <p><i>Biological</i> – This segment includes a nearly full range of riverine environments typical of the Sierra Nevada. Examples of river-related federal and state special-status species include Wawona riffle beetle and mountain yellow-legged frog.</p> <p><i>Cultural</i> – This segment includes river-related prehistoric sites and resources and reflects historic stock use and cavalry activities.</p> <p><i>Hydrologic Processes</i> – This segment is characterized by a free-flowing river and excellent water quality.</p>
6. Impoundment (would become part of segment 7 Wawona if an alternative water source were secured and impoundment were removed)	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides views from the river and its banks of the river and Wawona Dome.</p> <p><i>Hydrologic Processes</i> – This segment has excellent water quality.</p>

**Table I-1**  
**Outstandingly Remarkable Values of the Merced River (Main Stem and South Fork)**

Segment Number and Name	Outstandingly Remarkable Values (by category)
7. Wawona	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides views from the river and its banks of Wawona Dome.</p> <p><i>Recreation</i> – This segment offers opportunities to experience a spectrum of river-related recreational activities, from nature study and photography to hiking.</p> <p><i>Biological</i> – This segment contains a diversity of river-related species, wetlands, and riparian habitats. There are federal and state special-status species in this segment, including Wawona riffle beetle.</p> <p><i>Cultural</i> – This segment contains evidence of thousands of years of human occupation, including numerous prehistoric and historic Indian villages, historic sites, structures, and landscape features related to tourism, early Army and National Park Service administration, and homesteading.</p>
8. Below Wawona	<p><i>Scientific</i> – These segments of the river corridor constitute a highly significant scientific resource because the watershed is largely within designated Wilderness in Yosemite National Park.</p> <p><i>Scenic</i> – This segment provides views from the river and its banks of continual whitewater cascades in the deep and narrow river canyon in an untrailed, undisturbed environment.</p> <p><i>Geologic Processes/Conditions</i> – This segment contains a transition from Paleozoic Era igneous to Cretaceous Period metasedimentary rocks (metasedimentary rocks are among the oldest in the Sierra Nevada).</p> <p><i>Recreation</i> – This segment provides outstanding opportunities for river-related solitude, enjoyment of natural river sounds, and primitive and unconfined recreation in an untrailed, undisturbed environment. River-related recreational opportunities include hiking, fishing, and whitewater kayaking.</p> <p><i>Biological</i> – This segment is characterized by diverse riparian areas that are intact and largely undisturbed by humans. River-related federal and state special-status species in this segment include Wawona riffle beetle.</p> <p><i>Cultural</i> – This segment contains archeological sites and historic resources such as trail segments representing early cavalry activity.</p> <p><i>Hydrologic Processes</i> – This segment is characterized by a free-flowing river with continual whitewater cascades.</p>

SOURCE: NPS 2004c

NOTES:

- a The Cascades Diversion Dam was removed in 2004. The segment that was formerly designated as 3a has been combined with the segment formerly designated 3b and this entire area forms segment 3.
- b This wording has been changed as a technical correction as described in Merced River Plan, Outstandingly Remarkable Values, above.

### Merced River Plan: Management Zoning

Management zones for the Merced River corridor were developed and adopted in the Merced River Plan. The zones were developed to protect and enhance the Outstandingly Remarkable Values within each segment of river. Specifically, the Merced River Plan places an emphasis on integrating protection and enhancement of natural and cultural resources identified as Outstandingly Remarkable Values with the protection and enhancement of diverse recreation opportunities also identified as Outstandingly Remarkable Values. The management zone prescriptions for each zone identify the desired conditions for resources, visitor experience, and facility development.

The application of management zoning is common to all alternatives, and management zoning for the river segments within Yosemite National Park remain unchanged from that adopted in the Merced River Plan. However, as part of this planning effort for the Revised Merced River



Plan/SEIS, management zones in the El Portal segment will change based on the revised boundary alternative being considered. For more detailed descriptions of the zoning prescriptions adopted in the Merced River Plan, including allowed uses and facilities, refer to the discussion of management zones in Chapter II and under the Land Use section in Chapter IV.

