

# **PUBLIC IMPACT OF CLOSING AMENITIES AT YOSEMITE NA- TIONAL PARK**

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## **OVERSIGHT HEARING**

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS  
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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Tuesday, July 9, 2013

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# **OVERSIGHT HEARING ON THE PUBLIC IMPACT OF CLOSING AMENITIES AT YOSEMITE NATIONAL PARK**

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**Tuesday, July 9, 2013**

**U.S. House of Representatives**

**Subcommittee on Public Lands and Environmental Regulation**

**Committee on Natural Resources**

**Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 10:14 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, McClintock, Lummis, Tipton, Costa, and Garcia.

Mr. BISHOP. The Chair notes the presence of a quorum, so the Subcommittee on Public Lands and Environmental Regulation is holding an oversight hearing today on the public impact of closing amenities at Yosemite National Park.

Under the rules, the opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other Member's opening statement in the hearing record if submitted to the clerk by the close of business today.

[No response.]

Mr. BISHOP. Hearing no objections, that will be so ordered.

## **STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. With that, we are appreciative of the people who have come many miles to be with us here today, appreciative of having Director Jarvis with us at the same time. We are going to be talking about the potential loss of our recreation opportunities in Yosemite. Yosemite is actually the third national park we developed, although the second one was given back to the State of Michigan, where they are doing a marvelous job in handling it. Sometimes I think Yosemite would be better off in the State of California, because it was a State park before we took it over full-time, anyway.

What we are talking about here today is, I think, a microcosm of a lot of the issues that we will be facing. The purpose of national parks: if they are not to be seen by people, do they have some kind of a purpose? And yet, in Yosemite, we have found what I think is pretty vivid evidence of the efforts to try and exclude people from being there.

We were talking all the time about the need of having more visitors going to our national parks. And yet, if we make our parks not visitor-friendly, how can we expect ever to achieve that particular goal? This Subcommittee has had hearings over a variety of issues that deal with our Park Service. We have had a problem in Her-

rera Beutler's district with the local park manager who did things that were just stupid and hurt people, hurt the community. We had Joe Heck in here with a bill, the Park Service doing things that hurt a family, which can only be described as stupid. We have had hearings about the parks on the border, where the Border Patrol was inhibited by Park Service policy.

This is another one in which we are looking at a policy toward Yosemite National Park which is unusual. We are looking at a policy to Yosemite National Park which occurred \$200,000—\$200 million from the Federal Government after the great flood, and the money was not spent, as Congress intended, to rebuild and restructure Yosemite. It was done to actually go in the opposite direction.

So, we will be looking here today and seeing if what the Park Service is doing at Yosemite is clearly intended to increase the visitation of the national parks. Or does it actually decrease the visitation of our national parks? Have we gone on a publicity binge after that horrific flood in Yosemite that discourages people from even thinking they can get into the park? And what are the impacts that it has had in other areas?

So, I appreciate the park director being here. I hope he will address, hopefully, a wide variety of issues.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HONORABLE ROB BISHOP, CHAIRMAN, SUBCOMMITTEE  
ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

Today we will hear testimony on the potential loss of amenities and recreational opportunities in Yosemite National Park. Yosemite is one of the most popular national parks and was originally set aside by Abraham Lincoln. Yosemite has entertained millions of visitors since that time and has been a critical component of the local economy.

I'm concerned that the direction the Park Service has taken with the Merced River Plan unnecessarily punishes visitors through measures designed to move Yosemite Valley to the direction of a wilderness area. As I understand it, Yosemite is already 95 percent designated wilderness. Yosemite Valley is a unique place, offering some of the most impressive scenery in the world. But now we are told that you may not be able to rent a raft, go on a horseback ride, or swim in a pool, because it may not be consistent with the values of the Merced Wild and Scenic River.

I understand this issue has been going on for many years, and the courts have been heavily involved, but at some point common sense needs to prevail. How on earth can renting a raft harm the Merced River? Why are we protecting these rivers for if they cannot be enjoyed by the Americans that are paying for their protection?

There is also a question of accountability. I'm aware the Merced River flooded in 1997 and did substantial damage to park facilities and infrastructure. Congress appropriated nearly \$200 million to repair the damage. However, the Park Service took advantage of the crisis to push visitors out of the park. Popular campgrounds were not repaired; instead they were permanently ripped out in the name of river setbacks and riparian work. It may have taken some work, but the bathrooms that were washed away could have been replaced as easily as they were installed, campfires rings could have been constructed by Boy Scouts, and the camp sites could have been cleared with some brooms. Instead, the Park Service spent millions to tear these campsites out. The result is fewer recreational opportunities for families and the Americans that own and support national parks. That is no way to build a sustainable park constituency for the future.

It seems to me that if someone is looking for an amenity free, human-free experience, they already have the other 95 percent of Yosemite to celebrate.

I'd like to thank our witnesses, particularly those who have traveled across the country and Director Jarvis for accepting our invitation to participate today.

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Mr. BISHOP. We also want to welcome not only Mr. McClintock, who is the sponsor of the area in which we are going, also Mr.

Garamendi, who we are inviting to the panel—I will give him a chance to give an opening statement—and Mr. Costa, who is also sitting in today, and I appreciate him being here, and he is from the same area. And I will recognize him for an opening statement now, if we want to, and then I will also recognize Mr. McClintock and Mr. Garamendi for statements, if they would care to give those.

Mr. Costa?

**STATEMENT OF THE HON. JIM COSTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. COSTA. Thank you very much, Mr. Chairman, and I thank the members of the Subcommittee here for giving me the opportunity and the honor to be a part of this morning's Subcommittee hearing.

The importance of Yosemite National Park and the benefits that it provides as an icon of America's national park system, I think, is not to be understated. Wallace Stegner, I guess, put it best in the definitive series that many of us saw that Ken Burns did, that the national park systems reflect America at its best, not its worst. It is America's best idea, I think, hopefully, I got the quote correct.

So we all have a personal affinity, in one way or another, if we grew up going with our parents to the parks. Both Yosemite and Kings Canyon National Park are, I like to say, in my back yard. Congressman McClintock has the honor of representing it now, but others have represented it over the years. And it is the stewardship that I think we all care about, and that is, therefore, the importance of today's hearing.

From the towering granite of Half Dome to the water of the Nevada Falls and Vernal Falls, the giant sequoias of the Mariposa Grove, all of this is encompassed in the experience that people young and old alike, and everyone in between, benefit from when you go to Yosemite National Park.

Next year, the national park system is celebrating the 150th anniversary of President Lincoln's initial effort to protect the valley and the Mariposa Grove by signing the Yosemite Grant Act. Think about it, 150 years ago. In 2015 we are going to be celebrating the 150th anniversary of the designation of the park itself. And, with any incredible natural resource such as Yosemite, there is a fine line between celebrating its splendor, protecting its beauty for future generations, and, as the Chairman indicated, ensuring that Americans—Americans—have access to that incredible, natural wonderment of nature. And therein lies the conflict.

Like many, I have been going to Yosemite Park since I was a kid. It is among the top five of visitations of all of our national parks in the country. And it is exacerbated by the fact that 3.9 million people that visited last year, 70 percent—more than 70 percent—come between Memorial Day and Labor Day. So, when you have almost 4 million people, but over 70 percent visit it between Memorial Day and Labor Day, that becomes a challenge. And it is further exacerbated by the fact that 80 percent of the visitors to Yosemite go to the valley floor.

Yosemite National Park is one of the largest parks in the country. It is larger than the State of Rhode Island. But yet, the valley

floor, where you have Half Dome, El Capitan, the falls, is 7 miles long and a mile in width. And there lies a further part of the puzzle that we are trying to deal with here this morning. There have been three efforts now that the National Park Service has encompassed to try to come up with a plan that reflects 21st century realities. And they have all been met with various additions and protests.

What makes the Park Service, I think, job even more difficult is the lawsuits that have ensued, in terms of their ability to address these issues. I think what makes our park system one of the finest in the world is the open access it provides. The Yosemite plan that we are dealing with here today continues that same level of access, but it also attempts to address the challenges that I have just stated. Despite the high level of outreach the Park Service has attempted, we all know that no plan, including this plan, is perfect.

As a result of that fact, I must commend Director Jarvis, who has put together a bipartisan group of Californians, and we wrote to the Director about certain aspects of the draft plan. To his credit, the Director has provided time for public input, they have taken additional time to meet directly to discuss our concerns. That interaction continues, and it must. However, given the complexity of the process, I think Director Jarvis and Superintendent Neubacher and the Yosemite team should be commended for trying to navigate this path and thread the needle, because that is what we are doing. We are not going to make everybody happy.

The fact of the matter is that I think it is important to maintain biking activity, horse riding activity. Ice skating in the winter in the outdoors is one of the unique experiences of Yosemite National Park. But yet, there is a lottery system of people who compete to try to get a campsite along the Merced River between Memorial Day and Labor Day, because the demand is just so much greater than the available campsites.

And so, Mr. Chairman, I am looking forward to the testimony here by my colleagues and by the witnesses that are on the panel. And I have a piece of legislation that I am going to plug unashamedly. It would add 1,600 acres to the park, as originally envisioned by John Muir. The inclusion of these lands within Yosemite, I think, is critical to saving money for local communities. It has strong bipartisan support by members of the State legislature. And we can talk later about that legislation.

And in addition, I would like to request unanimous consent to submit a statement for the record by our colleague, Congressman George Miller, who I know views Yosemite National Park as one of his favorite places to visit. So without objection, I would like to make that motion.

[No response.]

Mr. BISHOP. I am thinking about it.

[Laughter.]

Mr. BISHOP. Without objection, so ordered.

[The information submitted for the record by Mr. Costa follows:]

PREPARED STATEMENT OF THE HONORABLE GEORGE MILLER, A REPRESENTATIVE IN  
CONGRESS FOR THE STATE OF CALIFORNIA

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to submit written testimony on the subject of the National Park Service's (NPS)



Merced River Plan in Yosemite National Park. For many years, I have personally enjoyed the spectacular views and incredible hikes throughout Yosemite National Park and I would like to offer my perspective to the Subcommittee during its discussion of this important issue.

I believe that the ability to enjoy recreational activities in Yosemite Park is crucial not only for those that enjoy the park each year, but for the continuing preservation of the park for years to come. The Wild and Scenic River designation issued by Congress to the Merced River gives the National Park Service the important task of preserving the river's condition, as well as protecting and enhancing the unique values that made it worthy of the designation.

The National Park Service's Merced River Plan is an important step in the effort to protect the environmental quality of the Merced River and Yosemite National Park. The current draft Merced River Plan represents an attempt to reach a compromise between all interested parties to ensure that the park's unique recreational opportunities remain available while the environmental quality of the park is maintained for the long term.

As with any plan of this nature, the Park Service has had to carefully balance the interests of a wide range of stakeholders in developing a Merced River Plan that will achieve a number of economic and environmental goals. However, initial drafts of the Park Service's preferred plan raised some concerns that it would unduly limit some recreational activities that do not harm the Merced River. I was pleased that Director Jarvis agreed to extend the public comment period on the Plan after other Members of Congress and I expressed our concerns about whether the Plan might limit access to recreational activities in a letter sent to the agency.

These activities continue to be very important to families across generations and help families and others introduce young children and first time visitors to a total recreational/outdoor experience in Yosemite. As the Park Service moves forward with enacting this Plan, I hope that there will be a serious commitment made by NPS to retain recreational activities that pose no harm to the Merced River but are important to many who visit Yosemite, such as biking, ice skating, and horseback riding. If this Committee and the Park Service work together constructively on this process, I believe that there is room to modify the proposed Plan to address the concerns of stakeholders who have been concerned about the restrictions placed on recreational stakeholders in the original preferred alternative.

