United States Department of the Interior
National Park Service

Revised Record of Decision
Final Yosemite Valley Plan/
Supplemental Environmental Impact Statement

Yosemite National Park
California, January 2010

I. Introduction

In 2000, the National Park Service (NPS) issued a Record of Decision adopting Alternative 2 from the Yosemite Valley Plan (YVP) for implementation. For the reasons explained below, the National Park Service is issuing this Revised Record of Decision (Revised ROD) to adopt Modified Alternative 2 for implementation instead.

In 2006, a lawsuit was filed challenging the Yosemite Valley Plan. The lawsuit, Friends of Yosemite Valley v. Salazar, CV-F-06-1902 (E.D. Cal.), was filed in the U.S. District Court for the Eastern District of California. Simultaneously, the National Park Service was involved in a separate lawsuit filed by the same plaintiffs challenging the 2005 Merced Wild and Scenic River Comprehensive Management Plan (Merced River Plan). Because the Yosemite Valley Plan was tiered from the Merced River Plan (MRP), the National Park Service and the plaintiffs agreed to suspend proceedings on the Yosemite Valley Plan lawsuit until the courts reached a final decision on the Merced River Plan lawsuit. In March 2008, the U.S. Court of Appeals for the Ninth Circuit issued an opinion finding that the 2005 Merced River Plan did not satisfy the requirements of the National Environmental Policy Act (NEPA) or the Wild and Scenic Rivers Act. Following that decision, the National Park Service and the plaintiffs began settlement discussions to resolve the YVP and MRP lawsuits and to establish a framework for moving forward on a new version of the Merced River Plan. The National Park Service and the plaintiffs reached a settlement in September 2009. As a part of the Settlement Agreement, the National Park Service agreed to prepare a Revised Record of Decision for the 2000 *Final Yosemite Valley Plan/Supplemental Environmental Impact Statement.* The September 29, 2009 Settlement Agreement can be viewed on the park's website: http://www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf [1].

[1] The September 29, 2009, Settlement Agreement (Case No. CV-F-00-6191 AWI (DLB), and Case No. CV-F-06-1902 AWI (DLB)) settles the legal challenges brought to both the Merced Wild and Scenic River Comprehensive Management Plans (2000 and 2005) and the Yosemite Valley Plan.

This Revised Record of Decision for the Yosemite Valley Plan serves as the NEPA compliance for the adoption of a Modified Alternative 2 (selected action). Modified Alternative 2 includes only a subset of the actions that were included in the version of Alternative 2 presented in the YVP *Final Environmental Impact Statement.* The specific actions that are included in Modified Alternative 2 are more fully described below.

This Revised Record of Decision also identifies those actions from the Yosemite Valley Plan that are not included in Modified Alternative 2 and serves as the vehicle by which the National Park Service rescinds the underlying NEPA compliance for those actions. The Revised Record of Decision also rescinds the approval that had been granted for those actions in the 2000 *Yosemite Valley Plan Record of Decision*

The Revised Record of Decision also includes the following:

- an overview of the project's history
- a description of the revised selected action
- an overview of alternatives considered but not selected in the 2000 *YVP Record of Decision*
- the basis of the revised decision
- findings on impairment of park resources and values
- a description of the environmentally preferable alternative
- a list of measures to minimize environmental harm
- an overview of public and agency involvement in the decision-making process.

II. Project Background

The 2000 Yosemite Valley Plan was a tiered planning effort that included a host of site-specific actions that were intended to implement the goals and objectives of the 2000 Merced River Plan (MRP). However, in a series of federal court rulings issued by the U.S. Court of Appeals for the Ninth Circuit, the 2000 MRP and its successor, the 2005 MRP, were found to be invalid. In 2006, a lawsuit was filed challenging the validity of the Yosemite Valley Plan. Without a valid Merced River Plan in place to serve as a foundation for the Yosemite Valley Plan, the National Park Service determined that it was appropriate to settle the legal challenge to the Yosemite Valley Plan rather than litigate the case. As outlined in the attached Settlement Agreement, the National Park Service has agreed to issue the Revised Record of Decision on the Yosemite Valley Plan.