### **Merced River Plan: River Protection Overlay**

To ensure that the river channel and the areas immediately adjacent to the river are protected, the Merced River Plan adopted a management tool known as the River Protection Overlay. This critical zone provides a buffer area for natural flood flows, channel formation, riparian vegetation, and wildlife habitat and protects riverbanks from human-caused impacts and associated erosion. The River Protection Overlay is intended to apply the requirements of the Wild and Scenic Rivers Act, including the protection and enhancement of the Outstandingly Remarkable Values and the preservation of the free-flowing condition of the river, at a higher standard than that of the underlying management zones.

The width of the River Protection Overlay is determined by site topography and vegetation. The River Protection Overlay includes the area needed to encompass riparian and adjacent upland vegetation and habitat. Generally, a wider band is required along the river in the flatter, open valleys, while a narrower buffer provides adequate protection in the steeper, V-shaped river

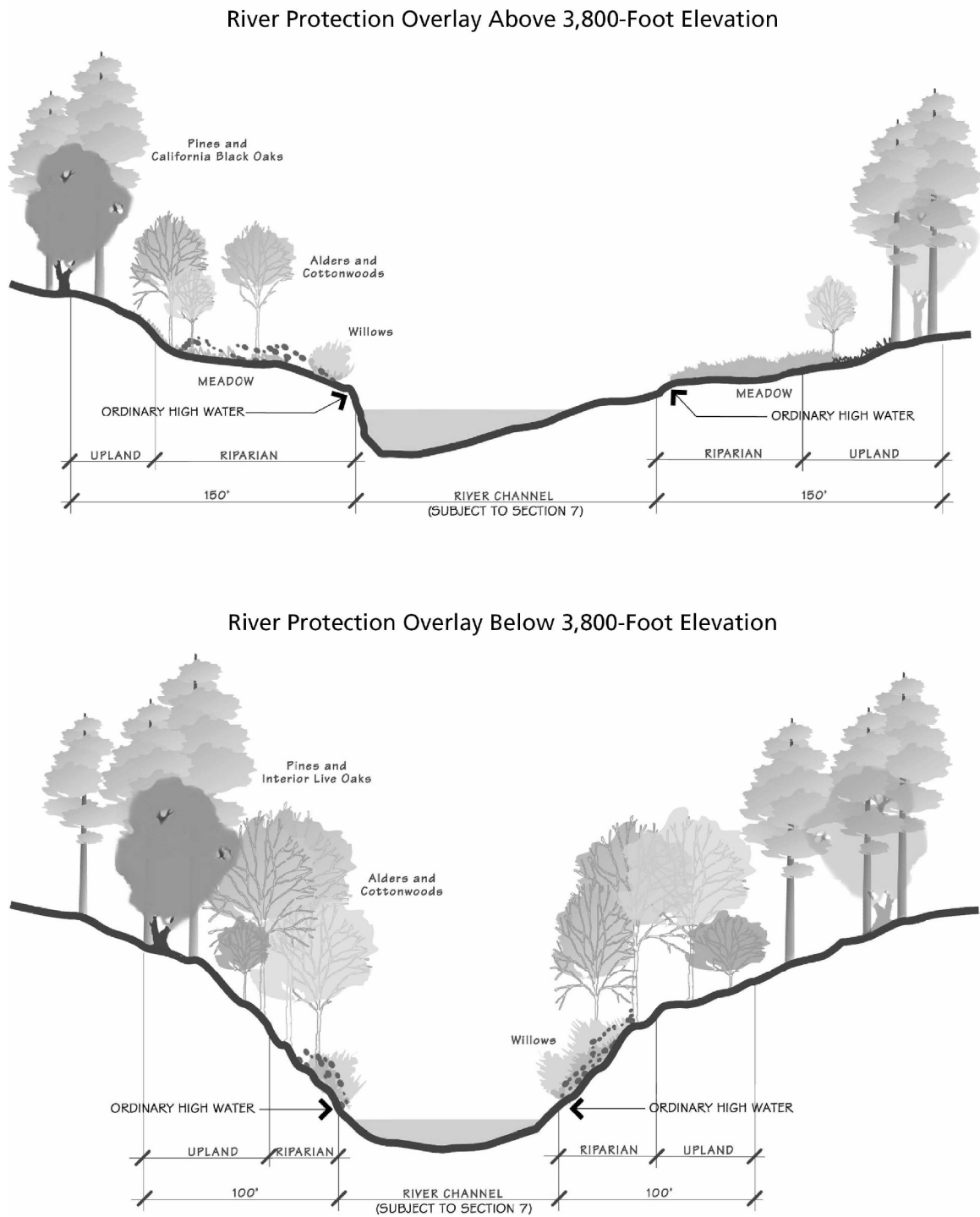
gorges of the lower elevations (figure I-5). This transition occurs approximately at the 3,800-foot elevation mark, in the river gorge below Yosemite Valley on the main stem of the Merced River, and downstream of Wawona on the South Fork. Above 3,800 feet, the River Protection Overlay includes the river channel and extends 150 feet on both sides of the river measured from the ordinary high water mark. Approximately 70 miles of the river has a 150-foot River Protection Overlay, including Yosemite Valley and Wawona. Below 3,800 feet, the River Protection Overlay includes 100 feet on both sides of the river measured from the ordinary high water mark. Approximately 11 miles of the river has a 100-foot River Protection Overlay, including the El Portal Administrative Site.



