

Yosemite National Park



Merced River Plan Chronology of Litigation Events

Appendix H



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1987 – The Merced River is designated a wild and scenic river. There are 81 miles of the Merced Wild and Scenic River (MWSR) running through Yosemite.

1997 January – Flood occurs.

May 26, 1998 – Friends of Yosemite Valley vs. U.S. – Camp 4 Lawsuit (C-98-2154) – Camp 4 is a walk-in campground and the favored camping location for rock climbers in Yosemite Valley. The American Alpine Club (AAC) and a group of local climbing sought to keep the National Park Service (NPS) from building employee housing adjacent to Camp 4. Settlement agreed upon by all parties.

August 20, 1998 – Sierra Club vs. U.S. – Yosemite Lodge Lawsuit (C-98-3213) – Sierra Club objected to the reconstruction of Yosemite Lodge as set forth in the Environmental Assessment (EA) for the Reconstruction of Yosemite Lodge. Claims were brought under National Environmental Policy Act (NEPA) 42 USC §4321 et seq. and the Wild and Scenic Rivers Act (WSRA) 16 USC § 1271 et seq.

September 18, 1998 – Mariposa County vs. U.S. – Mariposa County Lawsuit (C-98-6062) – Mariposa County attempted to halt the El Portal Road Reconstruction project claiming that the Environmental Assessment for the project failed to analyze traffic and economic impacts on the residents of Mariposa County. The County also asserted that the EA did not comply with NEPA.

October 1, 1998 – Plaintiff's Request for Preliminary Injunction in C-98-6062 (Mariposa County Lawsuit) was denied due the paramount public interest in having the all-weather route into the park open and the importance of the road project outweighed the hardship the County would suffer as a result of the project's construction schedule. The Court further found that the County was not likely to succeed on its NEPA claim. The County subsequently dismissed their case.

October 8, 1998 – A hearing on Plaintiff's Motion for Preliminary Injunction in C-98-3213 (Yosemite Lodge Lawsuit) was held.

October 12, 1998 – A preliminary Injunction was issued in C-98-3213 (Yosemite Lodge Lawsuit) by the Court halting the Yosemite Lodge project. The Judge found that the Yosemite Lodge EA did not comply with NEPA. The Judge rejected Plaintiff's claim that the EA did not comply with the WSRA. As a result of the hearing, the NPS decided to rescind the EA's Finding of No Significant Impact (FONSI) for the Lodge project and the Sierra Club agreed to dismiss its case.

December 16, 1998 – Public scoping begins for the Yosemite Valley Plan (YVP).

February 1, 1999 – Public scoping ends for the YVP.



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February 19, 1999 – Sierra Club and Mariposans for and Environmentally Responsible Growth (MERG) vs. Babbit – El Portal Road Project (C-99-5219) – Originally filed in the Northern District of California, after hearing, the case was transferred to Eastern District. The Plaintiff's assert that the El Portal Road reconstruction project violated NEPA and WSRA.

June 1999 – NPS begins the planning process for the Merced Wild and Scenic River Comprehensive Management Plan (MWSR/CMP).

June 14, 1999 – Public scoping begins for the MWSR/CMP.

July 12, 1999 – Memorandum Opinion and Order in C-99-5219 by Judge Ishii. The District Court for the Eastern District of California found that the El Portal Road project violated both NEPA and the substantive requirements of the WSRA. The Court enjoined the NPS from commencing work on Segment D of the project, the only segment on which no work had been started. Work on segments A, B and C was allowed to be completed. The Court ordered the NPS to prepare and adopt a valid Comprehensive Management Plan (CMP) for the Merced River in accordance with the WSRA within twelve months, July 12, 2000, (extended to August 14, 2000). See, 69 F. Supp. 2d 1202 (E.D. CAL 1999).

July 30, 1999 – Public scoping ends for the MWSR/CMP.

January 14, 2000 – Draft Environmental Impact Statement (DEIS) for the MWSR/CMP released for public review and comment.

January 31, 2000 – Public comment period for the MWSR/CMP opens.

March 24, 2000 – Public comment period for the MWSR/CMP ends.