As the former chairman of the Natural Resources Committee, I fully appreciate the need to protect unique natural resources, but it should not be at the cost of recreational activities that do not pose a threat and instead are a part of the cherished legacy of Yosemite National Park. I hope that this Committee will work with the National Park Service to complete a final Merced River Plan that accomplishes these objectives. Thank you again for the opportunity to submit this testimony.

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Mr. COSTA. Thank you. And thank you.  
[The prepared statement of Mr. Costa follows:]

PREPARED STATEMENT OF THE HONORABLE JIM COSTA, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Chairman Bishop, members of the Committee, and invited witnesses—thank you very much for holding this hearing today.

Yosemite National Park is an American icon. The towering granite of Half Dome, the rushing water of Nevada Fall and Vernal Fall, and Groves of giant sequoias in Mariposa Groves are literally the posters of America's Greatest Idea.

Next year the national park is celebrating the 150th anniversary of President Lincoln's initial effort to protect the valley and Mariposa Grove by signing the Yosemite Grant Act. In 2015, we will celebrate the 150th anniversary of the designation of the park itself.

Like with any natural beauty, there is a fine line between celebrating its splendor and protecting the beauty for future generations. Sometimes we get that balance right and sometimes we have to continue working on that through trial and error.

In the case of Yosemite, Yosemite Valley, and the Merced Wild and Scenic River—the National Park Service has been between the proverbial rock and a hard place. Reaching back to 1998, the effort to achieve this delicate balance has been contested and decided in the courts. Finally, in 2010, after two reviews by the 9th Circuit Court, the Park Service and park advocates settled on a path forward.

The hearing today is looking at a working work product of that settlement agreement. I think it is important that we keep in mind that the process the Park Service

undertook, and the parameters of their analysis, was carefully negotiated as part of this settlement agreement.

Part of what makes our park system the finest in the world is the open access it affords Americans and those visiting America. The Yosemite Valley plan still offers this access. The question before us today is what is changing with amenities.

A bi-partisan group of Californians wrote to Director Jarvis and raised issues we had with some aspects of the draft plan. We asked for additional time for public input. To his credit, Director Jarvis provided time for that public input then took the time to meet with us to discuss our concerns.

I am encouraged by the direction the Park Service is going with the plan. It still needs some work and some community members need greater assurance that key amenities won't be lost. However, given the complexity of the process and the issues, I think Director Jarvis, Superintendent Neubacher, and the Yosemite team should be commended.

I would be remiss if I did not take this opportunity to also comment on the need to make a modest and popular expansion of the park.

Thank you again and I look forward to your testimony.

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Mr. BISHOP. I appreciate Mr. Costa for being here, and his comments. Because, after all, when one thinks of outdoor ice skating, one thinks of California.

[Laughter.]

Mr. BISHOP. That—

Mr. COSTA. I think of Utah, as well.

Mr. BISHOP. I am going to turn to Mr. Garamendi for his statement, if I could, and then Mr. McClintock, I will have you batting clean-up. Thank you.

**STATEMENT OF THE HON. JOHN GARAMENDI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. GARAMENDI. Mr. Chairman, thank you. It is always a privilege and, indeed, an honor to be in this Committee room and to, in this case, be testifying on an extremely important piece of work that has been done.

This plan really is the culmination of some 30 years of effort to try to figure out how to, as Mr. Costa said, position one of the greatest amenities in this world, Yosemite National Park, for the 21st century and all the challenges that it has. My first experience at this was at the age of 7, at a time when there were probably no more than 12—actually, about 10 million—people living in California. Today there is 35 million. And the pressure on this park is extraordinary.

The Park Service, for these 30 years, has been trying to balance two very, very important goals: the preservation of the natural wonder of Yosemite Valley and Yosemite Park with the public's access to those extraordinary natural wonders. This effort, nearly completed, should be pushed forward.

There are undoubtedly conflicts. I was in many of those conflicts in the mid-nineties when I was deputy secretary and had specific responsibilities following the flood during that period to try to figure out what to do. Legislation was passed, a lot of money was appropriated. And I will tell you that money was well spent on providing access and dealing with the disposal of human waste in the valley: roads, sanitation systems, and the like, plus many other things. Turned out to be far more expensive than anticipated. I don't believe any of that money was wasted.

Where are we today? We have got to push this thing forward. We have to complete the process of planning, we have to complete this particular effort. That has been an extraordinary amount of work. It has been expensive. It has been a long-time, and it has taken many, many public hearings, more than 60, and I believe has resulted in a plan that is basically quite good. It does balance the natural amenities of the park, particularly the valley. It does provide a lot of access. It will meet the needs of the natural environment and the ability of visitors to see the valley floor.

It also promotes activities outside of the valley, which is extremely important. It was mentioned, the giant sequoias, the upper areas of the valley, which I have had the pleasure of hiking and fishing, in the upper regions of the park. And by providing access to those and encouraging people to go there, it is very important. Also, it meets the needs of the surrounding communities, which literally depend almost entirely upon this park for their economic viability and livelihoods.

There are some issues that remain, and I think those can be worked out. Horses in the valley. Yes, there will be horses in the valley, both private and public access to the horses. Bikes, a lot of conflict or questions about bikes. I mean we are really down to minutia here when we are talking about where the bike racks are going to be. But that is really where we are here. I believe that there will be, at the end of this process, the opportunity for people to rent bikes in the valley. They may not be next to the river, but they will be there.

Rafting? There will be rafting. Whether there will be commercial rafting in the valley or outside the valley remains to be determined. But we are really down to something really quite small overall. Ice skating. Yes, the ice skating rink needs to move. It is outdated. And it needs to be replaced or not at all. There is a quite good possibility that there will be ice skating in the valley with the temporary rinks such as we now find in almost every urban mall in America.

So, there are possibilities here to deal with the remaining issues. And if we are down to just horses, bikes, rafting, and ice skating, wow. A lot of progress has been made. I remember when you couldn't even decide whether there would be buses in the valley. But they are now in place. I want to commend the Park Service for their efforts, for moving this thing along, and for all the people that have spent a lot of time and a lot of effort. And I really urge this Committee to allow the Park Service to get on with it and to move this process forward, so that we can have this finally completed in its current state, knowing that there will be other questions for next generations.

Thank you for the privilege of being with you.

Mr. BISHOP. Thank you, Representative Garamendi, for joining us. Let's conclude this last informal first panel of members with Representative McClintock. If you would, please.

**STATEMENT OF THE HON. TOM MCCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. MCCLINTOCK. Thank you, Mr. Chairman. I want to thank you for arranging this hearing in response to the public outcry that

has been raised against the proposals by the National Park Service that would radically alter the purpose, nature, and use of Yosemite National Park. The NPS proposal would remove long-standing tourist facilities from Yosemite Valley, including bicycle and raft rentals, snack facilities, gift shops, horseback riding, the ice skating rink at Curry Village, the arts center, the grocery store, swimming pools, and even the valley's iconic and historic stone bridges. These facilities date back generations, and they provide visitors with a wide range of amenities to enhance their stay at and their enjoyment of this world-renowned national park.

Now, the Park Service says this is necessary to comply with a settlement agreement reached with the most radical and nihilistic fringe of the environmental left. It seeks to use the Wild and Scenic River designation of the Merced River as an excuse to expel commercial enterprises and dramatically reduce the recreational amenities available to park visitors.

Yet, as we will hear from renowned Yosemite historian Peter Hoss, that agreement imposes no requirement on the Government to do anything more than adopt a plan consistent with current law. And current law is explicit: the 1864 act establishing the park guarantees its use for public recreation and resort. The 1916 Organic Act creating the national parks explicitly declares their purpose to be for the public enjoyment of the public lands. And the Wild and Scenic River Act contemplated no changes to the amenities at Yosemite. So says its author, Democratic Congressman Tony Coelho. Yet the Park Service insists that the law compels these radical changes. It does no such thing.

And in a let-them-eat-cake moment, the Park Service assures us that, although bicycle, raft, and horse rentals will be banned, people are free to bring their own. Well, what a relief that is going to be to a paralyzed teenager whose only access to the park is from horseback. All you have to do is buy your own horse and bring it to the park. Thanks a lot.

And since environmental protection is the stated justification, I must ask. What is the environmental difference between a rented bicycle and a privately owned bicycle? What is the environmental difference between a rented raft and a privately owned raft, except rafts—a rented raft is operated under close supervision of experts. Why would the Park Service demand the removal of the swimming pools at the Ahwahnee and Yosemite lodges that have no impact on the Merced River, except to give parents a safer place for their children to go swimming than the river's treacherous waters?

Ninety-five percent of the park is already in wilderness. Yet the overwhelming majority of park visitors come to that 5 percent where amenities are available for public recreation, where they can rent a bike, where they can stop at the snack shop to get ice cream cones for the kids, where they can pick up souvenirs at the gift shop, where the family can cool off at a lodge swimming pool. And it is precisely these pursuits that the National Park Service would destroy.

We are assured that in some cases they will merely move them to other locations in the park away from the valley floor. Well, understand what that means. They will move the tourist facilities away from the tourists. Wawona, for example, has often been men-

tioned as an alternative site. Wawona is more than 20 miles from Yosemite Valley. We are assured that the plan will increase campsites and parking. Yet, as we will hear from the Yosemite Valley Campers Coalition, the plan actually represents a radical reduction in parking and campsites measured from pre-flood levels.

Congress appropriated millions of dollars to restore these facilities. The money was spent, but the facilities were never replaced. And the NPS would now lock in not only dramatically lower numbers, but would diminish the desirability of the campsites which remain. Now, much has been said of the competition for campsites. Perhaps the reason for the shortage is because the number of campsites has been reduced by nearly half on the valley floor from pre-flood levels, and overnight lodging by a third.

Yosemite National Park was set aside in 1864 by legislation signed by Abraham Lincoln for the express purpose of "public use resort and recreation." For more than a century, this measure was honored by the park stewards. But no more. This plan would radically alter the visitor-friendly mission of the park with the new elitist maxim, "Look, but don't touch. Visit, but don't enjoy."

The public is crying out for congressional intervention, Mr. Chairman, and I thank you for taking the first step toward saving Yosemite National Park for the public use, resort, and recreation that was promised to the American people nearly 150 years ago.

[The prepared statement of Mr. McClintock follows:]

PREPARED STATEMENT OF THE HONORABLE TOM MCCLINTOCK, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

I want to thank Chairman Bishop for arranging this hearing in response to the public outcry against proposals by the National Park Service that would radically alter the purpose, nature and use of Yosemite National Park. The NPS proposal would remove long-standing tourist facilities from Yosemite Valley, including bicycle and raft rentals, snack facilities, gift shops, horseback riding, the ice-skating rink at Curry Village, the art center, the grocery store, swimming pools, and even the valley's iconic and historic stone bridges. These facilities date back generations and provide visitors with a wide range of amenities to enhance their stay at—and their enjoyment of—this world-renowned national park.

The Park Service says this is necessary to comply with a settlement agreement reached with the most radical and nihilistic fringe of the environmental Left. It seeks to use the Wild and Scenic River designation of the Merced River as an excuse to expel commercial enterprises and dramatically reduce the recreational amenities available to park visitors.

Yet as we will hear from Yosemite historian Peter Hoss that agreement imposes no requirement on the Government to do anything more than adopt a plan consistent with current law. And current law is explicit: the 1864 act establishing the park guarantees its use for public recreation and resort; the 1916 Organic Act creating national parks explicitly declares their purpose to be the public enjoyment of the public lands, and the Wild and Scenic River Act contemplated no changes to the amenities at Yosemite—so says its author, Democratic Congressman Tony Coelho. Yet the Park Service insists that the law compels these radical changes. It does no such thing.