A survey flag marks the River Protection Overlay in Yosemite Valley. (NPS photo by Kristina Rylands)

The application of the River Protection Overlay is common to all alternatives in this Revised Merced River Plan/SEIS. Refer to the Merced River Plan/FEIS for a more detailed description of the River Protection Overlay and its specific prescriptions.

**Figure I-5**  
**River Protection Overlay Cross-Sections**



### **Merced River Plan: Section 7 Determination Process**

Another management element identified in the Merced River Plan is the Wild and Scenic Rivers Act's Section 7 determination process. This portion of the act specifies restrictions on what it calls "hydro and water resources development projects." Any project that occurs within the bed or banks of the Merced River (and therefore affects the river's free-flowing condition) is subject to Section 7 of the Wild and Scenic Rivers Act (16 USC 1278).<sup>5</sup> As the designated river manager for the Merced River for the segments addressed by this document, the National Park Service must carry out a Section 7 determination on all proposed water resources projects to ensure that they do not directly and adversely impact the values for which the river was designated Wild and Scenic.<sup>6</sup> For further description of the Section 7 determination process, refer to the Merced River Plan/FEIS.

### **Merced River Plan: Visitor Experience and Resource Protection (VERP) Framework**

The VERP framework, described in more detail in Chapter II, is the National Park Service's preferred method for managing user capacity. The framework consists of several elements (see the discussion under Chapter II), four of which are key to addressing user capacity: (1) determination of desired conditions, which are documented in the Merced River Plan's management zoning prescriptions; (2) selection of specific indicators and measurable standards that reflect the desired conditions; (3) monitoring of the indicators and standards; and (4) implementation of management actions when the desired conditions are violated or when conditions are deteriorating and preventative measures are available. Together, these elements help park managers make more informed decisions about visitor use and its impact on the desired conditions of the Outstandingly Remarkable Values.

In 2000, the Merced River Plan presented example standards and indicators, with a commitment to full implementation of the VERP framework within approximately five years of the Record of Decision. As part of this current planning effort, the National Park Service has adopted specific measurable limits in the form of indicators and standards. Implementation of these limits along with other aspects of the VERP framework is common to all action alternatives in this Revised Merced River Plan/SEIS.

### **Merced River Plan: Amendments to the General Management Plan**

The Merced River Plan resulted in amending portions of the 1980 *General Management Plan*. For example, the Merced River Plan's management zoning, River Protection Overlay, river corridor boundaries and classifications, and the identification of Outstandingly Remarkable Values amend the *General Management Plan* by establishing additional land-use designations that will be considered in future site-specific planning. Although the Merced River Plan and this Revised Merced River Plan/SEIS amend the *General Management Plan* in certain respects, other aspects of the *General Management Plan*—including its five broad goals—remain unaffected.

This Revised Merced River Plan/SEIS amends the Merced River Plan and will provide a framework for decision-making on future management actions within the Merced Wild and

<sup>5</sup> "Water resources projects" include non-Federal Energy Regulatory Commission-licensed projects, such as dams, water diversions, fisheries habitat and watershed restoration, bridges and other roadway construction/reconstruction, bank stabilization, channelization, levees, boat ramps, and fishing piers, that occur within the bed and banks of a designated Wild and Scenic River (IWSRCC 1999).