March 28, 2000 – Public comment period for the YVP opens.

April 7, 2000 – *Yosemite Valley Plan / Draft Environmental Impact Statement (YVP/DEIS)* released for public review and comment period.

June 2000 – Yosemite completes the MWSR/CMP and Final Environmental Impact Statement (FEIS) (2000 MRP).

July 7, 2000 – Public comment period for the YVP ends.

July 7, 2000 – *Federal Register* Notice of Availability published for the MWSR/CMP FEIS.

July 27, 2000 – The NPS discharged 200,000 gallons of sewage water into the Merced River.



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August 2, 2000 – The California Regional Water Quality Control Board CRWQCB for the Central Valley Region issued a Cleanup and Abatement Order (No. 5-00-703) to the NPS.

August 9, 2000 – The Record of Decision (ROD) signed for MWSR/CMP FEIS.

August 14, 2000 – Friends of Yosemite Valley (FOYV) and MERG vs. Norton – Merced River Plan (MRP) Law Suit (CV-00-6191) – FOYV and MERG challenge the MWSR/CMP based on NEPA and WSRA. The lawsuit was filed five days after the Record of Decision was signed for the MWSR/CMP FEIS. The plaintiffs contend in part, that the NPS: MWSR/CMP does not adequately describe impacts; fails to present a reasonable range of alternatives; fails to protect the river’s Outstanding Remarkable Values (ORVs); improperly classifies the segment of the river in East Yosemite Valley and improperly designates ORVs for the river.

October 6, 2000 – United Anglers of California vs. U.S. – Clean Water Act Law Suit (CV-F-00-6768) – Filed pursuant to the §505 of the Clean Water Act, 33 USC §1365, the Plaintiffs allege unlawful discharges from the Park’s sewer collection system into the Merced River violated the Clean Water Act.

November 3, 2000 – Revised ROD signed for the MWSR/CMP FEIS.

November 21, 2000 – Defendant’s file their answer to Plaintiff’s Complaint in CV-00-6191(Clean Water Act Law Suit).

November 21, 2000 – Yosemite completes the YVP and Supplemental Environmental Impact Statement (SEIS)

December 29, 2000 – The Yosemite Valley Plan ROD signed.

March 1, 2001 – Plaintiff’s file a Motion to Amend Complaint to add challenges to the YVP to their lawsuit.

March 19, 2001 – NPS filed with the Court the Administrative Record for the 2000 MRP

April 10, 2001 – Friends of the River (FOR) file a Motion for Leave to file Amicus Curiae Memorandum.

April 10, 2001 – Natural Resource Defense Council (NRDC), National Parks Conservation Association (NPCA), The Wilderness Society (TWS) and the AAC file a Motion for Leave to file Amicus Brief.



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April 16, 2001 – Sierra Club, et al. (60+ conservation groups, local governments, chamber of commerce and private individuals) submit an Order allowing them to file an Amicus Curiae Brief. Order entered.

April 16, 2001 – Order entered allowing FOR to file an Amicus Curiae Brief.

April 16, 2001 – Order entered allowing NRDC, NPCA, TWS and AAC to file an Amicus Curiae Brief.

April 24, 2001 – Order entered denying Plaintiff's Motion to Amend Complaint filed on March 1, 2001.

June 30, 2001 – Plaintiff's Trial Brief filed on 2000 MRP.

September 7, 2001 – Defendant's Opposition Brief filed on 2000 MRP.

September 7, 2001 – Amicus Curiae Brief filed by FOR supporting Plaintiff's position on 2000 MRP.

September 7, 2001 – Amicus Curiae Brief filed by Sierra Club et al, in opposition to Plaintiff's position on 2000 MRP.

September 7, 2001 – Amicus Curiae Brief filed by NRDC, NPCA, TWS and AAC supporting Plaintiff's position on 2000 MRP.

November 6, 2001 – Bench trial for the MRP Law Suit (CV-00-6191) held before Judge Anthony W. Ishii, US District Court, Eastern District of California.