In a "let them eat cake" moment, the Park Service assures us that although bicycle, raft and horse rentals will be banned, people are free to bring their own. What a relief that will be to a paralyzed teenager whose only access to the park is from horseback—all you have to do is buy your own horse and bring it to the park!

And since environmental protection is the stated justification, I must ask: what is the environmental difference between a rented bicycle and a privately owned bicycle? What is the environmental difference between a rented raft and a privately owned raft, except that the rented raft is operated under the close supervisions of experts? Why would the Park Service demand the removal of the swimming pools at the Ahwanee and Yosemite Lodge that have no impact on the Merced River ex-

cept to give parents a safer place for their children to go swimming than the River's treacherous waters?

Ninety five percent of the park is already in wilderness. Yet the overwhelming majority of park visitors come to that 5 percent where amenities are available for public recreation: where they can rent a bike; where they can stop at the snack shop to get ice-cream cones for the kids; where they can pick up souvenirs at the gift shop; where the family can cool off at a lodge swimming pool. And it is precisely these pursuits that the National Park Service would destroy.

We're assured that in some cases they will merely "move" them to other locations in the park away from the Valley floor. Understand what that means: they will move tourist facilities away from the tourists. Wawona, for example has often been mentioned as an alternative site. Wawona is more than 20 miles from Yosemite Valley!

We're assured that the plan will "increase" campsites and parking. Yet as we will hear from the Yosemite Valley Campers Coalition, the plan actually represents a radical reduction in parking and campsites measured from pre-flood levels. Congress appropriated millions of dollars to restore these facilities—the money was spent, but the facilities were never replaced. And the NPS would now lock in not only dramatically lower numbers, but would diminish the desirability of the campsites which remain.

Yosemite National Park was set aside in 1864 by legislation signed by Abraham Lincoln for the express purpose of "public use, resort and recreation." For more than a century, this mission was honored by the park's stewards. But no more. This plan would radically alter the visitor-friendly mission of the park with a new, elitist maxim: "Look, but don't touch; visit, but don't enjoy."

The public is crying out for Congressional intervention, and I thank you, Mr. Chairman, for taking the first step toward saving Yosemite National Park for the "public use, resort and recreation" promised to the American people nearly 150 years ago.

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Mr. BISHOP. Thank you for your testimony. Those bells are not for you. The House is in recess. I apologize.

With that, I appreciate the Members—and their comments—that are here. Let me call up the first panel—or the second panel, actually, up here. We are appreciative of having Director Jon Jarvis of the National Park Service here with us; Wendy Brown, who is the Chairman of Yosemite for Everyone; Brian Ouzounian—I hope I said that properly—who is the Yosemite Valley Campers Association Cofounder; and two representatives who have come here from California—from Mariposa, Peter Hoss, and from Groveland, Bob Asquith. I hope I pronounced that one accurately, as well.

But if we could have you come to the panel as we are getting situated, please take a seat there. And as we are getting there, obviously, your written testimony has already been received and is part of the record. This is the oral testimony that is in addition to the written testimony you have submitted. We would ask you to limit the testimony to the 5 minutes that we have available.

And you have the clock in front of you. For those who have not been with us before, when the clock starts you have the green light in front of you. As soon as you see the yellow light come on you have got 1 minute to finish. And the red light means what the red light means. Please quit, otherwise Bryson will throw things at you. And he has got a good aim from that position.

So, we appreciate you all being here. We will start with Director Jarvis, and then just go down the row, if that is OK.

Director?

**STATEMENT OF JONATHAN B. JARVIS, DIRECTOR, NATIONAL  
PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR**

Mr. JARVIS. Thank you, Mr. Chairman and members of the Committee. I appreciate this opportunity to discuss the management of Yosemite National Park, and specifically the Merced Wild and Scenic River draft Comprehensive Management Plan and Environmental Impact Statement.

As was mentioned, set aside by Abraham Lincoln in 1864 for its exquisite natural and cultural resources, Yosemite National Park is a crown jewel in the National Park System. The park, set in the Sierra Nevada Mountain Range, includes a glacially carved valley with granite cliffs, spectacular water falls, and gigantic sequoia trees. It hosts over 4 million visitors annually, who engage in many forms of recreation. The economic importance of this national park is reflected in the nearly \$400 million in tourist-related dollars the park generates to the regional and local economies of California.

The Merced River and Yosemite Valley corridor provides a variety of opportunities to view the valley's magnificent scenery and to travel along the river and interact directly with it. The most common visitor activities in the valley include scenic viewing, day hiking, wildlife viewing, picnicking, creative arts, camping, ranger-led programs, bicycling, floating, nature study, and rock climbing. Both day use and overnight camping and lodging are available, and campground sites in Yosemite are in very high demand, and often filled to capacity.

The Merced River runs through the heart of Yosemite Valley. In 1987 Congress and the President recognized the importance of this free-flowing river, and designated 122 miles of it as a Wild and Scenic River, 81 miles of which run through Yosemite Valley, or Yosemite National Park. That act required that the NPS issue a comprehensive Wild and Scenic River Management Plan in order to protect and enhance the outstandingly remarkable values for which the river was designated.

The planning process we are here to discuss today is the third management plan the NPS has prepared for the Merced Wild and Scenic River within the park. In 2009 the NPS settled a long-running lawsuit challenging the adequacy of the two prior versions of the Merced River plans, one prepared in 2000 and a second one in 2005. This third planning process, which began in June of 2009, reflects the terms of the 2009 settlement agreement. It represents a large amount of collaboration among the public, research scientists, park partners, and park staff. The alternatives included in this new draft Merced River Plan bring forward the best science and stewardship to set management direction for the river corridor for the next 20 to 30 years.

Yosemite Valley is narrow, with an area that is limited by a river corridor in the center and the known hazard of rock falls on either side. The river plan had to consider these limits when analyzing space allocation for structures and facilities. As a safety measure for those who visit and work in Yosemite, structures, cabins, and campsites that have a high risk of being affected by rock fall would be phased out or relocated.

The draft preferred alternative was released for public review and comment on January 8 of this year. Extensive public outreach

was conducted by the park, with over 60 public meetings. The park received 30,000 comments during an extended comment period. These comments will be thoroughly considered and evaluated.

The great preponderance of attention during the comment period focused on Yosemite Valley. In particular, many expressed concern about the possible elimination of some commercial recreation activities such as bike and raft rentals, ice skating, horseback day rides, and swimming pools. In some instances, these commercial services may be reasonably relocated outside the river corridor, but remain in Yosemite Valley or in other locations inside or outside of the park, and available to park visitors. It is important to note that no reductions are proposed in any alternative for the private use of horses, bikes, or rafts.

From my years as the regional director in the Pacific West region, I know that every planning process in Yosemite is challenging, because people care so passionately about the park. I also know that we share two goals. First, to ensure that the public will continue to be able to enjoy the variety of recreational opportunities that the river and its surrounding areas offer. And second, to preserve the resources of one of America's 203 Wild and Scenic Rivers, so it will be there for our children and our grandchildren to appreciate.

Mr. Chairman, this concludes my statement, and I am glad to respond to any questions.

[The prepared statement of Mr. Jarvis follows:]

PREPARED STATEMENT OF JONATHAN B. JARVIS, DIRECTOR, NATIONAL PARK SERVICE,  
U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I appreciate this opportunity to appear before you today to discuss the management of Yosemite National Park and specifically, the *Merced Wild and Scenic River Draft Comprehensive Management Plan and Environmental Impact Statement (Draft MRP)*.

Set aside by Abraham Lincoln on June 30, 1864, for its exquisite natural and cultural resources, Yosemite National Park is a crown jewel of the National Park System. The park, set in the Sierra Nevada mountain range, includes a glacially carved valley with granite cliffs, spectacular waterfalls, and gigantic sequoia trees, and hosts over 4 million visitors annually who engage in many forms of recreation. Its preservation is a testament to America's commitment "*to conserve the scenery and the natural and historic objects and the wild life therein . . . unimpaired for the enjoyment of future generations.*" The importance of this magnificent national park is reflected in the nearly \$400 million in tourism-related dollars the park generates to the regional and local economies of California. It is also reflected in the intense interest in any planning process by the public.

The Merced River and Yosemite Valley corridor, within Yosemite National Park, provides for a variety of opportunities to view the valley's magnificent scenery and to travel along the river and interact directly with it. The most common visitor activities in Yosemite Valley include scenic viewing, day hiking, wildlife viewing, picnicking, creative arts, camping, ranger-led programs, bicycling, floating, nature study, and rock climbing. Both day-use and overnight camping and lodging are available, and campground sites in Yosemite Valley are in very high demand and often fill to capacity.

The Merced River runs through the heart of Yosemite Valley. In 1987, through the enactment of Pub. L. 100-149, Congress and the President recognized the importance of this free-flowing river and designated 122 miles of it as a Wild and Scenic River, 81 miles of which course through Yosemite National Park. That act required that the National Park Service (NPS) issue a Comprehensive Wild and Scenic River Management Plan in order to protect and enhance the outstandingly remarkable values for which the river was designated.

The planning process we are here to discuss today, the Draft MRP, is the third management plan the NPS has prepared for the Merced Wild and Scenic River within Yosemite National Park. In 2009, the NPS settled a long-running lawsuit



challenging the adequacy of the two prior versions of the MRP (prepared in 2000 and 2005). Consistent with the 2009 Settlement Agreement, the NPS is working on completing a new comprehensive management plan for the Merced Wild and Scenic River.

This most recent planning process for the Draft MRP began with public scoping on June 30, 2009, and reflects the terms of the 2009 Settlement Agreement. It represents a large amount of collaboration among the public, research scientists, park partners and park staff. The alternatives included in the Draft MRP bring forward the best science and stewardship to set management direction for the river corridor for the next 20–30 years.

The NPS must consider many factors in completing the MRP. Interagency guidelines for implementing the Wild and Scenic Rivers Act direct that, whenever feasible, major public use facilities are to be located outside the river corridor. In addition, the U.S. Court of Appeals for the Ninth Circuit, in its March 2008 opinion, instructed the park to ensure that the kinds and amounts of use allowed in the corridor were consistent with the protection of outstandingly remarkable values. It also stated that there was “no authority for a presumption that holding facility levels to those in existence in 1987” was protective of outstandingly remarkable values or satisfied the user capacity component of the Comprehensive Management Plan. The Court of Appeals pointed to the existence of several commercial activities and equated them with “degradation.” To address the Court’s concerns, park management needed to carefully evaluate all facilities and services to determine the feasibility of locating them outside of the river corridor.

Yosemite Valley is narrow with an area that is limited by a river corridor in the center and the known hazard of rock falls on either side. The Draft MRP had to consider these limits when analyzing space allocation for structures and facilities. As a safety measure for those who visit and work in Yosemite Valley, structures, cabins, and campsites that have a high risk of being affected by rock-fall would be phased out or relocated.

The draft preferred alternative, which was released for public review and comment on January 8, 2013, represents a balance between resource protection and providing for visitor use and access. Extensive public outreach was conducted by the park that included 66 public meetings, 20 press releases, 12 webinars, and a dedicated Web site. The public comment period, which ended on April 30, 2013, was 112 days—52 days longer than required by NPS policy. During that period, the park received nearly 30,000 public comments. Areas of interest raised by the public include visitor use management in Yosemite Valley, transportation, ecological restoration, camping, other recreational opportunities, infrastructure and development (both visitor and administrative), and user capacity.

