

United States Department of the Interior

National Park Service

RECORD OF DECISION

Merced Wild and Scenic River Revised Comprehensive Management Plan

Supplemental Environmental Impact Statement

The Department of the Interior, National Park Service (NPS) has prepared this Record of Decision on the *Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* (hereafter referred to as the Revised Merced River Plan/SEIS), for the Merced Wild and Scenic River in Yosemite National Park, California. This Record of Decision includes a description of the background of the project, synopses of the alternatives considered, identification of the environmentally preferable alternative, a statement of the decision made, the basis for the decision, measures to minimize environmental harm, findings on impairment of park resources and values, and an overview of public involvement in the decision-making process. Appendix A of this Record of Decision presents how the 2000 Merced River Plan, as revised by this Record of Decision, amends the 1980 *General Management Plan*.

Background of the Project

In 1987, the U.S. Congress designated 122 miles of the Merced River—from the headwaters in the Yosemite National Park Wilderness to the impoundment at Lake McClure—as a Wild and Scenic River. According to the Wild and Scenic Rivers Act, a river is eligible for designation if it possesses what the act calls *outstandingly remarkable values*. These are the rare, unique, or exemplary qualities that set it apart from all other rivers in the nation. The goal of designating a river as Wild and Scenic is to preserve its free-flowing condition and protect and enhance its distinct values for the benefit and enjoyment of present and future generations. 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 National Park Service El Portal Administrative Site. This designation gives the Merced River special protection under the Wild and Scenic Rivers Act and requires managing agencies to prepare a comprehensive management plan for the river and its immediate environment.

Pursuant to the Wild and Scenic Rivers Act requirements, 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. The Merced River Plan is a programmatic document that serves as the working manual for guiding decisions related to land use and activities—both allowed and not allowed—in the river corridor. The plan guides decisions today and communicates 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 include the following management tools:

- Boundaries to define the river corridor

- Classifications to define the level of development
- Outstandingly Remarkable Values—the river-related natural, cultural, and recreational resource values that make the river worthy of protection under the Wild and Scenic Rivers Act
- Management zoning to define the desired conditions of given areas within the corridor, including the specification of appropriate land uses and activities
- River Protection Overlay which establishes additional protection for the river channel and immediate environment
- Section 7 determination process for guiding land uses within the bed and banks of the river
- User capacity management program

After the Record of Decision was signed in August 2000, the Merced River Plan entered 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 by the U.S. District Court with the exception that language be added to specifically indicate how the plan amends the park's *General Management Plan*. The U.S. District Court rejected a number of challenges to the 2000 Merced River Plan, including challenges to the plan's user capacity element and El Portal boundary element. This aspect of the U.S. District Court's decision was appealed and, in 2003, the U.S. Court of Appeals for the Ninth Circuit (hereafter referred to as the Ninth Circuit Court of Appeals or the Court) ruled that the 2000 Merced River Plan was 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."¹ 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 2004 Court Order directing the 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 2000 Merced River Plan addressed user capacity through a system known as the Visitor Experience and Resource Protection (VERP) framework. In the 1990s, VERP was developed by the National Park Service to address visitor capacity² for park units in compliance with National Park Service regulations. Thus, VERP is the preferred method for adaptively managing the types and levels of use in national parks. Since the 1990s, it has become one of the national standard planning processes for addressing user capacity mandates, and provides an effective means for addressing user capacity within the boundaries of Wild and Scenic River corridors. VERP is an adaptive management³ process that defines desired natural and cultural resource conditions, as well as visitor experience considerations for given areas, and establishes indicators and standards

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

² Although most park plans deal specifically with "visitor capacities," the Wild and Scenic Rivers Act refers more generally to "user capacity," which is inclusive of other non-recreation uses of the area, such as employee housing and work stations.

³ Adaptive management is a process that allows the development of a plan when some degree of biological and socioeconomic uncertainty exists. It requires a continual learning process, a reiterative evaluation of goals and approaches, and redirection based on an increased information base and changing public expectations (Baskerville 1985).

for maintaining these conditions. Although the 2000 Merced River Plan committed to full implementation of VERP within approximately five years, the plan only presented a series of example 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 also 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 court required the National Park Service to “reevaluate the river corridor boundary based on the precise location of Outstandingly Remarkable Values.”

In response to the Court’s direction, the National Park Service has prepared the Revised Merced River Plan/SEIS. This revised plan will amend the existing 2000 Merced River Plan to address the two deficiencies identified by the Ninth Circuit Court of Appeals. This revised plan also amends Yosemite National Park’s 1980 *General Management Plan* as required by the U.S. District Court. The specific revisions made to the 1980 *General Management Plan* are described in the Revised Merced River Plan and are included as Appendix A to this Record of Decision.

Based on the findings of the Ninth Circuit Court of Appeals and the U.S. District Court, the National Park Service has not revised the other existing elements of the 2000 Merced River Plan. The other management elements (e.g., the River Protection Overlay, management zoning for river segments within park boundaries, Outstandingly Remarkable Values, river classifications, Section 7 determination process, 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 these findings 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 teamed with the other plan elements, the revised User Capacity Management Program and the revised El Portal boundary work synergistically. Because the newly revised elements of the plan can and do function with the pre-existing elements in a comprehensive manner, the remaining management elements as described in the 2000 Merced River Plan/FEIS have not been revisited in this plan.

Changes were made between the Draft and Final Revised Merced River Plan/SEIS as a result of the comments received during the 67-day public review period. The changes primarily addressed: 1) concerns about the complexity of the user capacity component; and 2) concerns associated with the river boundary and related management zoning in the El Portal segment of the Merced River corridor. A complete list of changes are summarized in the Final Revised Merced River Plan/SEIS and changes that affect the alternatives are briefly described at the end of each of the alternative sections in this decision record.

Synopses of Alternatives Considered

The Revised Merced River Plan/SEIS describes four management alternatives, the environment that will be affected by those alternatives, and the environmental consequences of implementing each alternative. The No Action Alternative represents a baseline upon which to compare the three action alternatives. The action alternatives represent a range of approaches for implementing an expanded user capacity program within the Merced River corridor. They also propose a range of river boundary configurations and management zoning prescriptions for the river segment within the El Portal Administrative Site. Each of the three action alternatives addresses the two deficiencies in the existing Merced River Plan as identified by the Court. A preferred alternative is identified, along with the environmentally preferable alternative. The Revised Merced River Plan also describes how each alternative would amend the park's 1980 *General Management Plan*.

Elements Common to all Alternatives

Merced River Plan Management Elements

Except as noted in the requirements established by the Ninth Circuit Court of Appeals, the management elements adopted in the 2000 Merced River Plan Record of Decision (as revised in November 2000), will continue to be applied to management decisions within the river corridor. The Merced River Plan management elements were discussed in Chapter I of the Revised Merced River Plan/SEIS and include (1) the river boundaries within Yosemite National Park; (2) classifications of all river segments; (3) Outstandingly Remarkable Values in all segments; (4) management zoning within Yosemite National Park; (5) the River Protection Overlay in all segments; (6) the Section 7 determination process in all segments; and (7) application of the VERP framework in all segments. Although the National Park Service adopted VERP as its primary user capacity management tool in the 2000 Merced River Plan, no specific indicators and standards were identified in that plan. Therefore, while the VERP framework is common to all action alternatives, the No Action Alternative does not implement a specific VERP program with the indicators and standards outlined in Chapter II.

Wilderness Management

The National Park Service manages wilderness use in Yosemite National Park through the Wilderness Trailhead Quota System and the Wilderness Impacts Monitoring System (WIMS). These programs were described further in Chapter II of the Revised Merced River Plan/SEIS. The Revised Merced River Plan/SEIS retains the existing Wilderness Trailhead Quota System and WIMS in all alternatives.

Private Land and Public Agency Easements

In both the El Portal Administrative Site and Wawona, private land within the Merced River corridor is not under the jurisdiction of the National Park Service, nor subject to the requirements of the Wild and Scenic Rivers Act. Therefore, elements of the plan do not apply to private lands in these locations that are within the river corridor. Similarly, although the Merced River Plan may show private property to be within the river boundary, the National Park Service does not have legal authority to manage the river and protect Outstandingly Remarkable Values that may be located on private lands. However, it is the intent of the National Park Service to

work cooperatively with private landowners within the corridor whenever possible to encourage that the Outstandingly Remarkable Values of the river segment are protected and enhanced.

In addition to privately owned lands within the park boundaries, privately owned residences are located on National Park Service owned lands in El Portal and Wawona. The National Park Service issues special use permits to these homeowners for the purpose of maintaining their private residences. In the 2000 Merced River Plan/FEIS, these private residences in El Portal were outside of the Merced River corridor, as presented in the No Action alternative of the Revised Merced River Plan/SEIS. However, in the Revised Merced River Plan/SEIS, the privately owned residences located in the El Portal Administrative Site are now included within each of the proposed El Portal boundary action alternatives. Therefore, in the future, privately owned residences on National Park Service land in El Portal will be subject to the integrated elements of the 2000 Merced River Plan and the Revised Merced River Plan/SEIS. All action alternatives propose to zone these residential areas for administrative use, which allows use for housing. The use and maintenance of existing residences would also remain subject to the terms of special use permits issued by the National Park Service.

