



Barbara Barman

[Redacted]

06/09/2007 02:32 PM  
MST

To: yose\_planning@nps.gov

cc:

Subject: Merced Wild & Scenic River Comprehensive Management Plan &  
Scenic Rivers Act

RECEIVED  
MRP-3EIS-92  
JUN 11 2007  
P. 10/1  
YOSEMITE NATIONAL PARK

Dear Superintendent:

We are owners of a home in North Wawona since 1968 and we are strongly opposed to any plan that would permit public campgrounds or high density development in the Wawona area. These kinds of projects would produce an unwanted environmental impact on Wawona, a single home area. We can think of NO reason to change the environment of Wawona (for all time!). This type of development was previously proposed by the Park Service in the past, perhaps the 70's and defeated. Why does the Park Service want to change the environment in such a historic area?! It makes no sense.

If you have any questions or comments, please contact us @barwads99@sbcglobal.net.

Sincerely,

Dr. & Mrs. Martin L. Barman

[Redacted]

Fresno, CA 93711

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"L. Pierce Leber" [redacted]

To: yose\_planning@nps.gov  
cc:  
Subject: Merced River Plan Scoping Comments

06/09/2007 05:25 PM  
MST

RECEIVED  
MRP-SEIS-93  
JUN 11 2007  
p. 1072  
YOSEMITE NATIONAL PARK

Mr. Michael J. Tollefson  
Superintendent, Yosemite National Park  
P.O. Box 577  
Yosemite, CA 95389

REF: Merced River Plan Version 3  
Scoping Comments

Dear Mike:

I thank you for the opportunity to again provide scoping comments on the above referenced plan. It is a shame that the NPS must spend so much time and budget on planning and re-planning. You will never be able to satisfy everyone and it seems that there are some that are determined to get their way by ignoring the laws that created the parks and the NPS.

Yosemite Valley is unique. It was granted to the State of California so that it would not be homesteaded and privatized. The public's right of access was guaranteed by language in the law that said the area was "... to be held for all time by the United States of America for public use, resort and recreation."

The NPS produced a General Management Plan that recognized the public's right of access. However, when the Wilderness Act was passed, it was made to infringe upon the Yosemite Grant and limit the public's right of access. Later, the Wild and Scenic Rivers Act was passed and applied to the Merced River, it also infringed upon the Yosemite Grant. Only 3 percent of the original Yosemite Grant is unencumbered by the Wilderness or River Plan designations.

The NPS established a scientific approach (VERP) to appropriately manage visitation (public access) to carry out its responsibilities under the Organic Act. But the Court has directed that visitation limits should be fixed. The Court is ignoring the public's right of access.

1. The Wild and Scenic Rivers Act does not apply to private property. Yosemite Valley is unique and the Wild and Scenic Rivers Act does not apply. The public's right of access to Yosemite Valley should not be limited by a law that was written to limit construction of dams and reservoirs on public land. I believe that you should exclude the Yosemite Grant from the Merced River Plan corridor.

2. Tributaries such as Tenaya Creek at Tenaya Lake should be included in the River Plan. Other tributaries such as Bridal Veil Creek and Yosemite Creek should be included as well. The previous plans did not include tributaries of the Merced River just so the maximum corridor width would be available in Yosemite Valley.

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MRP-5815-43  
P. 202

Sincerely,

L. Pierce Loberg  
Civil Engineer



"Joshua Stark"  
 [Redacted]  
 06/10/2007 12:16 AM  
 AST

To: <YOSE\_planning@nps.gov>  
 cc:  
 Subject: Merced River Public scoping comments

RECEIVED  
 MRP-SEIS-94  
 JUN 11 2007  
 P. 1085  
 YOSEMITE NATIONAL PARK

To Whom It May Concern:

Attached and within the body of the text you will find the National Parks Conservation Association comments for the Merced River Plan.

June 8, 2007

Michael Tollefson  
 Superintendent  
 Yosemite National Park  
 Attn: Merced River Plan  
 P.O. Box 577  
 Yosemite, CA 95389  
 Yose\_Planning@nps.gov

RE: Public Scoping Comments for conservation planning and environmental impact analysis for the Merced Wild and Scenic River Comprehensive Management Plan (Merced River Plan), noticed in 72 Fed. Reg. 18272 (April 11, 2007)

Dear Mr. Tollefson:

On behalf of The National Parks Conservation Association (NPCA), thank you for the opportunity to comment on the Merced River Plan. NPCA is America's leading private, non-profit advocacy organization dedicated solely to protecting, preserving and enhancing the National Park System. NPCA was founded in 1919 and has more than 320,000 members and supporters.