The Draft MRP analyzes a wide range of alternatives. The range of alternatives presented would improve the condition of sensitive meadows and archeological resources, while retaining many of the historical amenities and recreational experiences for visitors to Yosemite Valley. The Draft MRP incorporates a robust monitoring program to evaluate the success of restoration goals and adapt management actions accordingly.

Overall, the Draft MRP will:

- Reaffirm the Merced Wild and Scenic River’s boundaries and segment classifications.
- Identify the outstandingly remarkable values that are the unique, rare, or exemplary river-related characteristics that made the Merced River a Wild and Scenic River.
- Document baseline conditions for the Merced River’s outstandingly remarkable values, water quality, and free-flowing condition and identify the management actions necessary to protect and enhance them.
- Develop a program of ongoing studies and monitoring to ensure management objectives are met.
- Establish a user-capacity program that addresses the kinds and amounts of use that the river corridor can sustain while protecting and enhancing river values.
- Revise Yosemite’s 1980 General Management Plan to be consistent with the 2013 MRP.

The Draft MRP’s preferred alternative proposes to:

- Preserve access to Yosemite Valley at current levels (allowing peak visitation to reach roughly 20,000 people per day) through private vehicles (primarily), transit, and commercial tour bus access.
- Increase camping availability by 174 new camp sites in Yosemite Valley.

- Maintain lodging availability at the present level.
- Preserve an extraordinary array of recreation opportunities including bicycling, rafting, private stock use, hiking, climbing, and camping both within and outside of the river corridor.
- Restore more than 200 acres of meadow and riparian habitat.
- Outline a long-term program to reverse site-specific impacts from past patterns of visitor use.
- Remove and/or redesign facilities that are subject to flooding and rock fall.
- Substantially reduce traffic congestion and crowding through organized and efficient parking for day-use visitors and improvements to the circulation system within Yosemite Valley. The improved circulation system would address critical intersections with either a pedestrian underpass or re-routed segments of roadways coupled with traffic-calming design.
- Maintain Yosemite's contribution to local and regional economies.

We believe that the Draft MRP's preferred alternative would retain the essence of Yosemite Valley while ensuring that the experiences enjoyed by generations of families are sustained over time. Visitors would continue to have access to Yosemite Valley by private vehicle while enjoying increased public transit and expanded shuttle bus service that leads to decreased traffic congestion. The heart of Yosemite Valley would be reclaimed for visitor use and enjoyment, creating a sense of arrival with the redesign of the primary day-use parking area and the relocation of commercial and administrative functions. Recommendations from professional traffic engineers would be implemented to improve circulation, reduce congestion, and provide for a higher quality visitor experience. We feel that these improvements can be attained while increasing protection for the Wild and Scenic River corridor.

While the Draft MRP encompasses 81 miles of the Merced Wild and Scenic River within Yosemite National Park, the greatest preponderance of attention and comments generated during the public comment period were focused on Yosemite Valley. In particular, many expressed concern about the possible elimination of some commercial recreation activities such as bike and raft rentals, ice skating, horseback day-rides and swimming pools. As Yosemite National Park proceeds to complete the final MRP, all comments about recreational uses and other aspects of the plan will be thoroughly considered and evaluated. In some instances, these commercial services may be reasonably relocated outside the river corridor but remain in Yosemite Valley, or in other locations inside or outside of the park, and available to park visitors. It is important to note that no reductions are proposed in any alternative for the private use of horses, bikes, and rafts.

Due to the extensive nature of the comments and extraordinary importance of Yosemite to the American public and the region, the park is seeking a short extension of the court-ordered deadline to produce a Record of Decision. We anticipate the publication of the final MRP in the late fall of 2013. After the final MRP is released to the public, the park will host a public meeting to present changes between the draft and final plans.

From my years as the Regional Director for the Pacific West Region, I know that every planning process in Yosemite is challenging because people care so passionately about the park. I also know that we all share two goals: First, to ensure that the public will continue to be able to enjoy the variety of recreational opportunities that the river and its surrounding areas offer; and second, to preserve the resources of one of America's 203 Wild and Scenic Rivers so it will be there for our children and grandchildren to appreciate.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you or the other members of the committee may have.

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Mr. BISHOP. Thank you, Director. I appreciate you being here.

We will now turn to Wendy Brown, Yosemite for Everyone, please. You have 5 minutes. And would you make sure you are on, and that mic is pulled right up to your face, so we can hear you?

#### **STATEMENT OF WENDY BROWN, YOSEMITE FOR EVERYONE**

Ms. BROWN. Thank you. Thank you for this opportunity to testify on this most important matter. I am a founder of Yosemite For Everyone. We are regular folks who believe in a common-sense approach to preservation, where visitors' use is balanced with protecting the environment.

We are concerned about the future of our local economy if the Merced River Plan is implemented. It will eliminate most of the traditional recreational activities, facilities, and services that have been enjoyed for many years. What affects Yosemite National Park affects the outlying communities in regards to their economy.

I am appearing before you today to ask you to direct the National Park Service to take these actions: develop a plan that retains the activities they are proposing to eliminate under any of the action alternatives; exclude Yosemite Valley from the Wild and Scenic Rivers Act.

Chapter 5, page 21 of the Environmental Impact Statement says, "The Wild and Scenic Rivers Act provides for existing structures as of designation to remain." Private use of horseback riding, rafting, and cycling will be allowed. Yosemite draws visitors from all continents, none of whom can bring their own bicycle, horse, or raft. The management proposal is unfair to international visitors, much less citizens from across the Nation who may visit once, only to find they have no access beyond the roadway. Alternatives two through six are focused on self-reliant, nature-based experience. The plan discriminates against minorities, those of modest means, the very young, the elderly, and the disabled.

For example, many visitors are unable to hike the trails, due to disabilities. Many lack outdoor experience and have concerns for their safety. And many visitors are unwilling to venture out on their own. Most people coming to the park cannot provide these services for themselves, the result being less visitation due to lack of recreational activities. Visitor services should remain, because their removal has no direct benefit to outstanding river values, the activity is not harmful to the river. Yet, in the proposed management plan, somehow a raft brought in by a visitor is good, but a raft rented by a visitor is bad. It is not required by the Wild and Scenic Rivers Act, and the public greatly values these services.

The Wild and Scenic Rivers Act has three designations: wild, scenic, and recreational. The portion of the river that runs through Yosemite is designated recreational. However, the Park Service is treating it like it is wild by creating a river corridor, and turning everything within the corridor back into wilderness. Yosemite Valley is not, and never has been a wilderness. Activities existed in the valley before the Merced River was designated. It was not the original intent of the Wild and Scenic Rivers Act to remove almost all recreation and services within the river corridor. It was put in place to prevent developers from building dams on the river. The grant of 1864 should take precedence over the 1987 designation of the Merced River.

None of the activities slated for removal degrade the river in any way. In chapter 7 of the Environmental Impact Statement, a chart shows that the Curry Village raft rental, bike rental, the Ahwahnee swimming pool, and the horseback day rides in Yosemite Valley do not affect the river values, and there is no required action or mitigation measures. In chapter 5, page 23, "Protecting and Enhancing Free Flowing Condition," the Free Flowing Condition of the Merced River is determined to be absent of adverse effects, degradation, and management concerns. The overall water

quality of the river was exceptionally high, with relatively few impacts caused by development and visitor use.

The National Park Service is, on its own, taking the act and turning it into something that Congress never intended for either the Wild and Scenic Rivers Act or Yosemite. The American river, through our State capital, Sacramento, is a Wild and Scenic River. Does this mean that the Wild and Scenic Rivers Act requires their bridges to be removed and their commercial activities to be curtailed?

Parking and traffic congestion in Yosemite Valley is another issue. Since 1980 and especially after the 1997 flood, the Park Service incrementally removed parking places, creating some of their own traffic problems. There were estimates of 3,000 to 6,000 fewer parking spaces. And they should be using the pre-1997 flood numbers as a baseline to accurately gauge what is added and what is being taken away. Limiting access to fix a problem is not the answer.

The Merced River plan will also be detrimental to a vast number of people. Many jobs will be threatened, not just in Yosemite and the gateway communities, but to the Central Valley and beyond. This will have negative economic impacts to other businesses, as well as lessening local, State, and Federal taxes. It felt like the Park Service had already made up their minds and was just going through the motions, and the outreach was feeble, at best. A large number of citizens are opposed to the Merced River plan.

The Park Service has taken the Wild and Scenic Rivers Act too far. It will change the way visitors experience Yosemite. Please take steps to ensure that traditional, time-honored experiences will continue in Yosemite National Park for generations to come.

Thank you for your consideration.

[The prepared statement of Ms. Brown follows:]

PREPARED STATEMENT OF WENDY BROWN, YOSEMITE FOR EVERYONE

I am here to provide information to the Committee on the public impacts of closing amenities at Yosemite National Park. I am an official representative of Mariposa, authorized by the community to speak for them, and many more like us in and around Yosemite National Park. I am a founder of Yosemite For Everyone. We are regular people who have joined together who believe in a common sense approach to preservation where visitor use is balanced with protecting the environment. We are horsemen, past park employees, a builder, hikers, campers, business owners, retired Yosemite Magistrates, and attorneys. I am also a member in good standing in The Mariposa Mountain Riders, Backcountry Horsemen of California, and the Mariposa County Arts Council. I am an outdoor enthusiast, a horse owner, and stock user and have a good understanding of our public lands and Yosemite National Park. Through the years I have spent quality time with family and friends in Yosemite. I have enjoyed personally most of the recreational activities, camping, and amenities that the park offers. I am a cowboy poet. I published my book of original cowboy poetry "Mountain Majesty" in 2011. For over 38 years I have been employed at a family owned and operated restaurant in downtown Mariposa. During my employment I served visitors from all over the world that were coming to visit Yosemite. I enjoy telling them of all the things they can see and do in the park, what amenities are offered, and directions to get where they want to go. Over the span of four decades the restaurant struggled through many catastrophic events, such as floods, rock slides, and wildfires that closed the "all weather highway" to Yosemite for extended periods of time. All of this has put me in close contact with the citizens of our small gateway community of Mariposa. What affects Yosemite National Park absolutely affects the outlying communities in regards to their economy, employment, and visitor experience.

Our citizens, local merchants, and those employed by them are concerned about their futures and the future of our community if any of the proposed Alternatives, except the No Action Alternative 1, of the Merced River Plan are implemented. Alternatives 2–6 will be remove and eliminate almost all of the traditional, historical, recreation activities, facilities and services that have been enjoyed by visitors to the park for 150 years. I am appearing before you today to ask you to direct the National Park Service to take these actions:

- Develop a Plan that retains the activities they are proposing to eliminate under any of the Action Alternatives. Only the No Action Alternative 1 is acceptable because it retains all of the activities.
- Exclude Yosemite Valley from the Wild and Scenic Rivers Act. This segment is recreational and allows these activities to continue.