The process that resulted in the 2000 Yosemite Valley Plan began in the mid 1970s, with work on the 1980 *General Management Plan* (GMP) for Yosemite National Park. The 1980 GMP recognized that new studies and analyses would be necessary to determine how best to accomplish its goals and objectives and to temper or refine its specific prescriptions. In particular, studies of natural processes, transportation, and housing

requirements were envisioned. Work on specific action-oriented plans began in the early 1990s to analyze and recommend actions for the preservation of Yosemite Valley's interconnected resources and visitor experiences in the face of rapidly increasing visitation. The 1980 GMP identified broad planning goals that remain in effect and were restated and reaffirmed in the 2000 Yosemite Valley Plan.

Several major planning efforts relative to Yosemite Valley were initiated to implement aspects of the 1980 GMP as amended by the 1992 Concession Services Plan. Individual planning efforts, including plans for housing, restoration of areas to natural conditions, transportation, and visitor services, took on greater urgency following the flood of January 1997. These included the *Draft Yosemite Valley Housing Plan/Supplemental Environmental Impact Statement* (1992 and 1996 addendum), the *Draft Yosemite Valley Implementation Plan/Supplemental Environmental Impact Statement* (1997), the *Yosemite Lodge Development Concept Plan/Environmental Assessment/Findings of No Significant Impact* (1997, Modified 1998), and the Yosemite Falls Project. In response to litigation and to public comments requesting a comprehensive approach to examine all of these activities, the National Park Service consolidated these efforts into one comprehensive plan for Yosemite Valley. The 2000 Yosemite Valley Plan incorporated many goals of previous planning efforts and re-evaluated their potential actions and interrelationships.

III. Revised Decision – Modified Alternative 2 (Selected Action)

The National Park Service approves the adoption of a Modified Alternative 2 (selected action). Modified Alternative 2 consists of those actions that are identified in Section III(A) below. Section III(B) describes actions that were included in the version of Alternative 2 that was presented in the *YVP Final Environmental Impact Statement* but not included in Modified Alternative 2. Consistent with the terms of the Settlement Agreement, this Revised Record of Decision rescinds the underlying NEPA compliance for the projects in Section III(B) that was contained in the *YVP Final Environmental Impact Statement,* and it rescinds the approval for these projects that had been granted in the 2000 YVP Record of Decision.

(A) Approved Actions – The following approved actions conform to the YVP's original four broad purposes and goals. These are to restore natural processes in Yosemite Valley, to preserve cultural resource values, to reduce harmful environmental impacts (including those related to traffic congestion), and to continue to provide opportunities for high-quality visitor experiences based on resource values. Modified Alternative 2 consists of the following actions:

Completed Projects

- Removal of the Cascades Diversion Dam and screening house and restoration of the area to natural conditions.

- Removal of associated Cascades Dam housing structures and restoration of the area to natural conditions.
- Removal of the El Capitan Picnic Area visitor parking located south of Northside Drive.
- Removal of six tent cabins on the grounds of The Ahwahnee, as Modified by the Settlement Agreement (see paragraph D-1 on page 12).
- Removal of the bridge formerly located at the Happy Isles gauging station.
- Removal and restoration to natural conditions of Tenaya Creek Group Campground.
- Completion of improvements and visitor amenities at Lower Yosemite Fall as outlined in the Yosemite Falls Area Plan.
- Establishment of the Resources Management and Science Building in El Portal.
- Introduction of clean-technology buses to limit passenger vehicle congestion and accompanying pollution in the Yosemite Valley.
- Installation of interpretive exhibits throughout the Yosemite Valley.
- Establishment of new employee housing facilities at Curry Village.
- Work on a limited number of drainage improvements that form part of the Yosemite Valley Loop Road Rehabilitation.

Partially Completed Projects

- Rehabilitation of utility systems in East Yosemite Valley to meet existing needs and comply with the State of California Cleanup and Abatement Order. All such work would be performed in accordance with applicable court orders.