For the past thirty-five years NPCA has been advocating for the restoration of Yosemite Valley to a more natural and beautiful place by phasing out facilities and services that do not belong in a national park. We appreciate all of the work the National Park Service has put into identifying ways to measure and act on carrying capacity concerns. We understand the difficulties that have arisen as NPS has attempted to manage a river much loved by millions of people. This is an important and delicate undertaking, which requires the NPS to use science and monitoring to manage the park in a way that will protect the remarkable natural and cultural resources while facilitating, to the extent sustainable, a great visitor experience. After all, visitors travel to Yosemite to enjoy nature's beauty unimpaired for generations to come - not to suffer stifling crowds and degraded riverbanks.

As you know, NPCA supports the Merced Plan that was issued in 2005, and commends the Service for producing a sound, practical and effective map for the future of the river corridor. We regret the fact that this current planning effort is necessary, and although we understand that it is court-imposed, it is disturbing nonetheless. The litigation has impacted the park's ability to proceed on projects approved in the Yosemite Valley Plan that are within the river corridor and were enjoined. Because of this situation, we urge you to expedite this MRP and Environmental Impact Statement (EIS) process to the greatest extent possible. While the current proposed timeline indicates that a Record of Decision would result on September 30, 2009, we hope that this can be

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completed sooner, since delays of some of the projects are adding to environmental problems. Perhaps with additional staffing and resources, some of the steps can be accelerated, for example the report drafting. We are not suggesting that comment periods be reduced.

#### General Comments

As stated above, the Merced River Plan that was overturned by the District Court was entirely acceptable. We are supporting the park in its appeal of this decision, and hope that the decision will be reversed within the year, and you will be able to proceed with the projects in the Yosemite Valley Plan. That said, there is always the possibility that the appeal will not succeed, and while we would strongly disagree with such an outcome, we will have to accept the situation. For that reason, we respectfully submit these comments for the public scoping phase for this third revision. We are reluctant to do so, in fear that anything might be interpreted to suggest that the earlier plan was legally insufficient. In order to avoid that, we want to make it clear that the following comments are intended to improve the plan process, but must not be construed as identifying legal flaws in the earlier plans. In fact, if the appeal is unsuccessful, these comments are designed to guide the process towards a plan that will better satisfy its detractors, by specifically explaining how the concerns expressed by the court were addressed.

By far the most controversial elements of the overturned plan relate to its approach to setting limits on visitor capacity. In a mystifying opinion in July 2006, the District Court found that the park's use of the Visitor Experience and Resource Protection (VERP) program was "inadequate to constitute the primary feature of a user capacity program." The court seemed to misunderstand that the park had included specific measurable limits in the interim period as VERP is implemented, and misconstrued the requirements of the Wild and Scenic Rivers Act in relation to this issue. This all argues for a more concerted effort in this new plan to explain this approach comprehensively, and to identify exactly how these adaptive management approaches are applied to the different parts of the river corridor. In other words, the plan should be regarded as almost a primer on the application of the VERP program, designed for laypersons with no resource management background.

For instance, examples might be teased out that show how standards are determined (pulling out some specific ones as illustrative), how comparable locations are identified to set standards and determine reasonableness, and how research studies and screening processes are used to determine a meaningful standard (again using concrete examples).

The park must also show how monitoring strategies are employed, and what actions are triggered when standards are breached. We realize that much of these are available in reports and informational material about planning, but it is evident in this case that there could be a benefit in including such detail.

We were surprised that the Court did not realize that there were concrete interim limits in the overturned plan, so perhaps the new plan could be more explicit about them. During discussions with us about the lawsuit, park planners were extremely clear and open about these limits and methods. During formulation of the new plan, these clear explanations should be included. The five types of limits should be thoroughly explained and shown where they apply. There should be a section that talks about interim limits to be set while the VERP process unfolds, and lists those limits and where applied. For example, the character of the limitation should be identified (duration, time of day, user number, entry limits) along with the activity associated with it

(rafting, fishing, etc.). Limits on facilities must be clearly identified as visitor capacity limits. This includes things like number of lodging units, campsites, tour bus parking spaces, employee beds, etc., that have an effect on how many visitors can be accommodated. Again, we are not saying that these were not included in the overturned plan - but perhaps the use of them could be more fully shaded in, so that anyone reading could see that the park has a plan for protecting the carrying capacity of the land.