<sup>6</sup> This description of the Section 7 determination process is adapted from a technical report by the Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC 1999).

Scenic River corridor. This plan revision will amend the existing Merced River Plan (and *General Management Plan*) by:

- Defining a user capacity management program for the Merced River corridor that will be implemented to ensure the protection and enhancement of the river's Outstandingly Remarkable Values
- Establishing a river boundary and management zoning in the El Portal Administrative Site in a manner that protects and enhances the river's Outstandingly Remarkable Values
- Directing future implementation plans affecting the Merced Wild and Scenic River to be consistent with these measures in addition to the management elements contained in the 2000 Merced River Plan and this Revised Merced River Plan/SEIS

The U.S. District Court directed the National Park Service to include specific language detailing how the Merced River Plan—and this Revised Merced River Plan—amend the *General Management Plan*. Descriptions of the portions of the *General Management Plan* that are to be amended through the Merced River Plan and this Revised Merced River Plan/SEIS are included at the end of each alternative in Chapter III, and in the end of the analysis section for each alternative in Chapter V.

## Yosemite Valley Plan

The *Yosemite Valley Plan* (NPS 2000e) is an implementation plan intended to fulfill the *General Management Plan's* vision for management of Yosemite Valley in accordance with the *General Management Plan* goals. In the early 1990s, work on specific action-oriented plans was initiated to analyze and recommend actions for the effective preservation of Yosemite Valley's interconnected resources and visitor experiences in the face of rapidly increasing visitation. These individual planning efforts, including plans for housing, restoration of areas to natural conditions, transportation, and visitor services, took on even greater urgency following the flood of January 1997. Through both extensive public comment and litigation, questions were raised about the wisdom and legality of these separate, yet connected, planning efforts. As a result, the National Park Service pulled four distinct planning projects together into one comprehensive planning effort for Yosemite Valley. A Record of Decision was issued on the *Yosemite Valley Plan* in December 2000 (NPS 2000h), and the National Park Service has begun implementation of some projects identified in that plan.

The *Yosemite Valley Plan* was developed and adopted in accordance with the Merced River Plan. Upon completion of the Revised Merced River Plan/SEIS, the National Park Service will review actions approved in the *Yosemite Valley Plan* to determine whether any revisions, such as the boundary and zoning decisions for the El Portal segment, would result in any changes to the *Yosemite Valley Plan*. Such changes could be subject to further NEPA analysis and possible public review. Upon completion of this Revised Merced River Plan/SEIS, future projects called for in the *Yosemite Valley Plan* will be reviewed to ensure that they remain consistent with the Revised Merced River Plan/SEIS. For example, the El Portal Concept Plan, proposed under the *Yosemite Valley Plan*, will review the development potential in the El Portal area given the revised boundaries and management zoning designations for these areas.

## **Regulations and Policies**

The Revised Merced River Plan/SEIS is written within a complex set of regulations and policies. The plan must not only comply with requirements of the Wild and Scenic Rivers Act and NEPA, but it must do so within the parameters of other legislation that governs land use within Yosemite National Park (see Appendix A in the 2000 Merced River Plan/FEIS). In addition, the review process for Section 106 of the National Historic Preservation Act of 1966, as amended, is being conducted in conjunction with this NEPA review process. Appendix A of this document—Governing Mandates—contains additional information regarding the laws, regulations, policies, and programs that guide the Revised Merced River Plan/SEIS.

### **National Park Service Organic Act**

In 1916, the Organic Act established the National Park Service in order to “promote and regulate the use of parks” and defined the purpose of the national parks as “to conserve the scenery and natural and historic objects and wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” This law provides overall guidance for the management of Yosemite National Park.

### **The Prohibition on Impairment of Park Resources and Values**

The Organic Act establishes the management responsibilities of the National Park Service. While the U.S. Congress has given the National Park Service management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement that park resources and values be left unimpaired, unless a particular law directly and specifically provides otherwise. This cornerstone of the Organic Act establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that allows the American people to have current and future opportunities for enjoyment of them. National Park Service *Management Policies 2001* (NPS 2000f) provides additional guidance on impairment of park resources and values.