Chapter 5, page 21 of the Environmental Impact Statement Management Standard states, *“the Wild and Scenic Rivers Act provides for existing structures as of designation to remain.”*

#### IMPACTS TO VISITORS

- People come from all over the Nation and all over the world to visit this national treasure. Many of the residents of California who visit Yosemite, do so annually to enjoy traditional family oriented activities year after year. All of the visitors have come to expect to continue to be offered the activities that they have enjoyed for many years. We are told that many of these activities will still be allowed, such as horseback riding, rafting, and cycling. This is only true if you own a horse, a bicycle, or raft, and can bring the “activity” into the Park with you. It appears it is not the activity itself that is harmful to Yosemite, but only if it can be rented in the park by visitors who are unable to see the Park from a hiking trail or shuttle bus. This is nearly impossible for most visitors as transporting these items from a long distance away would be unreasonable, and difficult. Yosemite is a World Heritage Site and draws visitors from all continents, none of whom can bring their own bicycle or horse. The management proposal is unfair to these international visitors, much less citizens from across the Nation who may visit Yosemite only once, only to find they have no access beyond the roadway.
- With 17,000 tourists using wranglers to pack them in every year and 34,000 people who hire private rafting companies, recreation will be severely limited. Many people will not be able to have the “Yosemite Experience” if they can’t hike or walk. All of the Alternatives, except the No Action alternative 1, are focused on “self-reliant, nature based experience.” The Plan discriminates against minorities, those of modest means, the very young, the elderly, and the disabled. For example, many visitors are unable to hike the trails due to disabilities. Many lack outdoor experience and have concerns for their safety, and many visitors are unwilling to venture out on their own. The availability of stock outfitters encourages Park visitors to get out of their cars, get close to nature and enjoy a once-in-a-lifetime National Park experience. Seeing Yosemite on horseback is an experience that cannot be replicated by other means. For the vast majority of visitors, that opportunity can be provided to them only through the services of commercial guides. The same holds true for bicycling, and river rafting. Bicycling in the National Parks supports the National Park Service’s Healthy Living Initiative and offering bike rentals is a positive visitor experience. Bicycling through Yosemite Valley is a unique way to experience the scenery, and is an appropriate alternative to driving cars, promoting the reduction of vehicle congestion in the Valley. Providing handicap bike rentals meets accessibility requirement for the National Park Service. They also provide safety orientation and trail map, helmet, helmet sanitation, daily inspection and bike repair, fitting seats, assistance with child carriers, wheelchairs, motorized scooters and recumbent bicycles. Rafting also provides Yosemite’s visitors with a quality recreational experience directly connecting them to the Wild and Scenic River and a unique way to view the majesty of Yosemite Valley. Congress never intended to exclude river use from the Merced, and in fact, recognized use of the River as a “value” to be emphasized. Raft rentals are only operated during safe river conditions. All participants are provided with life vests and are given a safety talk and river orientation prior to the trip. Most people coming to the park cannot provide these services for themselves, the result being, less visitation due to the lack of recreational activities. The National Park Service should retain visitor services because their removal seems to have no direct benefit to the river

values. The activity is not said to be harmful to the river. Yet, in this proposed “river management plan” somehow a raft brought in by a visitor is good, but a raft rented by a visitor is bad. It is not required by the Wild and Scenic Rivers Act, and the public greatly values these services.

- I have also received much concern from horsemen over stock use in Yosemite National Park. Under the Preferred Alternative, there would be no more pack trips into Merced Lake, and bed space would be reduced. Alternative 2 even suggests the removal of the whole camp and all the infrastructure, and designated camping would be eliminated.

In other words it would be returned to wilderness. The Tuolumne River Plan intends to reduce the bed space at Glen Aulin High Sierra Camp as well. If the Park Service succeeds in doing this it will sever a major historical trail system. At this time the camps are more or less equal in capacity, which allows for the best hut-to-hut experience. The system is historic, traditional, and many of the camps are eligible for listing on the National Register. The High Sierra Camp loop system is one of a kind in the Sierra, and is a unique experience for Yosemite visitors. When ninety five percent of Yosemite was designated as wilderness in 1984, the High Sierra Camp Loop System was not included. The camps are not part of the designated wilderness, and they all retain a buffer around them that is not wilderness. They are havens in Yosemite National Park that enhance visitor comfort and enjoyment, and should remain for present and future generations to enjoy. Stock use is historical and is allowed by law in the Wilderness Act. Wranglers on the trail provide extra eyes and ears for the Park Service, and can be instrumental in search and rescue efforts. The stock users I am affiliated with all practice the “Leave No Trace” principles, and believe in gentle use of the wilderness. The Park Service should retain all commercial stock use within Yosemite National Park.

#### THE EFFECT OF THE WILD AND SCENIC RIVERS ACT IN YOSEMITE VALLEY

We are aware that the Wild and Scenic Rivers Act has three designations, “wild, scenic and recreational.” The portion of the Merced River that runs through Yosemite Valley is designated “recreational.” However the Park Service is treating it like it is “wild” by creating a river corridor and turning everything within the corridor back into wilderness. Yosemite Valley is not and never has been a wilderness, unless you go back to glacial times. The Native Americans settled in Yosemite Valley thousands of years before the White man saw it. Yosemite Valley was a developed area devoted to recreation for over 100 years after being designated public property, and 50 years after becoming a National Park. The Merced River Plan is contradictory.

- It does not meet the intent of the Grant signed by President Lincoln and passed by Congress in 1864 that states Yosemite Valley and the Mariposa Big Tree Grove were “to be held, for public use, resort and recreation, inalienable for all time.”
- It also contradicts the Organic Act of 1916, that was created by the National Park Service for the purpose of promoting a system of national parks. We think that both of these acts should take precedence over the Wild and Scenic River Act. We would point out that these recreational activities existed in the Valley before the Merced River was designated “wild and scenic.” We also know that it was not the original intent of the Wild and Scenic Rivers Act to remove almost all recreation and services within the river corridor. It was put in place to prevent developers from building dams on the river.

It is also interesting to note that none of the activities slated for removal degrade the river in any way.

- In Chapter 7 of the Environmental Impact Statement, the Facilities and Services chart shows that the Curry Village Raft Rental, the Curry Village Ice Rink, the Curry Village Bike Rental, the Horseback Day Rides in Yosemite Valley, and the Ahwahnee Swimming Pool, do not affect the River Values, and that there is no required action or mitigation measures. We do not believe that the Wild and Scenic Rivers Act intended to take away something that was already there if it was not causing degradation. Attached is a letter from Former Congressman Tony Coelho to Director of the National Park Service, Jon Jarvis that states, “*the Wild and Scenic Rivers Act was never intended to apply to the Merced River within Yosemite National Park at all. The Merced River within Yosemite National Park is protected and regulated by the National Park Service and has never needed an overlay of inconsistent and*

*confusing regulation. The Wild and Scenic Rivers Act was intended to apply to the Merced River outside the Park to the west."*

- We also discovered in Chapter 5, page 23, Protecting and Enhancing Free-flowing Condition that *"The free-flowing condition of the Merced River is determined to be absent of adverse effects, degradation and management concerns, and that the overall water quality of the river was exceptionally high, with relatively few impacts caused by development and visitor use."* There is no requirement in the Wild and Scenic Rivers Act to make a river that was free-flowing at the time Congress designated it to somehow "enhance" it or make it even "more free flowing" by the management plan. The National Park Service is, on its own, taking the act and turning it into something Congress never intended for either the Wild and Scenic Rivers Act or Yosemite. The American River through our State Capitol, Sacramento, is a wild and scenic river. Does this mean that the Wild and Scenic Rivers Act requires their bridges to be removed and their commercial activities to be curtailed?
- The activities listed are only a few of the things slated for removal. They also plan to eliminate the Ahwahnee Tennis Courts, the historic Sugar Pine Bridge, Curry Village Pizza Deck and Bar, retail stores, the Garage Facility, the historic apple orchard, the Housekeeping camp grocery store, the Yosemite Village Sport Shop, the Art Activity Center, and overnight lodging in the Valley would be reduced by 7.5 percent.
- Nature Bridge, which connects youth to Yosemite in a unique way is also threatened. Participants from underserved populations who are in their programs have greater reliance on equipment that is rented or provided by Nature Bridge. It was John Muir's intention to welcome the visitor to Yosemite to be educated and inspired. Educational opportunities in Yosemite are very important, as they will encourage visitors to take care of their Park.
- Parking and traffic congestion in Yosemite Valley is another issue that affects visitation to the Valley. Since 1980 and especially after the 1997 flood, the Park Service incrementally removed parking places creating some of their own traffic problems. There are estimates of 3,000 to 6,000 fewer parking spaces. The Park Service should be using the pre-1997 flood numbers as a baseline to accurately gauge what is added and what is being taken away. Limiting access to fix a problem that the Park Service created is not the answer.

#### ECONOMIC IMPACTS

- The Merced River Plan will also be detrimental to a vast number of people. It will eliminate many jobs, and many livelihoods will be threatened, not just in Yosemite and the gateway communities, but clear to the Central Valley and beyond. This will create a ripple effect. The businesses that supply them will suffer. This will have negative economic effects to other businesses as well as lessening local, State, and Federal tax revenues.

#### OUTREACH

- We also feel that the outreach to the visitors to Yosemite National Park was inadequate. The Draft Environmental Impact Statement (DEIS) was released in January 2013. It is a four thousand page document including exhibits that is sandwiched between two other plans, The Tuolumne River Plan and The Mariposa Grove Restoration Plan. This is much more information than the average citizen can absorb and comment intelligently on in the ninety days allowed. A bi-partisan group of Congressmen concurred that an extension was necessary, and requested that the National Park Service extend the public comment period by 90 days. However, the Park Service extended the comment period by only 12 days. The public meetings were not published in a timely manner to allow citizens to arrange for the time off from work to attend them, and sometimes the times and dates were incorrect.

They did not encompass an adequate cross section of visitors to the Park. The meetings were held primarily in the gateway communities. The only cities that were visited were San Francisco and Los Angeles. There were no public hearings in the central valley, and the visitors from out of State and Europe were completely ignored. I attended many of the public hearings in our area and became painfully aware as time went on that the Park Service really didn't want to hear what we had to say, and provided less and less time for public questions and comments. Attached is a letter to Superintendent Neubacher expressing our frustration of being shut out of the process. It felt like the Park Service had already made up their

minds and was just going through the motions. They are not hearing what the more than 3 million visitors a year to Yosemite are saying.

In conclusion a very large number of citizens are opposed to the Merced River Plan and all that it implies. We think the Park Service has taken the Wild and Scenic Rivers Act way too far. It will absolutely change the way visitors experience Yosemite. Please take steps to insure that traditional, time honored experiences will continue in Yosemite National Park for generations to come. On behalf of Yosemite For Everyone, we thank you for your consideration.

Mr. BISHOP. Thank you for your testimony and being here.

We will now turn to Mr. Ouzounian. Is that correct?

Mr. OUZOUNIAN. It is.

Mr. BISHOP. Great. If we can once again pull one of the microphones that is closest to you—or maybe do both of them, you can do a stereo effect here.

Mr. OUZOUNIAN. And 10 minutes?

Mr. BISHOP. OK.

[Laughter.]

Mr. BISHOP. Turn the timer over to you. Thank you, sir.

#### **STATEMENT OF BRIAN OUZOUNIAN, CO-FOUNDER, YOSEMITE VALLEY CAMPERS COALITION**

Mr. OUZOUNIAN. Mr. Chairman and members of the Committee, I greatly appreciate this opportunity to appear before you today to discuss the MRP DEIS concerning the future of Yosemite. I am here to represent and speak for millions upon millions of Yosemite Valley campers, past, present, and future, in support of access for affordable, family friendly, auto-based drive-in camping in Yosemite Valley. I am part of four generations of Yosemite Valley campers in my own family, who started camping in the 1920s. I have been active in this effort for 33 years, with various management and planning teams, traveling great distances on my own dime and on my own time, to speak up on behalf of those I represent.

Early on, about 1979, I was aghast to learn that we campers were left—all but left out of the planning process for the 1980 GMP. However, I have observed a trend that is the same poor planning continued with all the Park's planning, including the MRPs over the last 13 years. All this leading to campers being disenfranchised. This latest MRP project is even more discouraging, as we were specifically told that this project would be different, in that we would be partnering. This was not to be true, as the alternatives that were studied did not include our request, which was, among other things, the repair of the 1997 flood-damaged campgrounds and the sites to their original state.