November 15, 2001 – United Anglers of California (CV-00-6768) Settlement and Dismissal filed with the Court. The settlement agreement provides for the NPS to take specified actions, by specified dates, to inspect, clean and repair the sewer collection system in Yosemite. The settlement agreement allowed the Court to retain jurisdiction of the case for two years to enforce the terms of the agreement.

November 16, 2001 – United Anglers of California (CV-00-6768) case dismissed following filing of the settlement agreement.

March 22, 2002 – Memorandum Opinion, Conclusions of Law and Order Following Bench Trial in CV-F-00-6191 issued by Judge Ishii. See, 194 F. Supp. 2d 1066, (E.D. CAL 2002). The U.S. District Court upheld the 2000 MRP and ruled that the Visitor Experience and Resource Protection (VERP) framework – the NPS service wide program for carrying capacity



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management was an appropriate means by which to manage user capacity for a Wild and Scenic River.

May 20, 2002 – Motion to Vacate Injunction filed by NPS to allow them to proceed with projects which had previously been enjoined.

May 20, 2002 – Notice of Appeal filed by FOYV and MERG. The plaintiffs appealed the decision to the U.S. Court of Appeals for the 9th Circuit challenging the sufficiency of the remedy granted by the District Court and requesting an emergency injunction on all project reliant upon the 2000 MRP. Docket Number 02-16037 assigned by Court of Appeals.

July 22, 2002 – Motion to Vacate Injunction submitted on the pleadings to Judge Ishii.

July 24, 2002 – Memorandum Opinion and Order entered by Judge Ishii on Defendant's Motion to Vacate Injunction. The Motion was vacated without prejudice to the defendant's right to renew the motion when the appeal before the 9th Circuit is resolved.

March 11, 2003 – Appeal argued and submitted to the U.S. District Court of Appeals, 9th Circuit.

October 27, 2003 – Opinion of the U.S. District Court of Appeals, 9th Circuit, issued by Judge Kim McLane Wardlaw. See, 348 F.3d 789, (9th Cir. 2003). The Appellate Court found that the MWSR/CMP violates the WSRA by insufficiently addressing user capacities and improperly setting river area boundaries within El Portal. The case was remanded to the District Court and the NPS was ordered to remedy the deficiencies in the 2000 MRP.

January 29, 2004 – Plaintiff's request that the Court issue an injunction which prevents the NPS from implementing projects called for in the YVP that rely on the existing 2000 MRP.

February 26, 2004 – Defendant's response to Plaintiff's request for injunctive relief filed.

March 22, 2004 – Hearing on remand to the District Court and Plaintiffs request for injunctive relief.

March 26, 2004 – Memorandum Opinion and Order Following Remand in the U.S. District Court, CV-00-6191 issued by Judge Ishii. The Court declined to address the merits of the parties' arguments regarding the need to issue a new or revised Merced River Plan and the need to allow public comment. The Court denied Plaintiff's request for injunctive relief. The Court ordered that the NPS comply with the 9th Circuit's opinion by remedying in a timely manner the deficiencies it found in the 2000 MRP.



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April 7, 2004 – Notice of Appeal filed by the Plaintiff’s for an Emergency Appeal with the U.S. District Court of Appeals for the 9th Circuit regarding the District Court’s denial of their request for injunctive relief. The Plaintiffs request that an injunction be issued pending appeal of the District Court’s failure to issue an injunction. Docket Number 04-15682 assigned by Court of Appeals.

April 7, 2004 – Order entered by Judge Ishii ordering an injunction pending an appeal to the 9th Circuit Court of Appeals.

April 16, 2004 – Defendant’s Response in Opposition to Plaintiff’s Emergency Motion for Injunction Pending Appeal filed.

April 20, 2004 – Order issued by the U.S. Court of Appeal for the 9th Circuit clarifying the Opinion of October 27, 2003. See, 366 F. 3d 731 (9th Cir. 2004). The clarification holds that the MRP/CMP is invalid and the case is remanded to the District Court for them to order the NPS to remedy the deficiencies in a timely manner by preparing a new or revised MRP/CMP that adequately addresses user capacities and properly draws the river boundaries at El Portal. The District Court is also ordered to reconsider Plaintiff’s request for injunctive relief. A temporary injunction prohibiting the NPS from implementing any and all projects developed in reliance upon the invalid MWSR/CMP is granted.