The National Park Service shares jurisdiction with other local, state, and federal agencies regarding transportation and utility service within the Merced River corridor. The National Park Service works with the California Department of Transportation and the Federal Highway Administration on federal and state highways that cross park lands, including Highway 140/El Portal Road, which crosses through both the El Portal Administrative Site and part of Yosemite Valley. The National Park Service also cooperates with Mariposa County regarding maintenance of roads within the El Portal Administrative Site. Various utility providers also have easements through National Park Service lands to provide electric, telephone, Internet, and cable television service. This revised plan does not alter these existing land interests. However, any modification, relocation, or new utility or road corridor rights-of-way would be subject to the elements of the Merced River Plan, as revised in this document. Maintenance work conducted outside the existing rights-of-way would be subject to the guidelines presented in the Revised Merced River Plan/SEIS, and future maintenance agreements may also need to comply with plan elements depending on the scope of maintenance activities.

Administrative Uses

The user capacity alternatives evaluated in the Revised Merced River Plan/SEIS address administrative use for areas within the Merced River corridor. Administrative uses described in the alternatives include employee housing within the corridor, and transportation of employees who commute to a work duty station within the corridor. The user capacity program does not attempt to enumerate or control incidental administrative activities that result in park employees temporarily traveling into or through the corridor for specific meetings or field work because these activities are a function of worker duty stations that were already analyzed in the 2000 Merced River Plan. These administrative activities comprise a very small portion of overall use of the river corridor, are subject to all of the other elements of the Merced River Plan, and are conducted in a manner which is protective of the Outstandingly Remarkable Values of the Merced River.

Traditional Uses by American Indian Tribes

The user capacity program does not restrict American Indians who are culturally associated with the lands in Yosemite National Park or the El Portal Administrative Site and who access park lands to conduct traditional practices for the purpose of retaining their cultural heritage. These activities are guided by federal law and regulations, park policies, the other elements of the Merced River Plan, and agreements between the National Park Service and the tribes.

Technical Corrections to the 2000 Merced River Plan

The 2000 Merced River Plan designated the area at the Cascades Diversion Dam (Segment 3a, Impoundment) with a Recreational classification. It noted that if the dam were removed, this segment would be reclassified as Scenic and would become consistent with the adjacent Merced River Gorge segment. 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 Scenic classified river segment (Segment 3, Main Stem-Gorge in figure I-4). The application of this river classification change is common to all alternatives in this planning effort.

The 2000 Merced River Plan describes the hydrologic processes Outstandingly Remarkable Value 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.

Alternative 1 – No Action Alternative

The No Action Alternative represents park management direction and conditions as they existed in the Merced River corridor in October 2003 when the Ninth Circuit Court of Appeals found that the National Park Service must further address user capacity for the Merced River corridor and reassess the river boundary in the El Portal segment. Under Alternative 1, the existing boundaries, classifications, Outstandingly Remarkable Values, management zoning prescriptions, River Protection Overlay, and Section 7 determination process described in the 2000 Merced River Plan would be applied and govern management of the park within the corridor. While it contains the VERP *framework* as the primary mechanism for addressing user capacity, Alternative 1 would not include implementation of a detailed VERP program, as specific indicators and standards had not been developed at the time of the Court’s ruling. This alternative would include the boundary for the El Portal segment adopted in the 2000 Merced River Plan.

User capacity for the river corridor under Alternative 1 would be managed through the use of existing methods including limits on people (through the Wilderness Trailhead Quota System, etc.), limits on facilities (overnight accommodations, day use parking, etc.), limits on specific activities (as documented in the Superintendent’s Compendium), and limits on environmental and experiential conditions (such as the Wilderness Impact Monitoring System [WIMS]), and desired conditions established through management zoning.

Alternative 1 would include implementation of the boundary for the El Portal segment that was described in the selected alternative of the 2000 Merced River Plan/FEIS. This boundary is described as the 100-year floodplain or the River Protection Overlay, whichever is greater, along with adjacent wetlands. The total acreage included within the El Portal segment boundary under this alternative is 193 acres. The zoning for this alternative includes primarily Park Operations and Administration (3C) zoning within existing developed areas and Day Use (2C) zoning primarily within undeveloped areas adjacent to the river. Of the 193 acres within the boundary, 137 acres are zoned Day Use (2C) and 56 acres are zoned for Park Operations and Administration (3C). See figure III-1 in Chapter III of the Revised Merced River Plan/SEIS for the existing El Portal river boundary and management zoning for this alternative.

Alternative 2 – VERP Program with Interim Limits (Preferred)

Alternative 2 would manage and protect the Outstandingly Remarkable Values within the Merced River corridor through the following:

- Implementation of Yosemite’s VERP program, including a suite of specific indicators and measurable standards to ensure that the Merced River’s Outstandingly Remarkable Values are being protected and enhanced (as described in Chapter II of the Revised Merced River Plan/SEIS).
- Interim limits (approximately 5 years) on park facilities and specific activities for each non-wilderness segment of the river.
- Continued implementation of existing methods and restrictions on visitor use described in Alternative 1 (such as Wilderness Trailhead Quota System and limits outlined in the Superintendent’s Compendium).
- Amendments to the park’s 1980 *General Management Plan* (see Appendix A to this decision record).
- A quarter-mile river corridor boundary on either side of the Merced River in the El Portal segment, a boundary width consistent with other river corridor segments within Yosemite National Park.

User Capacity Program

The additional user capacity methods described in Alternative 2 would be added to the existing User Capacity Management Program as described and included under Alternative 1. Under Alternative 2, park managers would set and adopt specific interim limits on overnight accommodations, day-visitor parking, bus parking, the number of buses entering Yosemite Valley and Wawona each day, and corridorwide employee housing for the non-wilderness segments of the river (see tables III-3 and III-4 of the Revised Merced River Plan/SEIS). The interim limits would be in place for approximately 5 years. At the end of the interim period, the National Park Service would evaluate the VERP program’s effectiveness in providing park managers with sufficient information to manage the types and levels of visitor use in a manner that protects and enhances the river’s Outstandingly Remarkable Values. A report would be presented to the public addressing whether the VERP program has provided the required guidance on visitor use levels and whether interim limits should be continued, modified, or eliminated. If the VERP program provides sufficient information, interim limits would most likely be eliminated. However, if the VERP program does not provide sufficient data, interim limits would continue until VERP is functioning as intended. Revisions to the interim limits could be considered at that time. If modification of interim limits were to result in substantially different environmental

consequences than were identified in the 2000 Merced River Plan/FEIS and Revised Merced River Plan/SEIS, an appropriate level of National Environmental Policy Act (NEPA) compliance and public involvement would be completed.

The VERP program in Alternative 2 includes specific indicators, measurable standards, and a monitoring program. The monitoring program will allow the National Park Service to measure the effects of visitor use in a timely manner and implement appropriate management actions to address any standards that are exceeded. The standards, which have been set at levels designed to protect and enhance the river's Outstandingly Remarkable Values, will provide a measurable, quantifiable, and documented trigger point for management actions. Park managers would take action when needed either to keep conditions within standards or to bring conditions back into compliance with the standards. The documentation of these standards, as well as regular reports to the public on the VERP program, would provide a clear commitment from park managers to take actions based on the adopted standards. For a list of potential management actions and the VERP standards and indicators, see tables II-3 and II-5, respectively, in Chapter II of the Revised Merced River Plan/SEIS.

El Portal Boundary

In response to public comment on the Draft Revised Merced River Plan/SEIS, Alternative 2 proposes a revised boundary and management zoning prescriptions for the El Portal segment of the Merced Wild and Scenic River. The revised boundary has been extended to a quarter-mile on each side of the river, which would include areas that do not contain Outstandingly Remarkable Values. This boundary for the El Portal segment would be similar to the boundaries for all other river segments within Yosemite National Park, and with boundaries for the segments below El Portal that are under the jurisdiction of the National Forest Service and the Bureau of Land Management. The total acreage included within the El Portal segment of the river corridor under Alternative 2 would be 853 acres. The boundary would be similar to the boundaries for other river segments within Yosemite National Park.

The zoning for the El Portal segment under Alternative 2 consists of Park Operations and Administration (3C) zoning for most areas north of the river and for existing developed areas south of the river. This alternative proposes Day Use (2C) zoning throughout the length of the River Protection Overlay for areas north of the river that may be unsuitable for intensive development due to resource values or other factors and for undeveloped areas south of the river and west of the Highway 140 bridge. South of the river and east of the Highway 140 bridge, Alternative 2 proposes Open Space (2A) zoning. This alternative provides for park administrative uses on 411 acres of the 853 acres within the El Portal segment, and day use facilities and uses would be allowed on 192 acres. The area zoned as Open Space, which is characterized by relatively undisturbed natural areas that could receive only incidental or casual use, would cover 250 acres south of the river. See figure III-2 in Chapter III of the Revised Merced River Plan/SEIS for the proposed El Portal river boundary and management zoning for Alternative 2.

It should be noted that not all of the areas within the river corridor that are zoned for Park Operations and Administration (3C) would be developed to the maximum capacity allowed under this zoning designation, and some open spaces would continue to exist in this zone. Any proposed future development in 3C zones would follow a prudent planning process and would be consistent with the other management elements and criteria adopted in the Merced River Plan, as amended, as well as the requirements of the Wild and Scenic Rivers Act.