### **Yosemite National Park Enabling Legislation**

Three separate legislative acts form the enabling statutes for the current Yosemite National Park. On June 30, 1864, the U.S. Congress granted to the State of California the Yosemite Valley and Mariposa Grove of Big Trees to “be held for public use, resort, and recreation.” On October 1, 1890, the U.S. Congress set aside Yosemite National Park as a “forest reservation” to preserve the “curiosities” and “wonders” in their natural condition. In 1906, the State of California granted the Mariposa Grove of Big Trees and Yosemite Valley back to the federal government.

### **Wild and Scenic Rivers Act**

The Wild and Scenic Rivers Act of 1968, as amended (Public Law 90-542, 16 USC 12371-12398), identifies distinguished rivers of the nation that possess remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values; preserves the rivers’ free-flowing condition; and protects their local environment. The act requires managing agencies to prepare a comprehensive management plan to protect each Wild and Scenic River and its outstanding and unique values. In 1987, the U.S. Congress designated the Merced a Wild and Scenic River. The National Park Service adopted the Merced River Plan in 2000 to comply with the requirements of this act. This Revised Merced River Plan/SEIS revises the Merced River Plan to ensure that the

plan fully complies with the direction of the act in preserving the free flow and protecting and enhancing the outstanding values of the river.

## **Wilderness Act**

The Federal Wilderness Act of 1964 and the California Wilderness Act of 1984 provide guidance for management within designated Wilderness. The purpose of the Wilderness Act of 1964 is to secure the benefits of an enduring resource of wilderness for current and future generations. Wilderness is defined in the act as an area managed to preserve its natural condition, which is affected primarily by the forces of nature, and which has outstanding opportunities for solitude and an unconfined type of recreation (Public Law 88-577). These goals complement the intent of the Wild and Scenic Rivers Act as it applies to the areas of the Merced River corridor classified as “Wild.”

The California Wilderness Act established 704,624 acres of designated Wilderness and 927 acres of potential wilderness additions within Yosemite National Park (NPS 1989b). Most of the Merced River in Yosemite National Park flows through designated wilderness areas. Wilderness areas in Yosemite are managed under the 1989 *Wilderness Management Plan* (NPS 1989b). The management approach to wilderness in this Revised Merced River Plan/SEIS will be consistent with the park’s *Wilderness Management Plan*.

## **El Portal Administrative Site Establishment**

In 1958, Congress authorized the National Park Service to establish an administrative site in El Portal to allow for the relocation of park operations and administration facilities outside Yosemite National Park (72 Stat. 1772). This action specified that the El Portal Administrative Site was not subject to the laws and regulations governing Yosemite National Park. The purpose for creating the El Portal Administrative Site was to “enable the Secretary of the Interior to preserve the extraordinary natural qualities of Yosemite National Park, notwithstanding its increasing use by the public,” by allowing the National Park Service to move operations and administrative facilities outside the boundaries of the park.

The *General Management Plan* provided guidance to the National Park Service to relocate operations and administrative facilities out of Yosemite Valley to the El Portal Administrative Site. Park administrative facilities may be relocated to the El Portal area provided that such actions are consistent with the requirements of the Wild and Scenic Rivers Act and the elements of the Merced River Plan, as amended. The *General Management Plan* set forth the following goals for management of the El Portal Administrative Site:

- Provide orientation and an information/reservation system for overnight accommodations and campgrounds.
- Provide a variety of commercial services for users and residents.
- Provide an experimental remote staging area for Yosemite Valley day use visitors.
- Create a model community for parkwide management functions, services, and housing in terms of livability, efficient land use, minimal impacts on the landscape, residential amenities, efficient use of energy, aesthetics, recycling, water conservation, and significant cultural resources.
- Engage in cooperative planning with Mariposa County and businesses adjacent to the park boundary.
- Avoid floodplain and geologic hazards.