With regards to planning process, sadly and true to past ill form, the planners skewed the outcome of the process, as they did not reach out to the very deep data base of campers to involve them in the process and allow them to respond. The YNPS has a reservation data base that would easily allow contacting each one. However, they localized their outreach, provided minimal demographic efforts, aside from local, regional communities. In counting the participants at each venue in total, this process has not reached the public scrutinies commensurate of the weight of this study that carries national precedence in its setting.

We recognize the venue in—well, let me skip that.



In our opinion, the YNPS intentionally refused to reach camping respondents, knowing full well that it would invite huge and passionate responses in favor of valley camping as a priority that the planners did not want to face. Alternatively, they could just flat out ignore repeated requests and importance for access of affordable, family friendly, auto-based camping, which is a remarkable, outstanding value.

To this body I say that and ask anyone who spends time in Yosemite Valley and they will agree that what Olmstead stated in his letter commissioning the park to the State was time well spent, and it is therapeutic of body and mind.

To more fully illustrate to the planners what we wanted graphically, I marked up a large-scale map, which—I brought one, in case you want to ask me some questions and see it—so that we could really see how it lays out on the valley floor. These requests were denied. There were no park surveys of visitors to support public demand and preferences. Every opportunity was afforded the planners to walk and talk to visitors, yet they chose not to do so. The public has to rely on the park's charts and figures of their best guesses.

This is what the campers want: affordable, family friendly, auto-based drive-in camping in Yosemite Valley, by first repairing the flood-damaged campgrounds to include Lower Pines, Upper River, Lower River, and group camping north of Tenaya Creek. Do not remove any campgrounds—any campsites from North Pines. This land, all of it, is campgrounds in need of repair from the flood.

Second, we want the park to provide the same type of affordable, family—auto-based campsites to meet the pre-1980 GMP levels: 872 drive-in sites, 58 walk-in sites, 14 group sites. Post-flood, Congress gave the NPS \$17 million to repair the flood-damaged campgrounds, as reported by Mr. Hodep in his report dated 3/26/1997—

Mr. COSTA. Mr. Chairman? Could he repeat those numbers one more time?

Mr. BISHOP. Could you repeat the numbers? And we will give him some additional time to conclude.

Mr. OUZOUNIAN. Eight hundred and seventy-two drive-in sites, 58 walk-ins, 14 group sites.

Mr. COSTA. Thank you.

Mr. OUZOUNIAN. The NPS failed to make repairs using that money, and I am told that it was spent on other things and there was no money left. This must be some kind of crime, is it not? Camping along the Merced River is a very specific ORV, unlike other sites inland, are the most sought-after sites in the park. River sites as they were in pre-flood conditions need to be repaired and re-installed. They are significant to the visitor experience and resource-based appreciation. Riverside campsites have always been the most sought-after in the valley, just as it was with our Native Americans.

Campers enjoy the challenge of rustic living, as it provides a common challenging method of fending for themselves, and challenging of creativity, which lends itself to more appreciation of the park's surroundings, other ORVs, and its resources. Visitation via camping is natural to the precious resources of Yosemite. Camping

in the valley is more than a recreational ORV. It is traditional, social, cultural, and to some, a religious ORV in line with the Native Americans who first camped in the valley. We believe that affordable, family friendly, auto-based camping is an endangered activity in Yosemite Valley. If this terrible plan is implemented, it will set the same precedent for planners of every study undertaken in our country under WRSA compliance.

The campgrounds to pre-1980 GNP levels are historical landmarks. Just as the bridges, these certainly pre-date Camp Four, known as the "Climber's Camp." It was awarded historical status after climbers filed a lawsuit via settlement with the NPS to place it on the national registry. Does the public have to sue our Government to get our campgrounds on the historical registry? All campgrounds are historical, back to the early 1900s.

It is apparent that the NPS believes that campers adversely impact the river, as well as degrade it, even though they cannot prove it. Is this via science or management discretion? Yet, in fact, the ORV baseline condition report states to the contrary, that it is the river flooding that carries adverse impacts. Why does the NPS use untruths?

Mr. BISHOP. Mr. Ouzounian, can I ask you to conclude very quickly, please?

Mr. OUZOUNIAN. Yes. With regard to making a campsite reservation, the demand is so high and the supply so little that it only takes 1 minute from the start of the reservation opening for all the sites for the month to be swallowed up. U.S. residents and taxpayers have to compete with the world via Web site to pay to play. It is a technical race unequal to anything imaginable. Reservation day is the worst day of the year, because just the thought of failure to get a reservation is very discouraging. You have to face your family and say, "Not this time," and tears flow.

[The prepared statement of Mr. Ouzounian follows:]

PREPARED STATEMENT OF BRIAN OUZOUNIAN, CO-FOUNDER, YOSEMITE VALLEY  
CAMPER'S COALITION

Mr. Chairman and members of the Committee, I greatly appreciate this opportunity to appear before you today to discuss the MRP DEIS concerning the future of Yosemite. I am here to represent and speak for millions upon millions of Yosemite Valley campers, past, present and future in support of access for "*affordable family friendly auto based drive-in camping*" in Yosemite Valley. I am part of four generations of Yosemite Valley campers in my family who started camping in the 1920s.

I have been active in this effort for 33 years with various management and planning teams traveling great distances on my own dime and on my own time to speak up on behalf of those I represent. Early on, about 1979, I was aghast I learned that we campers were all but left out of the planning process for the 1980 General Management Plan known as the 1980 GMP; however I have observed a trend that this same poor planning continued with all the park's planning including the MRP's over the last 13 years; all this leading to campers being disenfranchised.

This latest MRP project is even more discouraging as we were specifically told that this project would be different in that we would be "partnering." This was not to be true as the alternatives that were studied did not include our request, which was, among other things, the repair of the 1997 flood damage campgrounds and sites to their original state.

With regards to the planning process, sadly and true to past ill-form, the planners skewed the outcome and the process as they did not reach out to the very deep data base or campers to involve them in the process and allow them to respond. The YNPS has a reservation system data base that would easily allow contacting each one. However, they localized their outreach and provided minimal demographic efforts aside from local regional communities. In counting the participants at each

venue and in total, this process has not reached the public scrutiny commensurate of the weight this study carries and the national precedent it sets. We requested a venue in Orange County so that respondents in San Diego would have an opportunity but it was denied and held in Los Angeles, 3 hours from San Diego plus traffic delays during a weekday rush hour. Limiting the outreach to campers mitigates input, which, judging by our petition, would be overwhelming in opposition.

It is our opinion that the YNPS intentionally refused to reach camping respondents knowing full well that it would invite huge and impassioned responses in favor of valley camping as a priority that the planners did not want to face. Alternatively, they just flat-out ignored our repeated requests and the importance of access for affordable family friendly auto based drive-in camping as an Outstanding Remarkable Value (ORV) and its resource based visitor enjoyment.

In 1864, President Abraham Lincoln and the U.S. Congress passed the Yosemite Grant or 1864. The President commissioned the park to the State or California via the famous architect Frederick Law Olmstead who authored *Yosemite and the Mariposa Grove: A Preliminary Report*. 1865. The basic intent for access to the park is true today as it was in 1865 with reference to pages xvi and xvii or the introduction and page 12 as follows:

*Page xvi and xvii states:*

“He [Olmstead] describes the beneficial effect or natural scenery upon the human mind, and claims that a republic owes this benefit to its ordinary citizens.

*If we analyze the operations of scenes of beauty upon the human mind, and consider the intimate relation of the mind upon the nervous system and the whole physical economy, the action and reaction which constantly occurs between bodily and mental conditions, the reinvigoration which results from such scenes is readily comprehended.*

He argues that British statesmen remain very active into old age because they retreat regularly to their private parks or the mountains. But in America, he believes, this invigorating contact with natural scenery should be available to all citizens. Therefore, it is the duty of a republican government to safeguard its most impressive scenic areas for the use of its citizens . . . His first recommendation is preservation: . . . His second recommendation is public access. Only those travelers who were able to afford a lengthy trip by pack train could visit the Yosemite Valley in Olmstead’s day. [“As long as the present arrangements continue,” he wrote, Yosemite “will remain, practically, the property only or the rich.”].

To this body, I say that it is as true today as it was in 1864 that the park is accessible only for the affluent that can “pay to play.” Olmstead makes mention that only the upper class, which mainly came from Europe, could afford the expeditions and their huge costs to access Yosemite. Well look what we have now. From nearly \$118 a night for a Camp Curry tent cabin to \$1,148 a night for a suite at the Ahwahnee Hotel. If you cannot camp, these are the real costs of visitation as well as the limited access. How unfortunate that we have lost our way to the original intent of this park.

*Page 12 of Olmstead’s book goes on to state the following:*

“It is a scientific fact that the occasional contemplation of natural scenes of an impressive character, particularly if this contemplation occurs in connection with relief from ordinary cares, change of air and change of habits, is favorable to the health and vigor of men and especially to the health and vigor of their intellect beyond any other conditions which can be offered them, that it not only gives pleasure for the time being but increases the subsequent capacity for happiness and the means of securing happiness. The want of such occasional recreation where men and women are habitually pressed by their business or household cares often results in a class or disorders the characteristic quality of which is mental disability, sometimes taking the sever forms of softening of the brain, paralysis, palsy, monomania, or insanity, but more frequently of mental and nervous excitability, moroseness, melancholy, or irascibility, incapacitating the subject for the proper exercise of the intellectual and moral forces. It is well established that were circumstances favor the use of such means of recreation as have been indicated, the reverse of this is true.”

To this body I say that ask anyone who spends time camping in Yosemite Valley and they will agree with what Olmstead has stated. Time spent here is therapeutic to the mind, body, and soul.

With regards to our petition, it was the urging of U.S. Senator Dianne Feinstein, she being a camper, that moved us to start a petition to gather support for repairing the flood damaged campgrounds as funded by Congress. First we had 500 hand-

gathered petitions going camp to camp. Then we started an electronic petition with places for signers to speak to their opinions. It can be viewed at our Web site. The opinions expressed exemplified a message that is not of science or management practices or flippant chats but of a love affair and legacy for the park beyond what one person can say. There are about 2,000 signers and maybe 1,000 testimonies. This has been submitted to the YNPS on more than one occasion for their review and consideration. Unfortunately, no alternative was studied or made the cut for the study as an alternative. What must we campers do to be taken seriously! Almost all planning meetings were attended and the information reiterated multiple times in each session. Comments were mailed in and hand delivered. Unfortunately, the plan does not take to heart these testimonies. In fact, the plan breaks up the love affair and legacy that has been passed on by generations or valley campers.

Additionally submitted to more fully illustrate to the planners what we wanted graphically, I marked up large scale maps of the valley in red ink, one for the planners and one for me to hold, which I have here in case you wish to see it. It made very specific recommendations and comments. These requests were denied.

There were no surveys of park visitors to support public demand and preferences. Every opportunity was afforded the planners to walk and talk to visitors yet they chose not to do so. The public has to rely upon the park's charts and figures of their best guesses.

This is what we campers want: affordable family friendly auto based drive-in camping in Yosemite Valley by first repairing the flood damaged campgrounds to include Lower Pines, Upper River, Lower River, and Group Campground, north of Tenaya creek. Do not remove any campsites at North Pines Campground. This land is classified as damaged campgrounds in need of repair (from the flood).

Second, we want the park to provide the same type of affordable family friendly auto based drive-in campgrounds to meet the pre-1980 GMP levels, which are: 872 drive-in sites; 58 walk-in sites; and 14 group sites.

Post flood, Congress gave the YNPS \$17 million to repair the flood damaged campgrounds as reported by Mr. Hodap and his report dated 03-26-1997. The YNPS failed to make the repairs and I am told that it was spent on other things and there is no money left. This must be some kind of a crime is it not?