Changes in Alternative 2 between the Draft and Final Revised Merced River Plan/SEIS as a result of Public Comment

Many changes were made to Alternative 2 in response to public comment on the Draft Revised Merced River Plan/SEIS and other information. The following list outlines the changes that are relevant to Alternative 2:

- The Revised Merced River Plan/SEIS has been changed to eliminate the 18-month transition period for the removal of old units at Yosemite Lodge after the new, replacement lodging is constructed. The replaced structures would not be rented once the new facilities are in use; this ensures no net gain in the number of rooms rented at Yosemite Lodge.
- The Revised Merced River Plan/SEIS clarifies issues related to interim limits in Alternative 2. The document now states that the interim limits would last for approximately 5 years, while the VERP program's indicators and standards continue to be field tested and improved. At the end of the approximate 5-year interim period, the National Park Service would evaluate the VERP program's effectiveness in providing information needed to manage visitor use in a manner that protects and enhances the river's Outstandingly Remarkable Values. At that time, the National Park Service would present a report to the public addressing whether the VERP program has provided the required guidance on visitor use levels and whether facility limits should be continued, modified, or eliminated. If the VERP program is providing sufficient data, interim limits would most likely be eliminated. However, if the VERP program is not providing sufficient data, interim limits would continue until VERP is functioning as intended and revisions to the interim limits could be considered. If changes proposed at this time would result in substantially different environmental consequences than were identified in the Revised Merced River Plan/SEIS, an appropriate level of NEPA compliance would be completed.
- In order to meet new National Park Service policy standards, Alternative 2 as presented in the Revised Merced River Plan/SEIS amends the visitor capacity goals as described in the *General Management Plan*. In the era of the 1980 *General Management Plan*, carrying capacity was defined by overall facility levels. Alternative 2 proposes interim facility limits, but commits to the more responsive VERP process for each new planning effort undertaken within or affecting the Merced River corridor. The VERP process is described in the 2001 National Park Service Management Policies and in new Park Planning Program Standards signed in August 2004.
- The change to a quarter-mile river boundary in El Portal is consistent with the remainder of the Merced River corridor within Yosemite National Park and with adjacent river segments managed by the Bureau of Land Management and the National Forest Service.
- The change in management zoning on the north side of the river in El Portal would afford greater protection through increased Day Use (2C) management zoning in areas of known sensitive resources.
- The change in management zoning on the south side of the river in El Portal would afford greater protection of scenic qualities, wildlife habitat, and cultural resources through Open Space (2A) management zoning east of the Highway 140 bridge.

In addition to these changes, the National Park Service has also made a technical correction on page III-20 of the Revised Merced River Plan/SEIS. In the fourth paragraph, the Revised Merced River Plan/SEIS states, "The interim facility limits would restrict any changes to the current facility footprint and would require the National Park Service to manage use accordingly." This statement is not correct. Interim facility limits do not constrain park facilities to the current footprint.

Alternative 3 – VERP Program with Segment Limits

To manage visitor use and protect the Outstandingly Remarkable Values within the river corridor, Alternative 3 would consist of:

- Implementation of the VERP program (as described in Chapter II of the Revised Merced River Plan/SEIS).
- A daily limit on the number of visitors within each segment of the river corridor (referred to as *daily segment limits*).
- A daily limit on the number of day hikers on the trail to Half Dome.
- An annual limit on visitors for the entire river corridor of 5.32 million (referred to as an *annual corridorwide visitation limit*)⁴.
- A limit on the number of employees commuting into the corridor.
- A limit on facilities (employee housing).
- Continued implementation of existing methods and restrictions on visitor use described in Alternative 1 (such as Wilderness Trailhead Quota System and limits outlined in the Superintendent’s Compendium).
- Amendment of the visitor capacity goals adopted in the *General Management Plan* by increasing the day visitation level to 24,379 for the Yosemite Valley river segment.
- A quarter-mile river corridor boundary on either side of the Merced River in the El Portal segment, a boundary width consistent with other river corridor segments within Yosemite National Park.

User Capacity Program

The additional user capacity methods described in Alternative 3 would be added to the existing User Capacity Management Program as described and included under Alternative 1. Alternative 3 would manage user capacity in the Merced River corridor in part by limiting the number of people in each river segment. Under Alternative 3, park managers would establish a maximum daily visitor limit for each segment of the river corridor, a maximum daily limit for day visitors entering the wilderness on the trail to Half Dome, employee limits for the entire river corridor, and an annual corridorwide visitation limit of 5.32 million visitors per year for the river corridor.

If information gained through the VERP program led to additional restrictions on specific uses or visitor levels in certain areas, the maximum number of visitors could be reduced to fewer than the specified daily segment and annual corridorwide visitation limits. Likewise, if the VERP program provided park managers with information that Outstandingly Remarkable Values were being enhanced and protected through management actions, the maximum number of visitors could be increased to exceed the specified daily segment and annual corridorwide visitation limits. If park managers proposed to raise or lower the segment and/or annual corridorwide visitation limits in the future, the proposal must be accompanied by the appropriate level of NEPA compliance and ensure that new visitor capacity limits would be protective of Outstandingly Remarkable Values. The segment and corridorwide limits included within this alternative are summarized in table III-8 of the Revised Merced River Plan/SEIS.

⁴ The limit of 5.32 million annual visitors in this alternative is based on 0.70 million visitors to the park during the months of June, July and August (0.70 million visitors was based on the annual park attendance for August in 1996 and 1997 as these numbers reflect historic peak monthly attendance since 1980); 0.21 million visitors in January, February and December; 0.28 million visitors in March and November; 0.35 million visitors in April; 0.56 million visitors in May; 0.63 million visitors in September; and 0.49 million visitors in October.

El Portal Boundary

Under Alternative 3, the boundary for the El Portal segment of the river corridor would be a quarter-mile wide on each side of the river and would encompass 853 acres, similar to that considered under Alternative 2. Alternative 3 zoning proposed for the El Portal segment would consist of Park Operations and Administration (3C) zoning north of the river and for existing developed areas south of the river. Some specific areas of known cultural value north of the river would be protected and zoned for Day Use (2C), as would the area east of Crane Creek. South of the river, the majority of the Sand Pit would be zoned Day Use (2C), except for an access route to the Murchison structures. The remaining undeveloped areas south of the river would be protected and zoned for Discovery (2B). Alternative 3 provides for park administrative uses (3C) on 399 of the 853 acres within the corridor. Day-use facilities and uses (2C) would be allowed on 131 acres, and 323 acres would be zoned Discovery (2B) for low-intensity use. See figure III-3 in Chapter III of the Revised Merced River Plan/SEIS for the proposed El Portal river boundary and management zoning for Alternative 3.

Similar to Alternative 2, not all of the area within the river corridor that is zoned for Park Operations and Administration (3C) would be developed to the maximum capacity allowed under this zoning designation, and some open spaces would continue to exist in this zone. Any proposed future development in 3C zones would follow a prudent planning process and would be consistent with the other management elements and criteria adopted in the Merced River Plan, as amended, as well as the requirements of the Wild and Scenic Rivers Act.

Changes in Alternative 3 between the Draft and Final Revised Merced River Plan/SEIS as a result of Public Comment

The following list outlines changes that were made to Alternative 3 between the Draft in the Final Revised Merced River Plan/SEIS:

- The VERP process adopted by the National Park Service will provide on-the-ground information about the impacts to resources and the visitor experience from visitor use. In response to public comments, the fixed annual visitation limits described for Alternative 3 in the Draft Revised Merced River Plan/SEIS are now more flexible. Should VERP monitoring indicate that use levels are causing standards to be exceeded in certain areas, park managers could take appropriate management action to adjust daily segment and management zone limits, and the proposed annual corridorwide visitation limit up or down.
- The 5.3 million annual visitation limit in Alternative 3 in the Draft Revised Merced River Plan/SEIS is now presented as 5.32 million in order to provide consistency in the expression of limit numbers; additional text has been added to clarify how this number was determined.

Alternative 4 – VERP Program with Management Zone Limits

To manage visitor use and protect the Outstandingly Remarkable Values within the river corridor, Alternative 4 would consist of:

- Implementation of the VERP program (as described in Chapter II of the Revised Merced River Plan/SEIS).
- Established limits on the number of people at one time (PAOT) within each management zone of the river corridor, except for the Wilderness zones.

- An annual corridorwide visitation limit of 3.27 million, the number of annual visitors to the park in 1987, the year the Merced River was designated as Wild and Scenic (approximately 110,000 fewer annual visitors to the park than occurred in 2004).
- Continued implementation of existing methods and restrictions on visitor use as described in Alternative 1 (such as Wilderness Trailhead Quota System and limits outlined in the Superintendent's Compendium).
- No amendment to long-term visitor capacity goals of the *General Management Plan*; park managers would continue to manage with the intent of reaching those goals.
- A river boundary that closely delineates the location of Outstandingly Remarkable Values in the El Portal segment of the river.

User Capacity Program

The additional user capacity methods described in Alternative 4 would be added to the existing User Capacity Management Program as described under Alternative 1. The limit on the number of people at one time (PAOT) in each management zone (except in Wilderness zones) would be adopted as a range to reflect the different levels of use allowable within each zoning prescription. For example, the Happy Isles Fen in Yosemite Valley is zoned as Open Space (2A), as is the area south of the river in the Merced River Gorge. Since the Happy Isles Fen is located in the east Valley and contains a boardwalk providing public access and interpretive exhibits designed to educate visitors, this area would be managed at the high end of the capacity range for zone 2A. Conversely, the area south of the river in the Gorge segment has little public access and no developed visitor facilities, and therefore would be managed at the low end of the capacity range for zone 2A.