(B) Rescinded Actions – The following actions had been included as part of Alternative 2 in the *YVP Final Environmental Impact Statement*. These actions are not included in Modified Alternative 2. As a result, the NEPA compliance embodied in the *YVP Final Environmental Impact Statement* for this category of actions is hereby revoked. This revocation does not preclude the National Park Service from evaluating the same or related actions in any future NEPA document.

- **Plan for Consolidated Parking and Facilities** – The action to consolidate visitor parking services and transit operations (including day-visitor parking) within or adjacent to areas that have been previously developed (near Yosemite Village) in the eastern end of the Yosemite Valley is rescinded.

- **Plan for Removing Merced River Development** – Measures to restore previously impacted hydrologic processes, including wetland and meadow communities, thereby increasing habitat connectivity are rescinded. The

proposed action reducing camping and lodging capacity at Housekeeping Camp from more than 250 to approximately 100 units is rescinded. Further, actions intended to ecologically restore campground areas (including the removal of the North Pines Campground) are rescinded.

- **Plan for Adding Sites at Existing Campgrounds** – The Alternative 2 plan for the modest expansion of existing campgrounds, including Camp 4 and Upper Pines Campground, is rescinded.

- **Plan for Relocation of Park Infrastructure** – Alternative 2 in the Yosemite Valley Plan called for the relocation of a variety of activities related to park operations from Yosemite Valley. Examples include services such as stables and horseback riding, vehicle repair and shuttle-bus maintenance, and some administrative activities and employee housing for both the National Park Service and the concessioner. These actions are not included in Modified Alternative 2.

- **Plan for Relocating Equestrian Facilities** – Alternative 2 in the *YVP Final Environmental Impact Statement* proposed the discontinuation of commercial trail rides in the Yosemite Valley. In addition, the administrative stables to support the National Park Service and the concessioner operational use of stock would have been moved outside the valley. With the removal of the concessioner stable, overnight livery of private stock would no longer have been available in the Yosemite Valley. Approval for these actions is rescinded.

- **Plan for Reducing Traffic Congestion** – Alternative 2 proposed to consolidate parking in the Yosemite Valley at a level sufficient (550 spaces) to accommodate day-visitors traveling by private vehicle from late fall through early spring. During the peak season of late spring, summer, and early fall, the additional use of out-of-valley parking areas along each of the three primary access roads into the Yosemite Valley was envisioned in Alternative 2. These actions are rescinded.

- **Plan for Balancing Natural and Cultural Resources** – Alternative 2 proposed the removal of Sugar Pine Bridge, which presently causes hydrologic action that may lead to the impairment of the natural values of the Merced Wild and Scenic River through the Yosemite Valley, and a monitoring program to determine whether additional bridges (such as Stoneman Bridge) should also be removed. These actions are rescinded.

- **Plan for Restoring River Ecosystems** – The reduction of fragmentation between the highly-valued natural resource areas from Clark's Bridge downstream to Swinging Bridge was a goal of Alternative 2. Areas in the eastern portion of the Yosemite Valley that have been degraded or fragmented (such as the Merced River and its tributaries, wetlands, meadows, and California black oak woodlands) would have been restored to one large and dynamic river-governed ecosystem. This action is rescinded.

- **Traffic Recirculation Plan** – Southside Drive would have been converted to two-way traffic from El Capitan crossover to Curry Village, and Northside Drive would have been closed to motor vehicles from the El Capitan crossover to the Yosemite Lodge and converted to a multi-use (bicycle and pedestrian) paved trail. These actions are rescinded.

IV. Alternatives Considered but Not Selected

Alternative 1 – This alternative maintains the status quo in the Yosemite Valley, as described in Volume IA, Chapter 3, Affected Environment. It provides a baseline from which to compare other alternatives, to evaluate the magnitude of proposed changes, and to measure the environmental effects of those changes. This no-action concept follows the guidance of the Council on Environmental Quality, which describes the No Action Alternative as no change from the existing management direction or level of management intensity.