Camping along the Merced River is a very specific ORV, unlike the other sites inland, and are the most sought after sites in the park. River sites as they were in pre-flood conditions need to be repaired and more installed. There is no definitive damage caused by them. (Ref: ORV Baseline Condition Assessment Report). They are significant in visitor experience and resource appreciation. Riverside campsites have always been the most sought after in the valley, just as it was with our Native Americans.

Campers enjoy the challenge or rustic living as it provides a calm and challenging method of fending for ourselves and a challenge of creativity, which lends itself for more appreciation of the Park's surroundings, other ORVs, and its resources. Visitation via camping is natural to the precious resources Yosemite has to offer.

Camping in the valley is more than a recreational ORV; it is a traditional, social, cultural, and to some, a religious ORV, in line with the Native Americans who first camped in the valley. We believe that affordable family friendly auto based drive-in camping is an endangered activity in Yosemite Valley. If this terrible plan is implemented, it will set the same precedent for planners of every study undertaken in our country for the WSRA compliance with a false basis of measurement.

The campgrounds, pre-1980 GMP, are historical landmarks just as the bridges and these certainly predate Camp 4 now known as the "Climbers Camp." It was awarded historical status after the climbers filed a lawsuit, via a settlement with the NPS, as a place on the Register of Historical Places after a court battle. Does the public have to sue our Government to get the other campgrounds on the historical registry? All the campgrounds are historical back to the early 1900s.

Split-rail fencing along the Merced River at North Pines Campground and all other campground locations have been installed to prohibit public access to the River when, in fact, this is what the land was granted for. Their installation compresses visitor access to river banks at the fence ends creating an unnatural experience and unnatural degradation.

It is apparent to us that the YNPS believes that campers adversely impact the river as well as degrade it, even though they cannot prove it; is this via science or management discretion? Yet, in fact, the ORV Baseline Condition Report states to the contrary and that it is the river flooding that carries adverse impacts. Why does the YNPS plan use untruths?

Rafting on the Merced River in itself is an ORV and campers know how to do it best. We want to use our personal watercraft to the maximum extent possible WITHOUT PERMITS! It will self-regulate and it does not create concentrated deg-

radation as does concessions rafting. Plus, there will not be the need for diesel buses to circulate the Valley to pick rafters. There will not be the need for two rafting diesel bus depots to ferry the rafters. (Note: we cannot have campfires any longer due to airborne particulate pollution but we can have circulating diesel buses for rafters?) Infrastructure support to maintain this activity would be eliminated such as raft repair, bus repair, personnel support, etc. This would maintain a safer and more pleasurable river environment, lessening the crowds in the river and less haul-out damage to riverbanks. By scooting a few fallen trees aside parallel to the flow of the river, this can and will facilitate safer rafting as well as enhance the resources of the park and the ORV's, which we have requested for decades.

Campers bring their own bikes, fend for their own repairs and have done this for decades. Campers do their grocery shopping on their own bikes as well as travel throughout the valley without the need for their cars. Campers basically park, camp, and ride. We do not need bike rentals but rather improved bicycle circulation paths throughout the valley.

With regard to making a campsite reservation, the demand is so high and the supply is so little that it only takes 1 minute from the start of the reservation opening for all the sites for the month to be swallowed up. U.S. residents and taxpayers have to compete with the world via the web for sites we paid for. It is a technical race unequalled to anything imaginable. Reservation day is the worst day of the year because just the thought of failure to get a reservation is very discouraging. You have to face your family and say "not this time!" Tears flow.

The lack of a Group Campground has caused campsite density to swell beyond the maximum of six (6) per site creating a diminished visitor experience. Campgrounds are bulging at this abuse of the rules and the staff and volunteers are not enforcing the rule. Nowhere in the YNPS documents is the former Group Campground mentioned. Why not?

We DO NOT want more walk-in sites. They create blight via the parking lots that must be created for the cars associated with them (as does Camp 4's lot). They discriminate against the young, elderly and the disabled. They are not accessible affordable family friendly auto based drive-in camping. Few, if any, want to go camping by way of a tour bus. The MRP is fooling the public by thinking it can replace affordable family friendly auto based drive-in campsites with walk-in sites.

Auto based camping is wise due to the regulated emissions on autos versus the unregulated massive polluting diesel buses that now transport visitors to the Park. Auto based visitation is more eco-friendly. Besides, the roads in the Park are NOT engineered or designed for buses but rather autos and light trucks. Using CNG buses is precluded by the park not being able to establish CNG filling stations for the busses. Moreover, the weight balance is upset as luggage needs to be loaded beneath the passengers but CNG busses have their tanks and mechanics below the passengers leaving luggage loading and storage to the top of the vehicle that won't facilitate safe travel through the roads as they would be top-heavy.

Of the 81 miles of Merced River, we campers want our ORV to be only along a couple of miles. Can't there be a reasonable balance?

Every time there is a change in the park, campers bear the burden of the change. What has been observed over the years is a systematic elimination of access to affordable family friendly auto based drive-in campsites. All six alternatives in this MRP DEIS are unacceptable and contribute to this plan of elimination making it an endangered activity.

Our way of camping in Yosemite Valley is nature-focused that is regarded by millions of visitors as the ultimate family camping experience that imbeds a life-long ethic of resource preservation for all ages. Intergenerational relationships emerge and are strengthened. The family is doing things it does not do at home, and without electronics. In a world of growing obesity, camping is a natural form of remedy. Springing from this experience in the valley is born the future climbers, backpackers, hikers, and conservationists, regardless of ethnicity or income level; an indiscriminate ORV. Where fixed roof facilities need multiple auto or truck trips for daily support year round, camping skills are developed for self-containment and comfort that needs minimal infrastructure support and can be enjoyed at entry level costs. Where fixed roof facilities are permanent year-round land impositions, campgrounds are only seasonal allowing regeneration of the land and many months of open space. (MPS 2006m) *"Camping brings the visitor into a direct relationship with park resources and distances the visitor from the commercial values of comfort and convenience and the expression of social status. Thus, camping brings the visitor closer to the very natural attributes for which national parks were set aside and protected."*

Harold Ickes (Secretary of the Interior, 1933–1945) was prophetic in stating: *"I think the parks ought to be for people who love to camp and hike . . . and have re-*

*newed communion with nature. I am afraid we are getting gradually alienated from that ideal. We lie awake at night wondering whether we are giving the customers all of the entertainment and all of the modern improvements that they think they ought to have, But let's keep away from that, because once we get started, there will be no end."*

Mr. Chairman, this plan is NOT APPROVED in any way or alternative. If the YNPS really wants to correct the plan, repair the flood damaged campgrounds and sites to pre-flood (872 campsites) conditions and then address the recommendations we have addressed in this presentation.

This concludes my statement. I would be pleased to respond to any questions you or other members of the Committee may have.

#### THE FOLLOWING IS A DISCUSSION ABOUT THE NUMBER OF CAMPSITES AND THE TREND

The 1980 GMP recognized the value of camping as a resource-focused activity. It proposed reducing the number of campsites in the valley from 872 to 756 of which there would be 684 "family friendly" auto campsites, 58 walk-in sites, and 14 group campsites. In 1992, the Concession Services Plan documented the existence of 7 campgrounds in Yosemite Valley for a total of 817 campsites—it would seem that this number would be the baseline for the number of campsites that existed at the time the Merced River was designated Wild and Scenic in 1987; however, it appears the Revised ORV Baseline Conditions Report is using 872 from 1980 as the baseline number. The flood of 1997 severely affected the Upper and Lower River Campgrounds as well as the lower portion of Lower Pines Campground (as well as the Group Campground north of Tenaya Creek) reducing the number of available campsites to 466 in the DEIS; however, the Park's Report appears to be using 436 (The documents' numbers don't match such discrepancies raise doubts as to the accuracy or any numbers used in the DEIS.) Doing the math, there appears to have been a 43–50 percent decrease in camping opportunities since the 1987 designation; and using the Report's numbers, there has been nearly a 54 percent decrease in the number of "family friendly" auto based drive-in campsites since the 1987 designation.

Within one of the webinars (possibly Feb. 14<sup>th</sup>), it was stated that camping was an ORV by Kathleen Morse. Regarding ORVs, the 1982 Guidelines state that "each component will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses which do not adversely impact or degrade those values" (aka the Nondegradation standard). WSRA then provides examples of possible River values such as scenery, recreation, fish and wildlife, geology, history, culture, and other similar values—though the primary emphasis still rests with the esthetic, scenic historic, archaeological, and scientific features. That being the case, there would seem to be no doubt that available camping opportunities in Yosemite Valley are in desperate need of protection and enhancement, especially considering the 54 percent loss of "family friendly" auto based drive-in campsites.

Though the preferred alternative proposes to increase valley campsites from the No-Action Alternative number of 466 to 640, the mix of sites is suspect. Of that increase, 175 would be walk-in sites with presumably large parking lots, 36 are RV sites (more like the old "drive-in movie" experience), and only 19 would be auto based drive-in tent sites; the latter does very little to remedy the 54 percent loss of the "family friendly" auto based campsites from the baseline number at the time of the River's designation. It also flies in the face of the more than \$17 million awarded by Congress to repair and put back the campsites that were lost in the 1997 flood.

The following chart attempts to track the erosion and reconfiguration of camping in Yosemite Valley:

	Pre-GMP	GMP	CSP	ORV	BCR *	DEIS existing 2013MRP (Alt.5)
Total .....	<b>872</b> (859 *)	<b>756</b> (743 *)	<b>817</b>	<b>436</b>	<b>466</b>	<b>640</b> (642 *)

\* Denotes Revised ORV Baseline Conditions Assessment Report. The Report's 2012 number groups campgrounds together rather than delineating individually. The final number is less than what is documented in the MRP DEIS. The bolded totals are the official count per the Plan(s); the numbers in parens are the trackable ones. The concession Services Plan (CSP) only lists total sites in Yosemite Valley rather than delineating individually. The 1980 GMP authorizes 684 auto sites, 14 group sites, and 58 walk-in sites; there is no mention of Backpackers campgrounds taking over Group campground; it just seems to have suddenly appeared.

Mr. BISHOP. Thank you.  
Mr. Hoss?

# STATEMENT OF PETER T. HOSS, AUTHOR

Mr. HOSS. Thank you for the opportunity to be here. I hope everybody can hear me. I am Peter Hoss. I am not a professional historian. I am an attorney by profession. I am a native of Yosemite. I have had lifelong experience in various aspects of it, including legal matters, hiking, working for concessioners, what not. I think I know the territory. I wrote a book called, "Born in Yosemite," published in 2011. And in that book, I addressed this litigation involving the Merced River in some detail. And I followed it as it developed, researched it, talked to the parties involved.

So, what I want to review for you is the history of why we are here. I agree with Congressman McClintock that this initiation was initiated by what could be characterized as the extreme left of the environmental movement. It was never supported by traditional environmental organizations such as the Sierra Club, the Wilderness Society, the Conservation and Parks Association. The biggest impediment in developing the park has been this litigation. And I come to you with some suggestions as to how you can get rid of it, and get rid of the litigation and get on with managing the park.

Tony Coelho, who introduced this, had no intention of applying the Wild and Scenic Rivers Act to Yosemite. That was his intention with the House of Representatives. When it came to the Senate, they said, "Well, let's incorporate it into the existing draft plan," and that was intended to affect only the future, not the past, not to have any effect on anything that was in Yosemite. When the Wild and Scenic Rivers Act was put in, the intention was to leave Yosemite as it was, and to limit future development. That was the intention when it came in.