Implementation of the VERP program could further reduce visitor levels in specific areas, if necessary, to protect and enhance the Outstandingly Remarkable Values. Under Alternative 4, visitor numbers could be reduced to levels below the high range of the capacity factors for management zone limits and the annual corridorwide visitation limit. If all standards were being met and VERP information indicated that the Outstandingly Remarkable Values were being protected and enhanced, park managers could propose increasing the management zone limits and/or the annual corridorwide visitation limit. The management zone and corridorwide limits included within this alternative are summarized in table III-10 of the Revised Merced River Plan/SEIS. If the National Park Service proposed to raise either of these limits in the future, the proposal would be required to comply with NEPA. Additional NEPA analysis would be required if the environmental effects of the changes were substantially different from those documented in the Revised Merced River Plan/SEIS.

El Portal Boundary

Alternative 4 provides for a boundary that closely delineates the Outstandingly Remarkable Values along the El Portal segment of the river. This alternative would draw the boundary according to where Outstandingly Remarkable Values were identified on the ground and not include areas of the El Portal Administrative Site that do not contain Outstandingly Remarkable Values. This boundary would result in a total of 813 acres within the river corridor at El Portal. Some of the farther reaches of the corridor are beyond one quarter mile of the river. Also, this corridor is not consistent with the corridor boundary for the other river segments within Yosemite National Park or the river segments managed by the Bureau of Land Management or the National Forest Service.

The management zoning proposed under Alternative 4 would protect and enhance the Outstandingly Remarkable Values by including Open Space (2A) zoning for much of the area south of the river. The area north of the river would be zoned Discovery (2B), except for existing developed areas at Railroad Flat, Rancheria Flat, and Old El Portal. These existing developed areas and the Middle Road area would be zoned for Park Operations and Administration (3C). South of the river, Trailer Village/Abbieville would be zoned Park Operations and Administration (3C); the area to the west and south of Abbieville would be zoned Discovery (2B); and the area to the east of the levee would be zoned Open Space (2A). The 2A Open Space zoning protects Outstandingly Remarkable Values by calling for very low levels of use and strict limitations on facilities within this zone.

Of all the proposed action alternatives, the zoning proposal in Alternative 4 is the most restrictive of development opportunities for park administrative facilities. Under this zoning proposal, Alternative 4 provides for 132 acres for Park Operations and Administration (3C), 277 acres of Discovery (2B), and 404 acres of Open Space (2A). See figure III-4 in Chapter III of the Revised Merced River Plan/SEIS for the proposed El Portal river boundary and management zoning for Alternative 4. Similar to Alternatives 2 and 3, not all of the area within the river corridor that is zoned for Park Operations and Administration (3C) would be developed to the maximum capacity allowed under this zoning designation, and some open spaces would continue to exist in this zone. Any proposed future development in 3C areas would follow a prudent planning process and be consistent with the other management elements and criteria adopted in the Merced River Plan, as revised, as well as the requirements of the Wild and Scenic Rivers Act.

Changes in Alternative 4 between the Draft and Final Revised Merced River Plan/SEIS as a result of Public Comment

The following list outlines changes that were made to Alternative 4 between the Draft and Final Revised Merced River Plan/SEIS:

- The VERP process adopted by the National Park Service will provide on-the-ground information about the impacts to resources and the visitor experience from visitor use. In response to public comments, the fixed annual visitation limits described for Alternative 4 in the Draft Revised Merced River Plan/SEIS are now more flexible. Should VERP monitoring indicate that use levels are causing standards to be exceeded in certain areas, park managers could take management actions to adjust daily segment and management zone limits and the proposed annual corridorwide visitation limits up or down.
- In response to comments, the annual corridorwide limit in Alternative 4 has been revised from 5.3 million in the Draft Revised Merced River Plan/SEIS to 3.27 million. This annual limit reflects the annual parkwide visitation in 1987, the year the Merced River was designated by Congress as a Wild and Scenic River. This revised annual corridorwide visitation limit allows approximately 110,000 fewer visitors than came to the park in 2004.

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) regulations implementing NEPA and the National Park Service NEPA guidelines require that “the alternative or alternatives which were considered to be environmentally preferable” be identified (CEQ Regulations, Section 1505.2).

Environmentally preferable is defined as “the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the

alternative that best protects, preserves, and enhances historic, cultural, and natural resources” (CEQ 1981).

Section 101 of NEPA states that:

“It is the continuing responsibility of the Federal Government to ... (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”

Alternative 2 is the environmentally preferable alternative for the Revised Merced River Plan/SEIS, based on its furtherance of the following national environmental policy goals:

Section 101 Requirement 1. *“Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.”*

Conformance: Alternative 2 would fulfill the responsibilities of the National Park Service as a trustee of the environment for succeeding generations by implementing a user capacity program that includes the use of the VERP framework to manage visitor use impacts on natural and cultural resources, visitor experience, and the Outstandingly Remarkable Values of the Merced River corridor. The VERP framework sets standards based on the management zone prescriptions for areas within the corridor. These management zone prescriptions define the desired resource conditions and were developed specifically to protect and enhance the Outstandingly Remarkable Values in the river corridor. The VERP program requires management to take the actions necessary to maintain the established standards. Use of VERP to manage visitor use and address visitor use impacts ensures protection of the Outstandingly Remarkable Values and fulfills the responsibilities of the National Park Service as a trustee of the environment. Alternative 1, which does not include VERP, could result in more reactive management to address impacts. It would not provide for the proactive monitoring of the wide variety of indicators proposed under the National Park Service’s VERP program or for clear triggers for management actions to maintain adopted standards. Therefore, Alternative 1 would not be expected to provide the environmental benefits associated with a VERP program. Alternatives 3 and 4 would implement VERP with additional limits on visitor use in various areas of the corridor. These alternatives would provide for a similar level of environmental protection of resources, as compared to Alternative 2.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 provides for a revised boundary which includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and the VERP program would ensure that any development that occurs within the corridor be consistent with all the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis.

Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. All three alternatives meet the requirements of the Wild and Scenic Rivers Act to protect and enhance the Outstandingly Remarkable Values and are consistent with the National Park Service's responsibilities as a trustee of the environment.

Section 101 Requirement 2. *“Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.”*

Conformance: Under Alternative 2, the VERP indicators and standards would provide the National Park Service with timely information that would be used to proactively manage visitor impacts to protect the aesthetic and cultural resources of the river corridor and to protect human health and safety. The VERP program requires management to take the actions necessary to maintain conditions within the corridor at the standards adopted. These standards are based on the protection of the Outstandingly Remarkable Values of the Merced Wild and Scenic River, which include scenic and cultural resources, in addition to other resources. Indicators and standards associated with traffic, water quality, and biology are directly related to maintenance of a safe, healthy, and productive environment. Alternative 1, which does not include VERP, could result in more reactive management to address impacts to scenic, cultural, biological, and other resources. It would not provide for monitoring of the wide variety of indicators proposed under the National Park Service's VERP program or for clear triggers for management actions to maintain adopted standards. Therefore, Alternative 1 would not be expected to provide the environmental benefits associated with a VERP program. Alternatives 3 and 4 would implement VERP with additional limits on visitor use in various areas of the corridor. These alternatives would provide for a similar level of environmental protection of resources, as compared to Alternative 2. Alternative 4 could result in potential adverse aesthetic effects associated with the need for additional controls on access to various management zones if management zone limits were exceeded.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 provides for a revised boundary which includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and a VERP program would ensure that any development that occurs within the corridor boundary be consistent with all the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis. Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. All of these alternatives meet the requirements to protect and enhance the

Outstandingly Remarkable Values under the Wild and Scenic Rivers Act. Protection of the identified Outstandingly Remarkable Values in the El Portal area on a segment-wide basis is consistent with assuring safe, productive, and aesthetically and culturally pleasing surroundings.

Section 101 Requirement 3. *“Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.”*

Conformance: Alternative 2 would best meet the goal of attaining the widest range of beneficial uses of the environment by avoiding broad user restrictions where they are not necessary to protect natural and cultural resources or Outstandingly Remarkable Values. The VERP program provides park managers with meaningful data regarding visitor impacts on the Outstandingly Remarkable Values and allows management to target management actions to best protect those values with the least adverse effect on recreational uses. Recreational use is considered a beneficial use. Thus, the VERP program provides the most environmental protection from degradation with the least restriction on other beneficial uses of the corridor, such as recreation. Alternative 1, which does not include VERP, would result in more reactive management, which could result in more restrictions on beneficial uses than would be necessary with prompt attention to visitor impacts. It would not provide for monitoring of the wide variety of indicators proposed under the National Park Service’s VERP program or for clear triggers for management actions to maintain adopted standards. Alternatives 3 and 4 would implement the VERP framework with additional limits on visitor use in various areas of the corridor. These alternatives would provide for a similar level of environmental protection as Alternative 2, but would not result in the same range of beneficial uses, in that they could restrict visitor freedom more than Alternative 2 even if VERP standards were being met and the resources protected. Thus, Alternatives 3 and 4 do not allow for the widest range of beneficial uses, compared to Alternative 2.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 provides for a revised boundary which includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and the VERP program would ensure that any development that occurs within the corridor be consistent with all of the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis. This boundary also allows for beneficial use of those areas within the El Portal Administrative Site that do not contain Outstandingly Remarkable Values. Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. All of these alternatives meet the requirements of the Wild and Scenic Rivers Act to protect and enhance the Outstandingly Remarkable Values. Alternative 2 best meets this particular NEPA criteria in allowing for the widest range of beneficial use of areas within the El Portal Administrative Site that do not contain Outstandingly Remarkable Values, while ensuring protection of the Outstandingly Remarkable Values.