May 18, 2004 – Order entered by Judge Ishii ordering the temporary stay of proceeding and injunction entered by the 9th Circuit on April 20, 2004, remain in effect.

June 21, 2004 – Hearing on Reconsideration on Remand of Plaintiff’s Request for Injunctive Relief held.

July 6, 2004 – Memorandum Opinion and Order regarding Reconsideration on Remand of Plaintiff’s Request for Injunctive Relief in the U.S. District Court, CV-00-6191 issued by Judge Ishii. The Order states: The NPS shall issue a new or revised Merced River Plan (MRP) within one year from the date of service of this Order and shall comply with the 9th Circuits Order to remedy the deficiencies. Plaintiff’s Motion for Injunctive Relief granted in part and denied in part. The Court enjoined some projects, but, let others proceed. The Court directed that the injunction remain in place until the NPS completes the new or revised MRP.

Enjoined Projects:

- The Curry Village Campground Project (EA)
- East Yosemite Valley Utilities Improvement Plan (EA)
- Yosemite Lodge Development
- Yosemite Village Parking and Transit Area Improvements (Camp 6 Parking Lot)



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- Curry Village Cabins
- Camp Wawona Redevelopment and Proposed Land Exchange

Project to Proceed:

- All repairs necessary for compliance with the Clean Up and Abatement Order No. 5-00-703 issued by the Regional Water quality Control Board
- El Portal Office Building Annex
- Curry Village Employee Dorm
- South Fork Bridge Replacement Project
- Tree Stump Removal
- Data Collection Efforts
- Removal of flood damaged facilities
- Shuttle Bus Stop Improvements

July 27, 2004 – NPS publishes in the Federal Register a Notice of Intent to prepare an SEIS for the 2000 MRP. To remedy the deficiencies identified by the 9th Circuit Court of Appeals the NPS begins preparations of the Revised MWSR/CMP SEIS, as ordered by the 9th Circuit, to be completed in one year.

July 27, 2004 – Public scoping begins for the 2005 MWSR/CMP SEIS.

September 3, 2004 – NPS files Motion to Modify Injunction to Allow Sewage System Repair to Comply with Clean-Up and Abatement Order.

September 10, 2004 – Public scoping ends for the 2005 MWSR/CMP SEIS.

September 20, 2004 – Plaintiff's response in Opposition to Defendant's Motion to Modify Injunction filed.

October 4, 2004 – Hearing on NPS Motion to Modify Injunction to Allow Sewage System Repair to Comply with Clean-Up and Abatement Order held before Judge Ishii.

November 01, 2004 – Order filed by Judge Ishii, granting NPS motion to Modify Injunction to Allow Sewage System Repair. The District Court allows the NPS to proceed with the following projects from the East Yosemite Valley Utilities Improvements Plan (FONSI):

Projects to Proceed:

- Northside Drive Utility Corridor



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- Merced River Crossing Utility Corridor
- Southside Drive Utility Corridor
- Housekeeping Camp Lift Station and Electric Transformer
- Housekeeping Camp Utility Corridor
- Curry Village Lift Station
- Curry Village Gravity Wastewater Line Replacement
- Curry Village Dormitory Utility Corridor and Electric Transformer
- Yosemite Village Transit Center Utility Corridor
- Yosemite Creek Utility Corridor
- Yosemite Village Transit Center Lift Station and Electric Transformer

January 14, 2005 – Draft SEIS for the MWSR/CMP SEIS is released for public review and comment.

January 14, 2005 – Public comment period for the MWSR/CMP SEIS opens.

March 22, 2005 – Public comment period for the MWSR/CMP SEIS ends.

June 24, 2005 – Yosemite completes the Revised MWSR/CMP SEIS (2005 Revised MRP).

July 25, 2005 – ROD for the Revised MWSR/CMP SEIS signed

August 18, 2005 – NPS files Motion to Vacate Injunction to allow enjoined projects to proceed.