## Public Comment Process

The *Draft Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* was released for public review in January 2005. The Notice of Availability was published in the *Federal Register* on January 14, 2005, and the public review period continued through March 22, 2005. The National Park Service issued press releases to over 90 media outlets; placed paid advertisements in nine local and regional newspapers; posted fliers in communities where public meetings were held; posted announcements on free online bulletin boards, the park's web site, and Daily Report; and circulated the Planning Update newsletter to over 8,000 subscribers, as well as the Yosemite Electronic Newsletter sent out to nearly 4,500 email subscribers. A series of 11 public meetings were hosted by the National Park Service in late February and early March in Yosemite Valley, El Portal, San Francisco, Burbank, Oakhurst, Mammoth Lakes, Sacramento, Fresno, Merced, Mariposa, and Groveland, California. In addition, several meetings with local residents and employees, park partners, gateway community members, American Indian tribes, and county government planning committees were held to discuss the Draft SEIS. A more detailed discussion of the park's effort to involve the public in this process is presented in Chapter VI, Consultation and Coordination.

### Issues and Concerns Addressed in this Document

Many relevant issues and concerns were raised during the public comment period. Other issues and concerns were raised that provide feedback on broader management issues and are therefore not addressed in this document. Issues and concerns raised that are addressed in this Final Revised Merced River Plan/SEIS include the following:

- The relationship between the *General Management Plan* and the Merced River Plan in the context of proposed user capacity limits.
- The process for ensuring that the *Yosemite Valley Plan* and projects associated with it are reviewed for compliance with this Revised Merced River Plan.
- The relationship between existing elements of Yosemite National Park's User Capacity Management Program, proposed visitor limits, and the VERP component.
- Criteria used for the selection of VERP indicators and standards and suggestions for additional indicators and standards.
- Clarification of what types of management actions would be implemented associated with the VERP program and what management actions would require further NEPA review and public involvement.
- Clarification on how visitor use limits would be implemented.
- Clarification regarding the interim facility limits and how the park would make a determination on maintaining or removing these limits.
- Concerns from culturally associated American Indian groups relating to continued access within the river corridor for traditional practices, as well as protection and enhancement of important natural and cultural resources within the entire corridor.
- Concerns from residents in local communities and American Indian groups regarding management zoning prescriptions that allow for placement of administrative facilities within El Portal and Wawona.
- Specific and general desires relating to management of Yosemite National Park's natural, cultural, physical, and social resources.

- Concerns regarding the complexity of the document and the user capacity program in particular.

## **Issues and Concerns Not Addressed in this Document**

Some concerns raised during the public comment period were not within the scope of this planning effort and are thus not addressed in this document. These concerns are summarized below with responses:

*The desire to have the Revised Merced River Plan/SEIS address all elements of the existing Merced River Plan, rather than just preparing a “new or revised CMP that adequately addresses user capacities and properly draws the river boundaries in El Portal” as directed by the Ninth Circuit Court of Appeals.*

**Response:** This plan is designed to address the Court direction, which was to revise the Merced River Plan to address user capacity and to define the boundary in the El Portal segment based on the Outstandingly Remarkable Values. The Court remanded the plan to the National Park Service for the purpose of remedying the deficiencies in the plan in a timely manner. In an earlier phase of the litigation before the U.S. District Court in Fresno, other existing management elements of the plan had been challenged (e.g., the River Protection Overlay, management zoning, Outstandingly Remarkable Values, river classifications, and river boundaries outside of El Portal). The District Court rejected challenges to those elements of the plan, and these rulings were never appealed to the Ninth Circuit. Therefore, the National Park Service considers the remaining elements of the Merced River Plan to be appropriate tools that can be used to further the mandates of the Wild and Scenic Rivers Act. When coupled with the remaining plan elements, the revised User Capacity Program and the revised El Portal boundary work synergistically to protect the river’s Outstandingly Remarkable Values and the free-flowing condition. In total, they will form a comprehensive framework for managing the river. As a result, the remaining management elements as described in the existing Merced River Plan are not being revisited.

*The desire to have the Revised Merced River Plan/SEIS address specific projects, such as the types of campgrounds or road realignments.*

**Response:** This plan is a programmatic document and sets the broad management guidance for future activities and development within the Merced River corridor. Specific projects are addressed in implementation plans and are outside the scope of this planning effort.