Section 101 Requirement 4. *“Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice.”*

Conformance: Alternative 2 would best meet the goal of preserving important cultural and natural resources, while allowing for diversity and individual choice (visitor freedom). The VERP program provides park managers with more meaningful data regarding visitor impacts on the Outstandingly Remarkable Values and allows management to target management actions to best protect those values with the least adverse effect on visitor choice and the diversity of recreational uses. Thus, implementation of the VERP program provides the most environmental protection from degradation with the least restriction on diversity and individual choice. Alternative 1, which does not include VERP, would result in more reactive management, which could result in more restrictions on visitor choice and diversity than would be necessary with prompt attention to visitor impacts. It would not provide for monitoring of the wide variety of indicators proposed under the National Park Service’s VERP program or for clear triggers for management actions to maintain adopted standards. Alternatives 3 and 4 would implement the VERP framework with additional limits on visitor use in various areas of the corridor. These alternatives would provide for a similar level of environmental protection as Alternative 2, but would result in less visitor freedom and choice than Alternative 2 even if VERP standards are being met and the resources protected.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 would provide for a revised boundary includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and the VERP program would ensure that any development that occurs within the corridor be consistent with all the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis. Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. This alternative could restrict use of the Red Bud area as a commercial raft launch site, reducing recreation access and visitor freedom as compared to the other alternatives. All of these alternatives meet the requirements of the Wild and Scenic Rivers Act to protect and enhance the Outstandingly Remarkable Values. Protection of the identified Outstandingly Remarkable Values in the El Portal area on a segment-wide basis would be consistent with preserving important cultural and natural resources and maintaining an environment which supports diversity and variety of individual choice.

Section 101 Requirement 5. *“Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities.”*

Conformance: This goal is evaluated in the context of the Wild and Scenic Act which encourages use and enjoyment of protected rivers so long as Outstandingly Remarkable Values are not degraded. Alternative 2 would best meet this goal. As described previously, the VERP program

provides park managers with timely and meaningful data regarding visitor impacts on the Outstandingly Remarkable Values and allows management to target management actions to best protect those values with the least adverse effect on the quality of visitor use in the park. Thus, the VERP program provides the appropriate balance between resource protection and recreation use in a manner consistent with the Wild and Scenic Rivers Act. Alternative 1, which does not include VERP, would result in more reactive management, which could result in more restrictions on recreation and visitor uses, as opposed to balancing recreation uses with the appropriate level of management needed to protect the Outstandingly Remarkable Values. Alternatives 3 and 4 implement VERP with additional limits on visitor use in various areas of the corridor. These alternatives would provide for a similar level of environmental protection as Alternative 2, but would result in more restrictions on recreation opportunities and resource uses, even if VERP standards are being met and the resources protected. They, therefore, would not achieve the best balance between visitor uses and resource protection, as compared to Alternative 2.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 provides for a revised boundary which includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and the VERP program would ensure that any development that occurs within the corridor be consistent with all the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis. Protection of the identified Outstandingly Remarkable Values in the El Portal area on a segment-wide basis ensures appropriate levels of resource protection while also allowing for a wide sharing of life's amenities. Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. This alternative could restrict use of the Red Bud area as a commercial raft launch site, reducing recreation access and visitor freedom as compared to the other alternatives. All of the alternatives meet the requirements to protect and enhance the Outstandingly Remarkable Values. Alternative 2 best achieves the intent of this criterion by providing for resource protection, while allowing for appropriate levels and types of uses within the context of protecting Outstandingly Remarkable Values and providing access to recreational opportunities.

Section 101 Requirement 6. *“Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”*

Conformance: Alternative 2 would enhance the quality of renewable resources and approach maximum attainable recycling of depletable resources by using VERP data to target management actions needed to protect and enhance the quality of renewable resources within the river corridor, including biological and recreation resources. Alternative 1 would result in more reactive management to potential visitor use impacts than Alternative 2. Alternatives 3 and 4 would provide similar levels of resource protection (enhancing biological resources) as Alternative 2, but would not maximize the quality of renewable recreation resources to the extent that Alternative 2 would, even if VERP standards are being met and the resources protected.

Adoption of the El Portal corridor boundaries proposed under Alternative 2 provides for a revised boundary which includes the Outstandingly Remarkable Values within a quarter-mile of the river within the El Portal Administrative Site. Adoption of this boundary with management zoning and the VERP program would ensure that any development that occurs within the corridor be consistent with all the elements of the Merced River Plan, as revised by this document, and protect the Outstandingly Remarkable Values on a segment-wide basis. Protection of the identified Outstandingly Remarkable Values in the El Portal area on a segment-wide basis is consistent with enhancing the quality of renewable resources. Alternative 1 includes the narrow boundary for the El Portal segment as adopted in the 2000 Merced River Plan, which does not fully take into account the location of all Outstandingly Remarkable Values and therefore does not ensure their protection and enhancement as required by the Wild and Scenic Rivers Act. Alternative 3 provides the same acreage within the river corridor as Alternative 2, but has less restrictive zoning south of the river and less restrictive zoning north of the river in areas of known sensitive resources. Alternative 4 has less acreage in the river corridor than Alternatives 2 and 3, but more restrictive zoning in most areas of the corridor. This alternative could restrict use of the Red Bud area as a commercial raft launch site, reducing the quality of recreation resources as compared to the other alternatives. All of these alternatives meet the requirements to protect and enhance the Outstandingly Remarkable Values. Alternative 2 best achieves the intent of this criterion by enhancing the quality of both biological and recreational resources.

This Revised Merced River Plan/SEIS evaluates alternatives that address user capacity in the river corridor and re-evaluate the corridor boundary in El Portal based on the location of the Outstandingly Remarkable Values. In weighing the benefits of the various alternatives, the user capacity element was given more weight because the user capacity program will be applied to and affect protection and enhancement of the Outstandingly Remarkable Values throughout the entire 81 miles of the river corridor on National Park Service lands; the El Portal component of the alternative will affect only the El Portal segment. Although the user capacity element of each alternative provides for similar levels of environmental protection, Alternative 2 meets the criteria above better by achieving resource protection goals while allowing for compatible beneficial uses and limiting unnecessary adverse effects on visitor diversity and choice. The El Portal boundary action alternatives all meet the requirements of the Wild and Scenic Rivers Act to protect and enhance the Outstandingly Remarkable Values of the Merced River. Although other alternatives may provide for more resource protection through more extensive restrictions, Alternative 2 protects the Outstandingly Remarkable Values while allowing for appropriate use levels and types of beneficial uses in the context of protecting all of the river's Outstandingly Remarkable Values. Therefore, upon full consideration of the elements of Section 101 of NEPA, Alternative 2 represents the environmentally preferable alternative for the Revised Merced River Plan/SEIS.

Decision (Selected Action)

The National Park Service will implement Alternative 2 – VERP Program with Interim Limits, as described in Chapter III of the Final Revised Merced River Plan/SEIS.

Alternative 2 builds upon the VERP framework provided in the 2000 Merced River Plan and implements a VERP program with specific indicators and measurable standards, along with a commitment to take timely management action as needed to keep conditions within the established standards. The standards, which are set at levels designed to protect and enhance the Outstandingly Remarkable Values, will provide a quantifiable and documented trigger for when

action must be taken. If monitoring were to determine that conditions were approaching or exceeding a given standard, action would be taken to return conditions to the established standard. The documentation of these standards and the open public reporting process on the progress of the VERP program will provide public accountability on actions taken to protect and enhance river values.

In response to the direction of the Ninth Circuit Court of Appeals, Alternative 2 also contains interim facility and specific activity limits. These limits will remain in place until the VERP program provides a user capacity management program that ensures protection of the Outstandingly Remarkable Values. Finally, other existing methods and restrictions on visitor use currently being implemented by the National Park Service (such as the Wilderness Trailhead Quota System and other limits established in the Superintendent's Compendium) will continue to be implemented under this alternative.

Alternative 2 also includes a quarter-mile river corridor boundary in the El Portal Administrative Site. This boundary for the El Portal segment will be similar to the boundaries for all other river segments within Yosemite National Park and adjacent land management agencies with jurisdiction of the Merced Wild and Scenic River. In addition, management zoning under this alternative along the north side of the river will afford a high level of protection in areas of known sensitive resources, as well as a high level of protection of scenic qualities, wildlife habitat, and cultural resources along the south side of the river.

Alternative 2 makes a series of amendments to Yosemite National Park's *General Management Plan* including the elimination of the visitor use levels for developed areas within the river corridor, and the implementation of a user capacity management program which incorporates a VERP program. The *General Management Plan* was adopted in 1980 in an era when visitor carrying capacity for national park plans was based on the capacity of facilities and infrastructure. In the 1990s, national scientific and scholarly research and National Park Service policy discussions resulted in the adoption of a new methodology for determining visitor carrying capacity. This methodology—the VERP framework—is described in Management Policies 2001 and in new Park Planning Program Standards signed in August 2004.

In order to meet the new policy standards, the Revised Merced River Plan/SEIS amends that element of the *General Management Plan* by translating the former user capacity approach to the more responsive VERP process. This and other amendments to the *General Management Plan* are detailed in Appendix A of this Record of Decision.

Basis for Decision

The National Park Service will implement Alternative 2 – VERP Program with Interim Limits as the selected action for the Revised Merced River Plan/SEIS. Alternative 2 is chosen as the National Park Service's selected action for the following reasons:

- Alternative 2 best satisfies the purpose and need for the project presented in Chapter I of the Revised Merced River Plan/SEIS and the 2003 Court Order directing the revision of the Merced River 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.