October 5, 2005 – Plaintiff's response Memorandum in Opposition to Motion to Vacate Injunction filed.

October 24, 2005 – Hearing on NPS Motion to Vacate Injunction held before Judge Ishii.

October 26, 2005 – Order Denying as Moot Motion to Vacate Injunction issued in the U.S. District Court, CV-00-6191 by Judge Ishii. The Court found that the injunction entered on July 6, 2004, had expired under its own terms and the NPS motion denied as moot.

November 11, 2005 – The Plaintiffs filed a Supplemental Complaint to challenge the Revised MWSR/CMP SEIS. Plaintiffs contend that the 2005 Revised MRP failed to comply with various federal statutes and the 9th Circuit's opinion.

December 2, 2005 – NPS files answer to Plaintiff's Supplemental Complaint.

December 2, 2005 – NPS files the administrative record for the 2005 Revised MRP.



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December 22, 2005 – Joint Stipulation for Summary Judgment Briefing Schedule filed.

January 19, 2006 – NPS’s Motion for Summary Judgment filed.

January 19, 2006 – NPS files Supplement to Administrative Record for 2005 Revised MRP.

January 19, 2006 – Defendant’s Memorandum for Summary Judgment filed.

March 7, 2006 – NPS files second Supplement to Administrative Record for 2005 Revised MRP.

March 9, 2006 – Plaintiff’s Motion for Summary Judgment and Opposition to Defendant’s Motion for Summary Judgment filed.

April 6, 2006 – NPS files Memorandum Opposing Plaintiffs’ Motion for Summary Judgment and Reply Supporting Defendants’ Motion for Summary Judgment.

May 1, 2006 – Hearing on the Cross-Motions for Summary Judgment filed by both the Plaintiff and the NPS held before Judge Ishii.

July 19, 2006 – Memorandum Opinion and Order re Cross-Motions for Summary Judgment issued in the U.S. District Court, CV-00-6191 by Judge Ishii. The Court found that the NPS failed to adopt a single, self-contained comprehensive management plan for the Merced River; failed to adopt a valid user capacity program for the Merced River; failed to amend the General Management Plan (GMP) to be consistent with a valid Merced River Plan, the SEIS does not contain a valid no action alternative; the SEIS does not contain an adequate range of alternatives; and the 2005 MRP was adopted in violation of the Administrative Procedures Act (APA). Plaintiff’s request for injunctive relief will be set for a separate hearing.

September 7, 2006 – Plaintiff’s Motion for Injunctive Relief filed.

September 21, 2006 – NPS Memorandum Opposing Plaintiff’s Motion for Injunctive Relief filed.

October 10, 2006 – Hearing on Plaintiffs Motion for Injunctive Relief held before Judge Ishii.

November 3, 2006 – Memorandum Opinion and Order re Plaintiff’s Motion for Injunctive Relief issued in the U.S. District Court, CV-00-6191 by Judge Ishii. The Court ordered the NPS to prepare a legally valid Comprehensive Management Plan for the Merced Wild and Scenic River with a specific time frame. The NPS shall comply with NEPA in the development of the plan by preparing a new environmental impact statement. The below projects are enjoined until after the adoption of a valid CMP for the MWSR.



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Enjoined Projects

- Yosemite Lodge Redevelopment
- Northside Drive Relocation
- Curry Village Cabins
- East Yosemite Valley Expanded Campgrounds
- Yosemite Village Parking and Transit Area Improvements
- East Yosemite Valley Utilities Improvement Plan
- Happy Isles Footbridge
- Removal of Old El Portal Wastewater Treatment Facility
- Ecological Restoration and Bank Rehabilitation
- Yosemite Valley Loop road
- Valley Loop Trail

Project to Proceed

- Repair and replacement of culverts for Yosemite Valley Loop Road
- Routine maintenance on the Valley Loop Trail

December 2006 – NPS begins the planning process for the 2013 MWSR/CMP.