*The desire for the National Park Service to commit to a day use reservation system or other specific management actions in this document.*

**Response:** The National Park Service has identified VERP as the primary user capacity management program, especially in non-wilderness segments of the river. The strength of the VERP program is in its flexibility. Under VERP, park management can use data gathered through the monitoring program to inform decisions on user capacity. Data gathered through VERP, allows park managers to effectively address specific situations through established standards and indicators. The particular management action to be implemented would be selected to most effectively address specific situations. Because user-related impacts can result from use levels, type of use, dispersion of use, or many other factors, it is not effective for park managers to commit to specific actions prior to having information on the specific issues which need to be addressed.



# Organization of the Revised Merced River Plan/SEIS

This Revised Merced River Plan/SEIS is intended to supplement and amend the Merced River Plan/FEIS that was completed in June 2000. As a supplement, this document does not repeat the information contained within the previous FEIS, but references that document and provides updated information as appropriate. The organization of this document is summarized below.

## **Chapter I: Purpose of and Need for the Project**

Chapter I includes a discussion of the Wild and Scenic Rivers Act, the history of the Merced River Plan, project background, project's purpose and need, planning context, an overview of the planning process, and the scoping history, including issues and concerns and management goals.

## **Chapter II: User Capacity Management Program**

Chapter II presents the User Capacity Management Program components common to all action alternatives. The chapter contains an overview of user capacity, how user capacity is addressed on public lands, and basic user capacity planning and management processes. Information is also provided on Yosemite's existing User Capacity Management Program, along with a detailed description of Yosemite's VERP program. Specific indicators and standards, potential management actions, and the types of management actions that would require further public review are also presented in this chapter.

## **Chapter III: Alternatives**

Chapter III presents four alternatives under consideration by the National Park Service for the Revised Merced River Plan/SEIS. The No Action Alternative is based on the management elements in the 2000 Merced River Plan, along with existing user capacity tools and the El Portal river boundary as it appeared in the 2000 Merced River Plan. The No Action Alternative is intended to establish a baseline against which to compare the three action alternatives. Each action alternative lays out the development of a user capacity program that presents what the Court calls "specific measurable limits" for the river corridor and reassesses the river boundary within the El Portal Administrative Site to better protect the river's Outstandingly Remarkable Values in that segment of the river. Also included in Chapter III is a discussion of the alternatives considered but dismissed from further analysis. A set of summary tables comparing the four alternatives is presented at the end of the chapter.

## **Chapter IV: Affected Environment**

Chapter IV provides an overview of the affected environment—or existing conditions—of the river corridor and its surroundings. This chapter presents the existing condition of natural resources, cultural resources, visitor experience, social resources, park operations, and facilities. Baseline conditions have been updated appropriately since the Merced River Plan was issued in 2000. Given the direction of the Ninth Circuit Court of Appeals (to reassess the El Portal river boundary based on the location of Outstandingly Remarkable Values in that segment), additional data were gathered. As a result, Chapter IV more clearly defines the baseline conditions related to cultural, biological, and recreation Outstandingly Remarkable Values in the El Portal Administrative Site.

## **Chapter V: Environmental Consequences**

Chapter V presents the analysis of the potential impacts of each alternative with respect to the implementation of a user capacity program for the Merced River corridor, as well as for the redrawn river boundaries and management zoning for the portion of the river within the El Portal Administrative Site.

## **Chapter VI: Consultation and Coordination**

Chapter VI summarizes the public involvement process that guided the preparation of this Final Revised Merced River Plan/SEIS. It also lists the government agencies and organizations that received a copy of this document.

## **Chapter VII: List of Preparers**

Chapter VII lists the names and roles of the persons who are primarily responsible for preparing and reviewing this document.

## **Chapter VIII: Glossary**

Chapter VIII defines the technical terms and acronyms used in this document.

## **Chapter IX: Bibliography**

Chapter IX lists the references cited in this document.

## **Appendices**

In addition to the chapters described above, appendices to this Revised Merced River Plan/SEIS provide additional supporting data and information as necessary.

- Appendix A – Governing Mandates
- Appendix B – Mitigation Measures Common to All Alternatives
- Appendix C – User Capacity Alternative Assumptions
- Appendix D – Special-Status Species Considered in this Analysis
- Appendix E – Potential Cumulative Actions
- Appendix F – Summary of Public Comments and Responses