- Alternative 1 does not adequately address the Court order. While the user capacity program proposed under Alternatives 3 and 4 protects and enhances river values, it was determined that their measures would have more of an adverse impact on visitor experience than Alternative 2.
- Alternative 2 best satisfies the six goals outlined in Section 101 of the National Environmental Policy Act, making it the environmentally preferable alternative.
- Alternative 2 best satisfies the goal of preserving important cultural and natural resources, while allowing for diversity and individual choice (visitor freedom).
- Alternative 2 best meets the goal of attaining the widest range of beneficial uses of the environment by avoiding broad user restrictions where they are not necessary to protect natural and cultural resources of the Merced Wild and Scenic River's Outstandingly Remarkable Values.

Measures to Minimize Environmental Harm

The National Park Service has investigated all practicable measures to avoid or minimize environmental impacts that could result from implementation of the selected action. The measures have been incorporated into Alternative 2, and are presented in detail in the Revised Merced River Plan/SEIS.

To ensure that implementation of Alternative 2 protects natural and cultural resources, Outstandingly Remarkable Values, and the free-flowing condition of the Merced River corridor, a consistent set of mitigation measures will be applied to actions that result from this plan (see Appendix B of the Revised Merced River Plan/SEIS). These mitigation measures will also be applied to future actions that are guided by this plan. The National Park Service will conduct appropriate environmental review (i.e., National Environmental Policy Act, the National Historic Preservation Act, and other relevant legislation) and public involvement for these future actions. As part of the environmental review, the National Park Service will avoid, minimize, and mitigate adverse impacts when practicable.

Findings on Impairment of Park Resources and Values

The National Park Service has determined that the implementation of Alternative 2 from the Revised Merced River Plan/SEIS will not constitute impairment to Yosemite National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Revised Merced River Plan/SEIS, the public comments received, relevant studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies.

In determining whether impairment may occur, park managers consider the duration, severity, and magnitude of the impact, the resources and values affected, and direct, indirect and cumulative effects of the action. According to National Park Service Management Policies, "An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is: Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; Identified as a goal in the park's general management plan or other relevant National Park Service planning documents." (NPS Management Policies,

Part 1.4.5.) The impairment standard does not apply to land in El Portal because the Administrative Site is not managed under the Organic Act nor the General Authorities Act (72 Stat. 1772).

The non-impairment policy does not prohibit impacts to park resources and values. The National Park Service has the discretion to allow impacts to the park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values.

Public Involvement

The National Park Service published a notice of intent to prepare an environmental impact statement on the Revised Merced River Plan/SEIS in the *Federal Register* on July 27, 2004. A series of public scoping meetings were held in mid-August in Oakland, Mariposa, Yosemite Valley, and El Portal, California. In response to public comment, the public scoping period was extended by two weeks and closed on September 10, 2004. All scoping comment letters, as well as a scoping report, are available for viewing on the park's web site (www.nps.gov/yose/planning/mrp/revision).

Many relevant issues and concerns were raised during the scoping process for this project. The issues and concerns raised during public scoping provided park managers with a baseline of information and were used to develop the action alternatives in the Draft Revised Merced River Plan/SEIS. A summary of these public scoping comments is listed below:

- Methodology for implementation of the user capacity program and potential impacts to gateway communities.
- A desire for more stringent resource protection.
- A desire for continued unlimited and low cost access to recreation activities and camping areas.
- Transportation policies (for and against restrictions on private vehicles and buses).
- The relationship between this planning effort and the *General Management Plan*.
- The relationship between this planning effort and the *Yosemite Valley Plan*.
- Concerns from culturally associated American Indian groups related to continued access to areas within the river corridor for traditional practices, as well as protection and preservation of important natural and cultural resources.

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 official review period continued through March 22, 2005. The National Park Service contacted local, regional, and national media outlets, and issued press releases to generate interest in the plan. In addition, paid newspaper advertisements were placed in the Mariposa Gazette, the Sierra Star (Oakhurst, CA), the Union Democrat (Sonora, CA), the Merced Sun-Star, and the Mammoth Times. Paid public notices were placed in the San Francisco Chronicle, the L.A. Times, the Sacramento Bee, and the Fresno Bee. Numerous stories about the plan and the schedule of public meetings appeared in local and regional newspapers. In addition, the National Park Service posted several project fact sheets on the park's web site; posted fliers on community bulletin

boards, post offices, and local businesses in communities where public meetings were hosted and posted press release announcements in the park's Daily Report throughout the entire comment period on the plan. In addition, the planning update newsletter was mailed to over 8,000 individuals and organizations, and notices regarding the plan were emailed via Yosemite's Electronic Newsletter to over 4,500 subscribers.

During the public comment period on the Draft SEIS, the National Park Service hosted eleven public meetings throughout California between February 22, 2005 and March 7, 2005 to discuss the draft document. Meetings were held in Yosemite Valley, El Portal, San Francisco, Burbank, Oakhurst, Mammoth Lakes, Sacramento, Fresno, Merced, Mariposa, and Groveland. An additional National Park Service Open House was hosted in Yosemite Valley prior to the end of the public comment period.

Each public meeting was set up to allow for informal conversations between park staff (including consultants) and the public to discuss elements of, and make comments to change the revised plan. The second portion of these public meetings was dedicated to a presentation by park staff on the plan, followed by a formal public hearing recorded by a court reporter. Participants could submit formal testimony by addressing their comments on the plan either to members of Yosemite National Park's management team and the audience, or in a private session with the court reporter.

During the official comment period, the public was encouraged to submit written comments on the Draft Revised Merced River Plan/SEIS via letter, email, or fax. Written comments were also accepted at all public meetings. As a result, the park received comments from 114 individuals, 25 organizations, 6 government agencies, 2 tribes and 1 university, including public testimony given by individuals at public meetings. A total of over 900 separate comments were received. The analysis of these comments generated about 400 general concern statements, which were categorized and considered for incorporation in the planning process. Public comments and responses are included in the Revised Merced River Plan/SEIS Appendix F, Summary of Public Comments and Responses. Some of the main concerns raised during the public comment period 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/SEIS.
- The relationship between existing elements of Yosemite National Park's User Capacity Management Program, proposed visitor limits, and the Visitor Experience and Resource Protection component.
- Criteria used in selecting 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 National Environmental Policy Act 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 management program in particular.

Park Partners

The National Park Service specifically initiated dialogue with several interested local parties. These included National Park Service employees and their families, Delaware North Companies Parks and Resorts at Yosemite (primary concessioner) employees and residents, and park partner staff such as the Yosemite Institute, the Yosemite Association, and The Yosemite Fund. In addition, the National Park Service conducted extensive outreach within the local communities of El Portal and Wawona through participation at various local Mariposa County Town Planning Advisory Committee meetings. The National Park Service also hosted an on-site walking tour in El Portal to discuss the process for identifying Outstandingly Remarkable Values within the El Portal segment of the Merced River and the rationale for the various El Portal boundary alternatives.

Gateway Communities

Park management has coordinated with local communities through a series of presentations to local governments and civic organizations. All organizations requesting such presentations were accommodated.

Agency and American Indian Consultation and Coordination

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) reviewed the Draft Revised Merced River Plan/SEIS pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and section 309 of the Clean Air Act. In their March 14, 2005 letter to the National Park Service, EPA stated that they had no objections to the preferred alternative, Alternative 2, user capacity program or proposed El Portal Boundary, since it represents greater protection for the Outstandingly Remarkable Values of the Merced River corridor. On July 22, 2005, the Environmental Protection Agency published a notice in the Federal Register stating that the *Final Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* is adequate per all its criteria.⁵

⁵ Federal Register: v70, n140, pp. 42319-42320.

U.S. Fish and Wildlife Service

The Endangered Species Act, as amended (16 USC 1531 *et seq.*) requires all federal land agencies to consult with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. The National Park Service initiated consultation with the U.S. Fish and Wildlife Service in August 2004. The species list for special-status species to be evaluated for this project was obtained from: http://sacramento.fws.gov/es/ssp_lists/auto_list_form.cfm on October 6, 2004 and was used as the basis for special-status analysis in this environmental assessment (see Appendix D, Special-Status Species Considered in this Analysis). Consultation with the U.S. Fish and Wildlife Service continued, as defined by Section 7 of the Endangered Species Act, as environmental compliance for the Final Revised Merced River Plan/SEIS was finalized.

California State Historic Preservation Officer

A Programmatic Agreement among the National Park Service at Yosemite, the California State Preservation Officer, and the Advisory Council on Historic Preservation Regarding Planning, Design, Construction, Operation, and Maintenance was developed in consultation with American Indian groups having cultural association with Yosemite National Park, and was executed in October 1999. Pursuant to Article VI of this Programmatic Agreement, the review process for Section 106 of the National Historic Preservation Act of 1966, as amended, is being conducted in conjunction with this National Environmental Policy Act review process. The National Park Service initiated consultation with the California State Historic Preservation Officer on September 29, 2004 regarding the development of the Draft Revised Merced River Plan/SEIS. On January 21, 2005 a letter was sent to the State Historic Preservation Officer, the Advisory Council on Historic Preservation and the National Trust for Historic Preservation requesting for review and comments on the Draft Revised Merced River Plan/SEIS to be provided to the park by March 22, 2005. No comments were received from the three agencies.