December 28, 2006 – NPS files a Notice of Appeal on the Memorandum Opinion and Orders issued by Judge Ishii on July 19, 2006, regarding the Cross-Motions for Summary Judgment and November 3, 2006, regarding the Plaintiff's Motion for Injunctive Relief.

December 28, 2006 – YVP Lawsuit (CV-F-06-1902) – FOY and MERG commence a new action against the 2001 YVP. The Complaint for Injunctive and Declaratory Relief challenges the validity of the 2001 YVP.

January 26, 2007 – NPS Motion for Stay of Injunction Pending Appeal filed. An expedited hearing requested.

February 20, 2007 – Plaintiff's Opposition to Defendant's Motion for Stay of Injunction Pending Appeal filed.

March 5, 2007 – Hearing on Defendant's Motion for Stay of Injunction Pending Appeal held before Judge Ishii.



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March 22, 2007 – Memorandum Opinion and Order re Defendants’ Motion for Stay of Injunction Pending Appeal issued in the U.S. District Court, CV-00-6191 by Judge Ishii. The Court orders the Injunction issued on November 3, 2006, to be stayed with regards to the below projects pending the outcome of the Appeal.

Projects to Proceed

- Option 1 of the Utilities Plan
- Fire Safety Improvement – Integrated Utilities Master Plan (IUMP) Phase 1 (Tecoya Housing Utility Corridor)
- Fire Safety Improvement – IUMP Phase 3 (Ahwahnee Bridge Utility Corridor)
- Yosemite Valley Loop road Project as described in the EA with conditions

Enjoined Projects

- IUMP Phase 2 – Amphitheater Utility Corridor
- IUMP Phase 2 – Walk-in Campground Utility Corridor
- IUMP Phase 2 – Upper Pines Utility Corridor
- IUMP Phase 2 – South Camp Utility Corridor
- IUMP Phase 2 – Creek Crossing Utility Corridor
- IUMP Phase 3 – Tenaya Creek Campground Utility Corridor
- IUMP Phase 3 – Happy Isles Utility Corridor

March 28, 2007 – Order issued in the U.S. District Court, CV-00-6191 by Judge Ishii, approving the parties’ stipulation regarding a completion date for a new CMP and Environmental Impact Statement (EIS) on or before September 30, 2009. The Defendant will make periodic progress reports.

April 19, 2007 – Joint Motion for Expedited Hearing on Appeal filed by Plaintiffs and Defendants.

May 4, 2007 – Defendant’s Opening Brief on Appeal to the U.S. District Court of Appeals filed.

May 10, 2007 – Amici Curiae Brief in Support of Defendant’s Opening Brief on Appeal filed.

May 16, 2007 – Order granting Joint Motion for Expedited Appeal filed. Oral arguments set for October 10, 2007.

July 8, 2007 – Plaintiff’s Answering Brief Opposing Defendant’s Opening Brief on Appeal filed.



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July 18, 2007 – Amicus Curiae brief in support of Plaintiff’s Brief Opposing Defendant’s Opening Brief on appeal filed by American Rivers, et al.

August 8, 2007 – NPS’s Reply Brief to Plaintiff’s Opposition Brief on Appeal filed.

October 22, 2007 – Order rescheduling oral arguments to November 19, 2007, at 9:30 a.m.

October 24, 2007 – Motion to Continue Oral Arguments filed by Plaintiff.

November 28, 2007 – Oral argument held before the U.S. Court of Appeals for the 9th Circuit, Eastern District of California.

November 28, 2007 – Oral Arguments heard before the U.S. Court of Appeals for the 9th Circuit, Eastern District of California.

March 27, 2008 - Opinion of the U.S. District Court of Appeals, 9th Circuit, issued by Judge Kim McLane Wardlaw. See, 520 F. 3d 1024, (9th Cir. 2008). The Court of Appeals found that the 2005 MRP did not describe an actual level of visitor use that would not adversely impact the Merced River’s ORVs and that the WSRA requires the CMP be in the form of a single comprehensive document dealing with all the required elements. The Court also found that the SEIS violated NEPA. The case was remanded to the District Court for further action consistent with their opinion.