Under this alternative, no dramatic or comprehensive changes would take place in the management of the Yosemite Valley. The primary modes of transportation into the Yosemite Valley would be by private vehicle and bus. Access would continue to be managed by the Restricted Access Plan during periods of high visitation. A combination of scattered parking and formal and informal parking lots would continue. Campsites, lodging, and employee housing units would remain at current conditions and levels. The Valley Visitor Center would remain in its present location in Yosemite Village. A comprehensive approach to restoring highly-valued natural communities in Yosemite Valley, such as the Merced River corridor, meadows, and wetlands, would not take place. The western end of the Yosemite Valley would remain largely undeveloped.

Alternative 2 – This alternative was the selected action of the 2000 *YVP Supplemental Environmental Impact Statement* Record of Decision. It would consolidate 550 parking spaces in eastern Yosemite Valley to accommodate day-visitors traveling by private vehicle from late fall through early spring. During the peak season of late spring, summer, and early fall, the additional use of out-of-valley parking areas along each of the three primary access roads into the valley would reduce congestion and the direct impacts of visitors' vehicles in the Yosemite Valley. There would be more campsites and

fewer lodging units. The former Upper River and Lower River Campgrounds and the Camp 6 parking area near the Yosemite Village would be restored to riparian habitat. Roads would be removed from the southern portion of Ahwahnee Meadow and Stoneman Meadow. The parking areas and the historic fruit trees would be removed from Curry Orchard. Southside Drive would be converted to two-way traffic from Taft Toe to Curry Village, and Northside Drive would be closed to motor vehicles from the El Capitan crossover to the Yosemite Lodge and converted to a multi-use (bicycle and pedestrian) paved trail.

Alternative 3 – This alternative would consolidate parking for day-visitors in the Taft Toe area in mid-Yosemite valley. A new Valley Visitor Center and transit center would also be constructed at Taft Toe. There would be fewer campsites and lodging units than there are now. The area of the former Upper River and Lower River Campgrounds and the Camp 6 parking area near Yosemite Village would be restored to riparian habitat, roads would be removed from the southern portion of Ahwahnee Meadow and Stoneman Meadow, and parking and the historic fruit trees would be removed from Curry Orchard. Northside Drive would be converted to a trail for pedestrians and bicyclists, without the immediate presence of motor vehicles, from Yosemite Lodge to El Capitan crossover. Southside Drive would be converted to two-way traffic from Taft Toe to Curry Village.

Alternative 4 – This alternative would consolidate parking for day visitors in the Taft Toe area in mid-Yosemite Valley and in peak season at three out-of-Valley locations (El Portal, Badger Pass, and South Landing). A new Valley Visitor Center and transit center would also be constructed at Taft Toe. There would be fewer campsites and lodging units than there are now. The area of the former Upper River and Lower River Campgrounds and the Camp 6 parking area near Yosemite Village would be restored to riparian communities, roads would be removed from the southern portion of Ahwahnee Meadow and from Stoneman Meadow, and parking would be removed from Curry Orchard. Northside Drive would be converted to a multi-use paved trail for hikers and bicyclists, without the immediate presence of motor vehicles, from Yosemite Lodge to El Capitan crossover. Southside Drive would be converted to two-way traffic from Taft Toe to Curry Village.

Alternative 5 – This alternative would consolidate parking for day-visitors at Yosemite Village, where a new transit center would be located, and in parking areas outside of Yosemite Valley. The Valley Visitor Center would remain where it is today. There would be more campsites and fewer lodging units. The former Upper River and Lower River Campgrounds would be restored to a mosaic of meadow, riparian, and oak woodland communities. Traffic circulation would remain the same; however, one lane of Northside and Southside Drives would be converted to a multi-use (bicyclist and

pedestrian) paved trail between the El Capitan crossover and the Yosemite Lodge. There would be minimal new development in the mid-valley and west Yosemite Valley.

V. Basis For Decision

In accordance with the Settlement Agreement, this Revised Record of Decision reflects the selection of Modified Alternative 2 for implementation. The new selected action partially fulfills the goals and purposes of the 2000 YVP Record of Decision which were to:

- Restore, protect and enhance the resources of Yosemite Valley.
- Provide opportunities for high-quality resource-based visitor experiences.
- Reduce traffic congestion.
- Provide effective park operations, including employee housing, to meet the mission of the National Park Service.