U.S. Forest Service

National Park Service administered lands are bounded by U.S. Forest Service lands to the north, south, and west of the El Portal Administrative Site, and the U.S. Forest Service administers the Merced Wild and Scenic River corridor to the west of the El Portal Administrative Site. The National Park Service initiated consultation with the U.S. Forest Service (Sierra and Stanislaus National Forests) regarding the Draft Revised Merced River Plan/SEIS in September 2004. The National Park Service and the U.S. Forest Service will coordinate their planning efforts on the Merced Wild and Scenic River, particularly in areas where the agencies jurisdictions meet. Although the U.S. Forest Service's Merced River corridor boundary currently ends at the western end of the El Portal Administrative Site, the U.S. Forest Service has indicated that additional areas under its jurisdiction between the El Portal Administrative Site's western boundary and its eastern boundary at the Yosemite National Park boundary are likely to be included in the U.S. Forest Service Merced River corridor boundary in the next revision to their Merced River management plan (NPS 2004h).

California Department of Transportation

The National Park Service initiated consultation with the California Department of Transportation (CalTrans) in order to discuss rights-of-way within the Merced River corridor. Sections of Highway 140 in the El Portal Administrative Site are either owned, leased, or

maintained by CalTrans. The National Park Service has been in direct contact with CalTrans' survey and right-of-way departments. Consultation is currently ongoing.

Bureau of Land Management

An interagency agreement between the National Park Service, the U.S. Forest Service, and the Bureau of Land Management guides the policies and procedures for commercial whitewater river rafting within the Merced Wild and Scenic River corridor. According to the agreement, the Bureau of Land Management's Folsom Resource Area District is responsible for the permitting and regulation of commercial river guide companies who use the Red Bud Launch Site (at the west end of the El Portal Administrative Site). A dialogue was initiated with the Bureau of Land Management regarding the Draft Revised Merced River Plan/SEIS (NPS 2004i and 2004j). It is expected that the Bureau of Land Management will continue to manage whitewater river rafting on the river west of the El Portal Administrative Site under the existing permitting regulations. Any management actions dealing with use of the Red Bud Launch Site would be coordinated with the Bureau of Land Management.

American Indian Consultation

National Park Service consultation with American Indian groups occurred throughout the development of the original Merced River Plan. Yosemite National Park continues to consult with American Indian groups having a cultural association with the Merced River corridor, as well as those in the immediate vicinity. Information sharing and project planning has included face-to-face consultation sessions at the All Tribal meeting on August 24, 2004. The All Tribal meeting included the following groups: the American Indian Council of Mariposa County, Inc (AICMC); the Tuolumne Me-wuk Tribal Council; the North Fork Mono Rancheria; the Chukchansi Tribal Government (Yokuts); the Mono Lake Kutzadika; the Bridgeport Paiute Indian Colony; and the Bishop Paiute Tribal Council. The Draft Revised Merced River Plan/SEIS was mailed by Certified Mail Return Receipt Requested on January 21, 2005, to the same tribes. Telephone follow-up with an offer to provide a face-to-face presentation similar to the public outreach occurred on February 15, 2005. Face-to-face consultation with a presentation to the AICMC occurred on January 27, 2005, and with the Tuolumne Band of Me-Wuk on January 25, 2005. Consultation and partnering continued with the American Indian groups throughout the completion of the Revised Merced River Plan/SEIS.

No Action Period Following the Release of the Final Revised Merced River Plan/SEIS

The *Final Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* was released in June 2005. The Environmental Protection Agency's Notice of Availability was published in the *Federal Register* on June 24, 2005 and the 30-day No Action period concluded July 23, 2005. On July 22, 2005, the Environmental Protection Agency published a notice in the *Federal Register* stating that the *Final Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement* is adequate per all its criteria.⁶

⁶ Federal Register: v70, n140, pp. 42319-42320.

During the No Action period, the National Park Service received seven letters regarding the *Final Merced Wild and Scenic River Revised Comprehensive Management Plan and Supplemental Environmental Impact Statement*. A summary of the opinions contained in these letters is listed below:

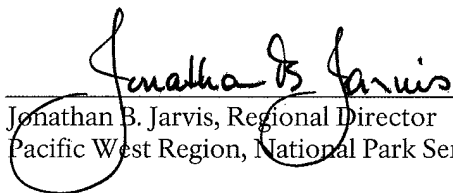
- The VERP management program is an inadequate approach for addressing user capacity as required by the Wild and Scenic Rivers Act, and the management zoning in the El Portal segment is inadequate to protect the Merced River's Outstandingly Remarkable Values.
- Public participation and processing of public concerns was inadequate for the Revised Merced River Plan/SEIS planning effort.
- The indicated list of reasonable foreseeable projects for Yosemite Valley is not compatible with a river corridor visitation limit of 3.27 million annually as outlined in Alternative 4.
- The National Park Service should make a day-use reservation system a priority in managing user capacity within the Merced River corridor in Yosemite Valley.
- Park managers should enforce a limit on the number of visitors to the park to protect park resources.
- Inclusion of park policies that were not required by the Court to be addressed in the Revised Merced River Plan/SEIS.

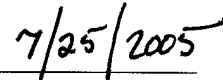
The concerns received during the No Action review period reflect similar comments submitted during the 67-day public review period on the Draft Revised Merced River Plan/SEIS. These concerns were taken into consideration during the preparation of the Final Revised Merced River Plan/SEIS. Refer to Appendix F of the Revised Merced River Plan/SEIS where these concerns have been addressed.

Conclusion

Alternative 2 provides the most comprehensive and effective method among the alternatives considered for meeting national environmental policy goals and Yosemite National Park's management objectives, as well as fully satisfying the directives of the Court. This alternative best fulfills the requirements of the Wild and Scenic Rivers Act and the 2003 Court Order directing the revision of the 2000 Merced River Plan that specifically required 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 selection of Alternative 2, as reflected by the analysis contained in the Supplemental Environmental Impact Statement, will allow the National Park Service to protect and enhance the Merced Wild and Scenic River's Outstandingly Remarkable Values, will preserve the quality of the visitor experience, and will not result in the impairment of park resources. As a delegated Environmental Impact Statement, the official responsible for the decision is the Regional Director, Pacific West Region, National Park Service: the official responsible for implementation is the Superintendent, Yosemite National Park.

Approved:


Jonathan B. Jarvis, Regional Director
Pacific West Region, National Park Service


Date

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Appendix A: Merced Wild and Scenic River Comprehensive Management Plan Amendments to the 1980 General Management Plan

The Wild and Scenic Rivers Act requires river managing agencies to prepare comprehensive management plans for each Wild and Scenic river. The Wild and Scenic Rivers Act generally provides that river management plans “shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands” (16 USC 1274).

In the case of the Merced Wild and Scenic River, 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]). The 2000 Merced River Plan, as amended by the Revised Merced River Plan, provides direction for the management of the 81 miles of the Merced Wild and Scenic River under the jurisdiction of the National Park Service. Section 1274(a)(62) of the Wild and Scenic Rivers Act requires that the *General Management Plan* be revised to meet the requirements of section 1274(b). Accordingly, the Merced River Plan adopted in November 2000 resulted in the following amendments to the *General Management Plan*. The Merced River Plan’s management zoning (with the exception of the El Portal segment), River Protection Overlay, river corridor boundaries (with the exception of the El Portal segment), segment classifications, and Outstandingly Remarkable Values revise the *General Management Plan* by establishing more detailed land-use prescriptions that must be applied in future site-specific planning. The Merced River Plan’s Section 7 determination process (as called for in the Wild and Scenic Rivers Act) is a tool that augments the goals of the *General Management Plan* by establishing specific guidelines for determining appropriate actions within the bed and banks of the Merced River.

Alternative 2 – VERP Program with Interim Limits, as described in Chapter III of the Revised Merced River Plan/SEIS, further revises the *General Management Plan* by adopting a new river boundary and management zoning scheme for the El Portal area and by implementing a detailed VERP user capacity program. No development or use of park lands in the areas within the river corridor shall be undertaken that is inconsistent with the Wild and Scenic Rivers Act designation of the Merced River, or that is inconsistent with the Merced River Plan, as revised by the Revised Merced River Plan/SEIS.

What follows is a summary of how the Merced River Plan and its subsequent revision amend the park’s 1980 *General Management Plan*.

Management Goals

The *General Management Plan* establishes five broad goals for managing Yosemite National Park (*General Management Plan*, Visitor Use/Park Operations/Development [GMP], September 1980, pp 1-4).

- Reclaim priceless natural beauty
- Allow natural processes to prevail
- Promote visitor understanding and enjoyment

- Markedly reduce traffic congestion
- Reduce crowding

Although the *General Management Plan* is over 20 years old, its goals are still valid today and apply to the management of the Merced River corridor under the Merced River Plan, as amended. The Merced River Plan works in concert with the goals set forth in the *General Management Plan*, and outlines an additional set of specific goals for management of the Merced Wild and Scenic River.

- 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

The Merced River Plan's five goals were developed 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 five defining goals of the *General Management Plan* and the five goals of the Merced River Plan are intertwined, and no one goal can be emphasized to the complete exclusion of the others.

Management Objectives

The *General Management Plan* sets forth a number of Management Objectives that guide resource management, visitor use, and park operations (GMP, pp 5-10). The elements of the Merced River Plan, including the user capacity program outlined in Alternative 2 – VERP Program with Interim Limits, as described in Chapter III of the Revised Merced River Plan/SEIS, amend the *General Management Plan* by providing additional detailed guidance to park managers on how to achieve management objectives for the Merced River corridor. The Merced River Plan's seven management elements include boundaries, classifications, Outstandingly Remarkable Values, Section 7 determination process, River Protection Overlay, management zoning, and a user capacity program. Taken together, these elements further guide resource management, visitor use, and park operations within the Merced River corridor. For example, projects within the river corridor must protect and enhance Outstandingly Remarkable Values and be consistent with the other elements of the Merced River Plan. Projects adjacent to the river corridor must protect Outstandingly Remarkable Values, and depending on location, may need to undergo a Section 7 review if they affect the bed or banks of the river.