Finally, it may be useful to explain in both the public meetings and in the draft plan itself the evolution of VERP. Many of the groups challenging the earlier plan possibly based their objections to misunderstandings about where VERP has gone in the last twenty years. In its early years, many parks may have applied this approach using trial and error methodology. As more experts gained experience with the concepts, the approach can now be described as one of the most effective ways to protect carrying capacity in existence, if applied effectively. Many years ago, resource managers espoused the concept of adaptive management approaches, and began searching for ways to apply this. The Forest Service formalized "Limits of Acceptable Change" in the 1980's, which was embraced and incorporated into VERP in 1993. Subsequently, these approaches have developed improved scientific ways to set standards, measure and compare actual data on the ground, and apply the management prescriptions when indicated. While not perfect, the approach far exceeds any existing approach and is galaxies ahead of sehoc and unscientifically-based numbers. The public meetings and plan might benefit from a very short recitation of this. No more than a paragraph is necessary. But park users and potential litigants must realize what are the alternatives to VERP, and understand what they are criticizing when they call for going back to outmoded and less effective ways of limiting visitors.

#### Outstandingly Remarkable Values Protection

Much of the emphasis at public meetings is on the entire park, and the public's desire to maintain its natural, majestic, iconic values by limiting visitors. The park needs to emphasize the fact that this plan, although a precursor to broad park protections, is designed to impose additional protections to benefit the Merced River corridor. We feel that was adequately conveyed in the overturned plan. However, it should be recognized that the plan was criticized by some river protection groups from outside the state, and there have been complaints from some of them that the Park Service as a whole does not take the Wild and Scenic River Act seriously enough. While we heartily disagree, we wonder if the Merced River Plan can be used to educate and remind people that the Park Service does take its responsibilities seriously, and recognizes that its protection in this iconic park is perhaps one of the most important responsibilities it has. This plan is an opportunity to address misconceptions in a segment of the river protection community.

During the scoping meetings and plan formulation, NPCA urges you to repeat the exercise of generating ideas from the public about the most important Outstandingly Remarkable Values (ORVs) of the River, and how best to protect them. While this was done last time, perhaps you can document this process more and include more of the discussions in the plan. We believe the National Park Service sets the tone and direction for the entire country on Wild and Scenic River Act planning, so plans that effectively protect extremely well-known and loved Rivers like the Merced set an important precedent. This is why we think that an expanded discussion of ORV protections is vital, and would benefit the Wild and Scenic Rivers System in its entirety.

MRP-SEIS-94  
P. 4/25

## Incorporating Lessons from the Tuolumne River Plan Outreach Process

We urge you to incorporate the outreach approach you have been using in the Tuolumne Wild & Scenic River plan processes. We feel you have been very successful with inviting participation and attracting input from disparate groups, through an extremely open and well-publicized public process. After the public scoping phase, the planning team at Yosemite National Park offered a series of public workshops, to explain and offer public input into the second phase. These include helping to develop management prescriptions based on the public comments and legal requirements, and "painting" the river corridor with proposed management prescriptions. While we recognized that earlier Merced River Plan processes also reached out to many groups, we encourage you to build upon those successes, and build a broader base of commentators. We urge you in particular to include the organizations that challenged the earlier plan, to help explain resource issues and demonstrate that their views are valuable. As you know, greater inclusiveness can potentially curb opposition from groups that may not have understood the plan's effects, or even may have felt somehow disenfranchised or ignored in earlier planning processes.

### Funding

One of our greatest concerns is that the plan is implemented, but vital functions cannot be performed due to lack of resources. In some cases, this can undermine the entire plan. A good example is the VERP program, where an inability to monitor the conditions would render the adaptive management process ineffective. This discussion of funding should be included in two areas.

First, we urge you to identify areas, such as the above-mentioned VERP monitoring provisions that are vital. Once identified, explicit direction should be included in discussions if they cannot be carried out due to lack of funding, the activity or use associated with that area must be curtailed. This is simply logical. A plan must not simply be a piece of paper - when a vital piece cannot be performed, it must be acknowledged that the plan is not being followed, and repercussions must ensue.

Second, the discussions should include predictions of likely or potential funding problems, and identify alternatives if a shortfall should occur. For example, if the park lacks full-time enforcement officers, will the park make provisions to for self-policing mechanisms on some trails, hire volunteers, or engage part time officers to fill in gaps? Anticipating funding problems makes this plan more realistic and more likely to be successful.

### Conclusion

Thank you again for the opportunity to comment on the Merced Wild & Scenic River Plan scoping process. We appreciate all of your efforts in revising, defending and reaching out to the public about the earlier versions of this plan, and thank you for your dedication. We look forward to further opportunities to provide comment and input as this plan moves forward.

Sincerely,

Joshua Stark  
Stockton Program Manager  
National Parks Conservation Association

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Stockton, Ca. 95203  
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