September 8, 2008 – The Department of Justice and the National Park Service entered into mediation with the Plaintiffs through a court appointed judge to reach consensus on outstanding issues.

October 8, 2008 – Curry Village rockfall occurred. After a geologic assessment was completed, the park permanently closed numerous visitor accommodations at Curry Village in the rockfall hazard zone. Additionally, several Curry Village concession employee housing units were also closed.

June 30, 2009 – Public scoping begins for the 2013 MWSR/CMP.

September 29, 2009 – Plaintiff’s and NPS file a joint Settlement Agreement resolving the issues from the MRP Lawsuit (CV-00-6191) and the YVP Lawsuit (CV-06-1902).

October 1, 2009 – Order approving the Settlement Agreement filed by the U.S. District Court.



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Terms of the Settlement Agreement: The Settlement Agreement resolves litigation which began on the Merced River Plan in 2000 and the Complaint challenging the Yosemite Valley Plan which was filed on December 28, 2006. Below is a synopsis of the Settlement Agreement attached to this document as Appendix E.

Settlement Agreement

- Initiates a new process for the creation of a new Merced River Plan, pursuant to the Wild and Scenic Rivers Act (WSRA) by December 2012
- Requires the NPS work with specific consultants on the development of a user capacity management program
- Requires the NPS to hire a new Project Manager
- Provides guidance on establishing a “robust public involvement process” for a new Merced River Plan
- Established interim changes to employee housing as a result of the October 2008 Curry Village rockfall
- Rescinds the Record of Decision for the *Yosemite Valley Plan*, with exceptions
- Rescinds FONSI for *Yosemite Lodge Area Redevelopment* and the *Curry Village and East Yosemite Valley Campground Improvement Project*, with exceptions
- Allows for the maintenance of existing infrastructure

January 27, 2010 – Defendant’s Notice Regarding Filing of Documents under Settlement Agreement filed.

January 27, 2010 – *Revised Record of Decision for the Final Yosemite Valley Plan / Supplemental Environmental Impact Statement* filed by Defendant’s. In the Revised FYVP/SEIS the NPS adopts Modified Alternative 2 for implementation.

January 27, 2010 – *Revised Finding of No Significant Impact for the Yosemite Lodge Area Redevelopment* filed by Defendants. This Revised Finding of No Significant Impact (Revised FONSI) documents the decision of the National Park Service to rescind the February 2004 *Yosemite Lodge Area Redevelopment Finding of No Significant Impact* (2004 FONSI) and portions of the underlying EA and to instead approve a Modified Alternative 2; which allows the Wahhoga Cultural Center to proceed and tree removal that had already occurred in anticipation of the re-routing of Northside Drive.

January 27, 2010 – *Revised Finding of No Significant Impact for the Curry Village and East Yosemite Valley Campground Improvements Project* filed by Defendant’s. This Revised FONSI documents the decision of the National Park Service to rescind the February 2004 *Curry Village and East Yosemite Valley Campground Improvements Project Finding of No Significant Impact* (2004 FONSI) and to approve a Modified Alternative 3; which allows for tree removal in anticipation of the RV loop in Upper Pines Campground that already occurred.



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February 4, 2010 – Public scoping ends for the 2013 MWSR/CMP.

July 9, 2010 – Notice filed in the Federal Register regarding the *Revised Record of Decision for the Final Yosemite Valley Plan / Supplemental Environmental Impact Statement*, the *Revised Finding of No Significant Impact for the Yosemite Lodge Area Redevelopment*, and the *Revised Finding of No Significant Impact for the Curry Village and East Yosemite Valley Campground Improvements Project*.

June 10, 2011 – Joint Stipulation to Modify Settlement Agreement filed. The Stipulation modifies the dates for preparation of the new Merced Wild and Scenic River Plan / Comprehensive Management Plan by the NPS.