As a result of the above, the following paragraph is to be inserted on page 5 of the 1980 *General Management Plan* after the first paragraph under "Management Objectives."

Merced River Corridor

The specific management elements (river boundaries, river classifications, Outstandingly Remarkable Values, Section 7 determination process, River Protection Overlay, management zoning, and a user capacity program) as defined and established by the Merced River Plan will serve to guide resource management, visitor use, and park operations within the Merced River corridor. The Merced River Plan management objectives 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*

Land Management Zoning

The *General Management Plan* specifies several land management zones, including a Development Zone (GMP, pp 10-13). The management zones described in the Merced River Plan (including the management zones proposed for the El Portal segment for Alternative 2 of the Revised Merced River Plan/SEIS as illustrated in figure III-2 in Chapter III) replace the Management Zoning Plan of the *General Management Plan* for those areas within the Merced Wild and Scenic River boundaries. Zoning of areas outside the river corridor boundary remains unchanged, however development and uses in areas adjacent to the river corridor must be protective of Outstandingly Remarkable Values, as provided for in the Merced River Plan (as amended).

As a result of the above, the following paragraph is to be inserted on page 10 of the 1980 *General Management Plan* after the first paragraph under “Land Management Zoning.”

Merced River Corridor

The Merced River Plan has established specific management zones for each segment of the Merced River, including the segment that passes through the El Portal Administrative Site. The Merced River Plan also provides management zone prescriptions for each management zone that identify the desired conditions for resources, visitor experience, and facility development. These management zones and management zone prescriptions will serve to guide resource management, visitor use, and park operations within the Merced River corridor. In addition, development and uses in areas adjacent to the river corridor must be protective of the Outstandingly Remarkable Values, as provided for in the Merced River Plan.

Parkwide Policies and Programs

Visitor Use

The Yosemite National Park *General Management Plan* established a visitor carrying capacity that was based on the capacity of facilities and infrastructure (GMP, pp 15-19). Changes to existing facilities and infrastructure were recommended to fulfill and support management objectives. In the 1980 plan, facility capacity defined the visitor carrying capacity. At that time, the total visitor capacity “goals” it established 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 for a reduction in facility capacity, and 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 the Merced River Plan, as amended. (For a comparison of facility capacities, see tables III-7 and III-9 in Chapter III of the Revised Merced River Plan/SEIS.)

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 Management Polices 2001 and in new Park Planning Program Standards signed in August 2004.

The 1980 approach to visitor carrying capacities does not meet the 2004 Park Planning Program Standards, nor was the 1980 approach to carrying capacity based on considerations related to the Wild and Scenic Rivers Act because the Merced River had not yet been designated. In order to meet the new policy standards and the mandates of the Wild and Scenic Rivers Act, Yosemite National Park will amend that element of the *General Management Plan* by replacing the former carrying capacity approach with the more responsive and comprehensive user capacity management program that incorporates VERP as outlined by Alternative 2 of the Revised Merced River Plan/SEIS. This user capacity management program includes:

- Limits on the number of people (i.e., those provided by the Wilderness Trailhead Quota System and those specified in the Superintendent’s Compendium)
- Interim limits on facilities and specific activities for each segment of the river
- Limits on specific activities as outlined by the Superintendent’s Compendium
- Limits on environmental and experiential conditions such as the existing Wilderness Impacts Monitoring System (WIMS) and the VERP program
- Other related user capacity methods, such as governing mandates and management zoning

This user capacity management program will guide each new planning effort undertaken in the Merced River corridor, and would therefore amend the *General Management Plan* for areas within the Merced River corridor with regard to user capacity.

Through the implementation of the user capacity management program, overall visitation could increase or decrease under Alternative 2 as compared with *General Management Plan* levels. The overall level of park visitation, including the types and levels of use, would be informed by the results of monitoring as a component of the VERP program, which is designed to ensure visitor levels do not degrade the Merced River’s Outstandingly Remarkable Values.

The addition of the interim limits on facilities and specific activities and the implementation of a VERP program with detailed standards and indicators will provide park managers with on-the-ground information on the condition of Outstandingly Remarkable Values. Thus, managers will make more informed decisions to further protect and enhance the Outstandingly Remarkable Values and natural river processes. The interim facility limits established in Alternative 2 of the Revised Merced River Plan/SEIS will remain in place for approximately 5 years, while the VERP program is being refined. While some aspects of the VERP program may take several cycles of field testing, some aspects could be operational within a short time. The interim limits will not be eliminated until park managers are confident that the VERP program is providing sound guidance on appropriate types and levels of visitor use and adequate protection of the Outstandingly Remarkable Values. If changes proposed at this time result in substantially different environmental consequences than were identified in the Revised Merced River Plan/SEIS, an appropriate level of NEPA compliance and public involvement would be completed. Since VERP serves as a type of report card on the condition of various Outstandingly Remarkable Values, the National Park Service has committed to providing the public with regular updates on the status of the VERP user capacity component.

The use of existing user capacity methods and the VERP program will allow the park to protect and enhance the Outstandingly Remarkable Values of the Merced River.

As a result of the above, the following is to be added as the first paragraph under “Park Policies and Programs” on page 15 of the 1980 *General Management Plan*.

Parkwide policies and programs with respect to visitor use, Indian cultural programs, park operations and visitor protection described in this section have been amended by the Merced River Plan for all areas within the Merced River corridor.

In addition, the following is to be added as the first paragraph under “Visitor Use” on page 15 of the 1980 *General Management Plan*.

The sections below that address appropriate activities, visitor use levels, visitor facilities and services, overnight accommodations, concessions, regional cooperation, transportation, interpretation, and provisions for special populations will be guided by the management elements of the Merced River Plan. Visitor use levels and activities are further guided by, and must comply with the management elements of the Merced River Plan. In the event of a conflict between Parkwide Policies and Programs in the General Management Plan and specific elements of the Merced River Plan, the Merced River Plan would control.

In addition, the following is to be added as the first paragraph under “Visitor Use Levels” on page 15 of the 1980 *General Management Plan*.

Sections below that address visitor use levels, visitor facilities and services, overnight accommodations, and transportation for the Merced River corridor in Yosemite Valley, Cascades/Arch Rock, El Portal and Wawona are amended by the Merced River Plan. Specifically, General Management Plan visitor use levels for the areas described above are no longer in effect. These visitor use levels are superseded by a user capacity management program that includes interim use levels and the VERP program as established by the Merced River Plan.

In addition, the following is to be added as the first paragraph under “Indian Cultural Programs” on page 23 of the 1980 *General Management Plan*.

The user capacity program does not restrict American Indians who are culturally associated with the lands in Yosemite National Park or the El Portal Administrative Site and who access park lands to conduct traditional practices for the purpose of retaining their cultural heritage. These activities are guided by federal regulations, park policies, the other elements of the Merced River Plan, and agreements between the National Park Service and the tribes. Traditional uses comprise a very small portion of overall use of the Merced River corridor and are conducted in a manner that is protective of the Outstandingly Remarkable Values; therefore, these uses are not counted as part of the use limits identified in the user capacity program.

In addition, the following is to be added as the first paragraph under “Park Operations/Visitor Protection” on page 24 of the 1980 *General Management Plan*.

The discussion below that addresses administration, maintenance, visitor protection, and employee housing will be guided by the management elements of the Merced River Plan. Park Operations/Visitor Protection functions and activities are further guided by, and must comply with the management elements of the Merced River Plan. In the event of a conflict between Parkwide Policies and Programs in the General Management Plan and specific elements of the Merced River Plan, the Merced River Plan would control.

Developed Area Plans

The *General Management Plan* contains Developed Area Plans for areas within and adjacent to the Merced River corridor (GMP, pp 31-59). These areas are the Yosemite Valley District (including Cascades, Arch Rock, and El Portal) and the Wawona area of the Wawona District. Future plans for areas within the river corridor must comply with the management elements of the Merced River Plan as amended, (boundaries, classifications, Outstandingly Remarkable Values, Section 7 determination process, River Protection Overlay, management zoning, and the park's user capacity management program). Therefore, the development concepts presented in the *General Management Plan* have been amended by the Merced River Plan (as revised) for areas within the Merced River corridor. In the case of El Portal, the new boundary and management zoning adopted in this Record of Decision will amend the *General Management Plan's* development concept for El Portal. The Merced River Plan will provide guidance for any future development or redevelopment activities within the Merced River corridor, including the development concepts as currently described in the 1980 *General Management Plan*. To the extent that any development concept presented in the *General Management Plan* would not comply with the elements of the Merced River Plan, that develop concept is superseded by the Merced River Plan. Actions adjacent to the river corridor but outside of the river boundary must also protect the Merced River's established Outstandingly Remarkable Values.

As a result of the above, the following paragraph is to be inserted on page 31 of the 1980 *General Management Plan* after the first paragraph under "Developed Area Plans."

Merced River Corridor

Future plans for the areas within the Merced River corridor within Yosemite National Park and the El Portal Administrative Site must comply with the management elements of the Merced River Plan (river boundaries, river classifications, Outstandingly Remarkable Values, Section 7 determination process, River Protection Overlay, management zoning, and a user capacity management program). To the extent that any development concepts presented in the General Management Plan would not comply with the elements of the Merced River Plan, that development concept would be superseded by the Merced River Plan. Actions adjacent to the river corridor but outside of the river boundary must also protect the Merced River's established Outstandingly Remarkable Values.

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