VI. Findings on Impairment of Park Resources and Values

The National Park Service has determined that implementation of Modified Alternative 2 (selected action) would not constitute an impairment to Yosemite National Park's resources and values. Modified Alternative 2 includes a set of actions that are severely limited in comparison with the original YVP selected alternative. Modified Alternative 2 mostly consists of actions that removed facilities or restored areas, as with the removal of the group campground at Tenaya Creek. Additionally, utilities work included as part of Modified Alternative 2 is limited to maintenance or replacement of components that were inadequate or poorly located. Overall, the portions of the original plan implemented by Modified Alternative 2 would result in moderate to major benefits to park resources and values, such as the removal of the Cascades Diversion Dam, and opportunities for their enjoyment, without impairment.

VII. Environmentally Preferred Alternative

Environmentally preferable is defined as "the alternative that would promote the national environmental policy as expressed in the NEPA, Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Forty Most Asked Questions Concerning Council on Environmental Quality's National Environmental Policy Act Regulations, 1981). All six goals were fully considered and addressed in detail in the draft and final environmental impact statements. In particular:

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

- **NEPA Section 101 Requirement 4.** "Preserve important historic, cultural, and natural aspects of our national heritage and maintaining, wherever possible, an environment that supports diversity and variety of individual choice."

At the time of the 2000 Yosemite Valley Plan Record of Decision, the National Park Service identified Alternative 2 as the environmentally preferable alternative. The National Park Service has reassessed Alternative 2 in comparison to Modified Alternative 2. As explained below, Modified Alternative 2 presents a more limited group of actions than Alternative 2 and represents a less ambitious plan for the restoration of the Yosemite Valley's natural resources. Modified Alternative 2 only partially fulfills the environmental goals of NEPA, Section 101. For these reasons, the National Park Service continues to believe that Alternative 2 is the environmentally preferable alternative.

Alternative 1 – This alternative represents the current management direction with no dramatic or comprehensive changes taking place in the management of the Yosemite Valley. Although Alternative 1 would include the least change to cultural resources, it would not result in the same level of environmental protection and restoration for natural resources, including floodplains and the Outstandingly Remarkable Values of the Merced Wild and Scenic River and its corridor, as would occur under the various action alternatives.

Alternative 2 – This was the Agency Preferred Alternative identified by the 2000 YVP Record of Decision and, using the same criteria for comparison, it remains the environmentally preferable alternative. As presented in that document, Alternative 2 would realize each of the provisions of the national environmental policy goals stated in NEPA, Section 101. Alternative 2 has the highest proportion of lower-cost overnight accommodations of all action alternatives, and it consolidates high-intensity visitor activity in presently developed lands in the east valley (as opposed to focusing these uses in the relatively undisturbed mid-Valley area at Taft Toe under Alternatives 3 and 4). These actions would further goals 3, 4, and 5 of NEPA, Section 101, by attaining the widest range of beneficial uses of the environment without degradation, and by preserving important resources and maintaining a variety of individual choice for visitors. An evaluation of environmental effects of Alternative 2 indicates that goal 3 would not be as fully realized as under Alternative 3, because of the development of housing in previously undeveloped areas of Wawona and El Portal (also in Alternative 5), and lesser air quality benefits. In aggregate, the environmental restoration and alternative

elements and features of Alternative 2 would most fully attain the goals outlined in NEPA, Section 101.

Modified Alternative 2 (selected action) – This alternative would realize the national environmental policy goals stated in the NEPA, Section 101, to a lesser degree than Alternative 2, from which it is derived. The completed actions included under Modified Alternative 2 are in part protecting and enhancing Outstandingly Remarkable Values associated with the Merced Wild and Scenic River through some restoration along the Merced River and relocation and/or removal of some facilities near the river. Modified Alternative 2 differs from all other alternatives in that it is composed of actions from Alternative 2 that were completed or underway at the time of the Settlement Agreement of September 2009. These actions are much more limited than those of Alternative 2, and do not include the consolidation of parking facilities, a plan for reconfiguring the Valley's traffic pattern, and the relocation of maintenance and other facilities out of the Valley. While the actions in Modified Alternative 2 result in some progress toward attaining goals 1, 2; in comparison to the other alternatives, Modified Alternative 2 achieves the least progress toward the fulfillment of the national environmental policy goals 3 and 4 in Section 101 of NEPA.