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Cases and Case Law

May 26, 1998	C-98-2154 – Friends of Yosemite Valley vs. U.S. – Camp 4 Lawsuit
August 20, 1998	C-98-3213 – Sierra Club vs. U.S. – Yosemite Lodge Lawsuit
September 18, 1998	C-98-6062 – Mariposa County vs. U.S. – Mariposa County Lawsuit
February 19, 1999	C-99-5219 – Sierra Club and Mariposans for and Environmentally Responsible Growth vs. U.S. – El Portal Road Project Lawsuit
July 12, 1999	69 F. Supp. 2d 1202 (E.D. CAL 1999) – Memorandum Opinion and Order in the District Court case number C-99-5219 by Judge Ishii
August 14, 2000	CV-00-6191 – Friends of Yosemite Valley and Mariposans for and Environmentally Responsible Growth vs. U.S. – Merced River Plan Lawsuit
October 6, 2000	CV-00-6768 – United Anglers of California vs. U.S. – Clean Water Act Lawsuit
March 22, 2002	194 F. Supp. 2d 1066, (E.D. CAL 2002) – Memorandum Opinion, Conclusions of Law and Order in the District Court following Bench Trial in case number CV-F-00-6191 by Judge Ishii
October 27, 2003	348 F. 3d 789, (9 th Cir. 2003) – Opinion of the U.S. District Court of Appeals, 9 th Circuit, issued by Judge Kim McLane Wardlaw
April 20, 2004	366 F. 3d 731 (9 th Cir. 2004) Order issued by U.S. Court of Appeal for the 9 th circuit clarifying the Opinion of October 27, 2003
December 28, 2006	CV-06-1902 – Friends of Yosemite Valley and Mariposans for and Environmentally Responsible Growth vs. U.S. – Yosemite Valley Plan Lawsuit
March 27, 2003	520 F. 3d 1024 (9 th Cir. 2008) Opinion of the U. S. District Court of Appeals, 9 th Circuit, issued by Judge Kim McLane Wardlaw



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List of Acronyms

AAC	American Alpine Club
CMP	Comprehensive Management Plan
CRWQCB	California Regional Water Quality Control Board
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FONSI	Finding of No Significant Impact
FOR	Friends of the River
FOYV	Friends of Yosemite Valley
GMP	General Management Plan
IUMP	Integrated Utilities Master Plan
MERG	Mariposans for Environmentally Responsible Growth
MRP	Merced River Plan
MWSR	Merced Wild and Scenic River
MWSR/CMP	Merced Wild and Scenic River / Comprehensive Management Plan
NEPA	National Environmental Policy Act, 42 USC §4321 et seq.
NPCA	National Parks Conservation Association
NPS	National Park Service
NRDC	Natural Resource Defense Council
ORVs	Outstanding Remarkable Values
ROD	Record of Decision
SEIS	Supplemental Environmental Impact Statement
TWS	The Wilderness Society
VERP	Visitor Experience and Resource Protection
WSRA	Wild and Scenic Rivers Act, 16 U.S.C. §1271 et seq.
YVP	Yosemite Valley Plan



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Merced River Plan Timelines

2000 MWSR/CMP

Planning Begins	2000 MRP June 1999
Public Scoping	June 14, 1999 to July 30, 1999
DEIS Released	January 14, 2000
Public Comment Period	January 31, 2000 to March 24, 2000
FEIS Released	June 2000
ROD	August 9, 2000
Revised ROD	November 3, 2000

2005 MWSR/SEIS

Planning Begins	2005 Revised MRP July 2004
Public Scoping	July 27, 2004 to September 10, 2004
DEIS Released	January 14, 2005
Public Comment Period	January 14, 2005 to March 22, 2005
SEIS Released	June 24, 2005
ROD	July 25, 2005

2013 MWSR/CMP

Planning Begins	December 2006
Public Scoping	June 30, 2009 to February 4, 2010
DEIS Released	January 8, 2013
Public Comment Period	January 8, 2013 to April 18, 2013
FEIS Released	Anticipated Release is Fall 2013
ROD	Anticipated to be Signed in Fall 2013

Yosemite Valley Plan Timelines

Public Scoping	December 16, 1998 to February 1, 1999
DEIS Released	April 7, 2000
Public Comment Period	March 28, 2000 to July 7, 2000
SEIS Released	November 21, 2000
ROD	December 29, 2000
Revised ROD	January 27, 2010

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