Best Management Practices and mitigation measures for the actions in Modified Alternative 2 that are completed or underway still apply. A complete set of mitigation measures applied to specific Yosemite Valley resources is included in Appendix B.

Alternative 3 – This alternative would be nearly as effective as Alternative 2 in realizing the provisions of the national environmental policy goals in the NEPA, Section 101. Overall, the benefit and effect of the environmental restoration and visitor services and facility development activities would be similar to those described under Alternative 2. For example, the elements and features of Alternative 3 would be only slightly less effective in achieving goal 3. The Taft Toe parking area in Alternative 3 would be located in an area without existing development, thereby increasing degradation of natural resources to facilitate a beneficial use. However, the Camp 6 parking area would be restored to natural conditions under Alternative 3, thereby reestablishing a highly-valued resource area. The air quality effects of transit buses under Alternative 3 would be the best among the alternatives.

Alternative 4 – This alternative would be less effective than Alternative 2 in achieving national environmental policy goals. For example, certain elements and features of Alternative 4 would be less effective in achieving goal 3. The Taft Toe parking area in Alternative 4 would be located in an area with no existing development, thereby increasing degradation of natural resources to facilitate a beneficial use (day-visitor parking and transit/visitor center). In addition, this is the only alternative that includes development of the Taft Toe area as well as previously undeveloped out-of-valley

parking areas. However, the Yosemite Village Camp 6 parking area would be fully restored under this alternative, thereby reestablishing a potential highly-valued resource area. Air quality effects of Alternative 4 would be similar to those in Alternative 2.

Alternative 5 – This alternative would have a similar benefit and effect as Alternative 2 with regard to the environmental restoration and visitor services and facility development activities. Both focus transportation facilities in previously disturbed sites of the Yosemite Village, thereby more fully achieving goal 4 of the NEPA, Section 101. Specifically, individual choice and the opportunity to access the eastern end of the Yosemite Valley via private vehicles would not be limited except by available parking.

Summary – In December of 2000, the National Park Service determined that Alternative 2 was the environmentally preferable alternative. By the same NEPA standards, it remains the most environmentally preferable alternative. However, due to the lawsuit and resulting 2009 Settlement Agreement, the National Park Service has agreed to rescind the Yosemite Valley Plan, except as to those actions that are included in Modified Alternative 2.

VIII. Measures to Minimize Environmental Harm

To ensure that natural and cultural resources and the visitor experience are fully protected during the implementation of this decision, a consistent set of mitigation measures has been, and would be applied to Modified Alternative 2. A complete set of mitigation measures are contained in the 2000 *Final Yosemite Valley Plan/Supplemental Environmental Impact Statement* and although actions to be implemented have been modified as a result of the Settlement Agreement, the mitigation measures to minimize environmental harm have remained unchanged and can be viewed on the park's website: http://www.nps.gov/archive/yose/planning/yvp

IX. Public and Interagency Involvement

The decision described in this Revised Record of Decision was the result of a mediation process related to the litigation over the Yosemite Valley Plan. However, each of the actions in Modified Alternative 2 was subject to the full and complete public and interagency scoping and review processes that were previously conducted for the 2000 *Draft Yosemite Valley Plan/Supplemental Environmental Impact Statement* and the 2000 *Final Yosemite Valley Plan/Supplemental Environmental Impact Statement.* The details of that process are contained in the *Final Yosemite Valley Plan/Supplemental Environmental Impact Statement* Record of Decision of 2000, pages 23-27. The subsequent site-specific planning efforts for the actions contained in Modified Alternative 2 also benefited from extensive public and interagency involvement.

X. CONCLUSION

In the light of litigation connected with the Merced River Plans of 2000 and 2005, the Yosemite Valley Plan of 2000, and the resulting Settlement Agreement of 2009, the National Park Service adopts Modified Alternative 2.

Approved:

Rory D. Westberg, Regional Director
Pacific West Region, National Park Service

January 20, 2010
Date