But it did require a plan, because the administrative agency is the Park Service. They were required by the Wild and Scenic Rivers Act to initiate a plan. So they did: the YVP plan. This group of local, extreme environmentalists challenged the plan twice. When it eventually got up to the ninth circuit court of appeals, the only requirement imposed by the ninth circuit court of appeals was to "assess user capacity." What does that mean? It means how many people can look at a river without degrading it. That is a question that almost belongs in Alice in Wonderland more than it does in the Park Service.

The Park Service had a plan which the court rejected which said this is a qualitative thing. You educate people how to appreciate the river. Don't leave a trace. It is not a matter of how many people look at it, it is a matter of how people treat it. The court didn't agree with that. They said, "No, we have to have a number, and you have to impose a number." As a practical matter, how can you do that when the number of people looking at the river changes every minute? You can impose a limit on the number of people who can be in Yosemite for day use, and that has been done.

That is all the Park Service had to do. That is all they had to do, and they could have incorporated it into their plan, gone on with business. But they said, "No, we don't want to do that, we want a settlement. We want to settle with these people, so they won't sue us again. So we are going to buy them off by paying their attorneys," number one, \$1 million of taxpayers' money, which they were not obligated to pay, and then they want a comprehensive

master plan. They want to throw out this other plan that has been done with all this work, do it all over again, and throw a lot of their own ideas into it, and we will throw a few of our own ideas into it, and that is how this 2,500-page document came into existence.

Now, how can we get rid of this? You can vote no action on this plan. The parties have no recourse for that, really. They have their plan. The Park Service doesn't have to do what they want to do with the plan.

So, I want to close this with a couple of statements from noted environmentalists. And this is what Dave Brower said of—and he is probably the most outspoken environmentalist of the last century. This is what he said about Yosemite, and he has had some experience in it: “The periodic assault on Yosemite guardians has gone on long enough. Gnats are being strained concerning Yosemite management while we in California, as a whole, swallow camels: the spoiling of waters offshore, reckless destruction of forests, and the apparent preference in gridlock over clean air. There were about 37 other visitors when I first visited Yosemite in 1918. When I stopped working there 20 years later, the count hit almost half-a-million. Last year there were more than six times that many, and the valley looked better and it was more enjoyable than it had been a half-century earlier. The impact of visitors on the valley has been lessened, and the impact of the valley on visitors has been enhanced. Generous credit is deserved by Yosemite people, government, and companies who have been masters of restoration. Yosemite people deserve a toast, not a roast. If they annually serve 3 million people and protect the park and the company makes a lot of money, don't curse that. Profit is still legal.”

Now, what I am asking you to do here is two things that could be done to end this litigation and allow us to move on.

Mr. BISHOP. You have got 15 seconds to say it.

Mr. HOSS. OK. Adopt no action on the plan.

Mr. BISHOP. OK.

Mr. HOSS. And exclude all recreational areas in the valley from it, as was intended by Tony Coelho. Yosemite is not broken, and does not need to be fixed by these drastic measures. They aren't necessary. Thank you for your time.

[The prepared statement of Mr. Hoss follows:]

PREPARE STATEMENT OF PETER T. HOSS, AUTHOR AND FOUNDING MEMBER,  
YOSEMITE FOR EVERYONE

I am Peter T. Hoss, a native of Yosemite, retired attorney, and author of a book entitled “Born in Yosemite” published in 2011, discussing 75 years of human history in Yosemite since 1934. I am a founding member of a group known as Yosemite For Everyone, consisting of persons with long experience in Yosemite from diverse backgrounds. Among our founders are a retired superintendent, a retired ranger now an attorney, a retired Federal Magistrate and his wife, the founder of the Yosemite Renaissance art program, the retired 20 year CEO of the principal Yosemite concessioner, and a long time resident and representative of gateway communities and horse owner and backcountry enthusiast.

The Mission Statement of Yosemite For Everyone (Exhibit 1) is to protect the right of the general public to enjoy Yosemite, as provided in the original grant to the general public in 1864 and the Organic Act of 1916, creating National Parks. Yosemite For Everyone does not consider our real opponent in this matter to be the National Park Service (NPS), although we are critical of some of their actions. Our real opponents are two local organizations based in Mariposa California, who call



themselves “Friends of Yosemite Valley” (FOYV) and “Mariposans for Environmentally Responsible Government” (MERG), Their apparent mission is to remove or seriously limit visitation by the general public to Yosemite Valley in order to “restore” Yosemite Valley to a wilderness it never was. They have twice filed lawsuits to overturn plans drafted by the NPS. In neither lawsuit were they joined as plaintiffs by nationally recognized environmental organizations such as the Sierra Club, the Wilderness Society or the National Parks and Conservation Association.

In Chapters 18, 19 and 20 of my book, after research, I followed and researched the history of the litigation by FOYV and MERG as it developed. I discussed the litigation in detail with two superintendents involved at important times and two of the plaintiffs.

The argument made by FOYV and MERG is based on the premise that the more recently enacted Wild and Scenic Rivers Act (WSRA) imposes new regulations on the NPS when the rivers in question are in a National Park already under regulation by the NPS. In some cases, as in Yosemite Valley in particular, the regulations are contradictory.

Any attempt to impose guidelines under the WSRA intended for rivers in a pristine undeveloped state on a river such as the Merced River in Yosemite Valley which has been devoted to recreational use for almost 150 years will necessarily pose a dilemma for the agency charged with managing the area for the enjoyment of visitors, in this case the NPS.

The WSRA recognizes this dilemma and has created a “recreational” designation for a river classified as wild and scenic. The Merced River flowing through Yosemite Valley and other recreational areas in Yosemite National Park has been properly recognized as “recreational.” Certain portions of the other major river which flows through Yosemite National Park, the Tuolumne River, have also been classified as recreational. A separate master plan for the Tuolumne River is in process.

The joint resolution applying the WSRA to rivers flowing through Yosemite National Park operates prospectively, not retroactively, and pertains only to future development. The NPS, driven by fear of future lawsuits by FOYV and MERG, has violated this directive and has attempted to apply WSRA guidelines to existing infrastructure, historic bridges, and traditional recreational activities in place long before the WSRA was enacted. The current Draft Plan goes too far in this direction.

This adds up to a Draft Plan fatally flawed and grounded on the false premise that WSRA guidelines supersede and nullify the terms of the original grant of Yosemite for the enjoyment of the general public and future generations, and the Organic Act of 1916, which reaffirms this objective. This is certainly true when WSRA guidelines are applied to areas classified as “recreational” areas. An overlay of conflicting regulations will only lead to controversy and future litigation, which may come from a different direction if the NPS insists on forcing an unpopular Draft Plan on the general public.

We would like to point out two ways by which the NPS can resolve this dilemma, avoid continuing litigation and move on to more urgent matters requiring their attention. These measures can be taken under the existing WSRA without changing the law. A change in the law would be desirable but more difficult. We appear before you to urge you to exercise your influence to encourage the NPS to take these steps, and if the NPS refuses to respond, take these measures for them by amending and clarifying the impact of WSRA on rivers within Yosemite and other National Parks:

(1) The NPS is required by the National Environmental Protection Act (NEPA) to include a “no action” alternative in any master plan. In this case this would mean that no new WSRA requirements are needed or warranted. Infrastructure and traditional activities remain (see exhibit 4 for a definition of the impact of the decision to elect “no action” on this plan).

(2) Yosemite Valley and areas designated “recreational” should be excluded from the current Draft Plan and any future plan in the same manner as the existing Hetch Hetchy Dam on the Tuolumne River is excluded from a plan for a river which is supposed to be free flowing under the WSRA. What is there stays there. This action would permit the NPS to complete a plan required by the WSRA as written by applying it only to areas of the river which are truly wild and scenic and have already been classified as wilderness by the NPS, comprising 95 percent of Yosemite National Park.

We submit the following points in support of our position.

1. Tony Coehlo, who introduced the bill requesting the Merced River to be designated under the WSRA in the House of Representatives, did not intend it to be applied to Yosemite National Park at all (see Exhibit 2), letter from former Congressman Tony Coehlo to Jon Jarvis) His intention was modified by the Senate but

only as applied to future action (see Exhibit 3, letter from Peter T. Hoss to the Mariposa Gazette).

2. At present there is no law or court order which obligates the NPS to adopt any of the proposed alternatives other than “no action.” The governing document is a 2009 settlement agreement which superseded the now vacated and dismissed action in the Federal District Court, appealed to the 9th Circuit Court of Appeals. This is a complex 21 page document with numerous exhibits (see exhibit 4; summary of the most important provisions).

3. In the settlement agreement the NPS, in exchange for the dismissal of the legal action, agreed to pay plaintiffs’ attorneys \$1,025,000 of taxpayers’ money which they were not ordered to pay, and to undertake a new comprehensive master plan, which they were not obligated to undertake. Attorneys for plaintiffs’ recommended “experts” from outside Yosemite to draft the plan. (see exhibit 5, a letter from Julia Olsen attorney for plaintiffs’) This letter is full of references to WSRA guidelines. Many of the recommendations from plaintiffs’ attorneys were inserted in the settlement agreement. The plaintiffs, FOYV and MERG speak only for themselves, not the unrepresented general public, who paid the bill for the plaintiffs’ attorneys and the comprehensive plan. (See exhibit 4) The NPS chose to add details beyond anything requested by plaintiffs.

4. As far as we can determine Congress did not appropriate to the funds to pay plaintiffs’ attorneys or to pay for the cost of preparing the comprehensive master plan. Congress did appropriate funds to repair extensive 1997 flood damage to Yosemite Valley infrastructure. We understand that an accounting of the flood repair funds has been demanded by Congressman Tom McClintock. We believe this should be pursued.

5. No actual degradation of the Merced River has been demonstrated. The elimination of many traditional recreational activities which bear no relationship to the protection of the river have been recommended (bicycle rental, daily horseback rides, ice skating, raft trips, swimming pools) with no compensating benefit to visitors. Wendy Brown Berry will provide more details.

6. The undefined phrase “restrict commercial activities” appears in proposed alternatives. It is clearly aimed at restricting concessioners for charging fees for providing visitor services. If this is not the case, why is it acceptable to bring one’s own bike, raft or horse but not to rent one? There is no logic behind this distinction. Concessions from the private sector have served National Park visitors since the inception of the NPS. They are regulated down to the price of a candy bar by a whole separate body of law. Restrictions on visitor service do not belong in this plan and should be stricken.

7. We are not able to cite numbers, but we are aware of overwhelming objection to all alternatives other than “no action” from the general public. This large number of complaints induced Congressman Tom McClintock to write a strong letter of protest against the Draft Plan (exhibit 6)

#### CONCLUSION

As above stated, we request that Congress exert its influence to aid the NPS in closing the door on further litigation by adopting the “no action” alternative. The effect of a “no action” vote is explained in (Exhibit 7) FOYV and MERG received what they bargained for in the settlement, a comprehensive draft plan not required by law or funded by Congress. They are certainly not entitled to dictate which of five unacceptable alternatives the NPS must select. Moreover, they are committed to a mediation procedure before they can sue (see exhibit 4). Others displeased with the plan who have not been represented are not committed to mediate before suing.

We also request that Congress exert its influence on the NPS to exclude areas designated “recreational” within Yosemite National Park from this draft plan or any future draft plan.

If the NPS does not avail itself of this opportunity to extricate itself from the damned if you do, damned if don’t dilemma in which it finds itself, we request that Congress do the job for it by amending and clarifying the WRSA as applied to rivers flowing through National Parks. Also, if the Park Service refuses to follow the will of the general public by adopting any alternative other than “no action” we request that any such Draft Plan not be approved or funded by Congress.

There are many other undesirable features in this Draft Plan as well as some which are helpful. However, they are all thrown together in a 2,500 page document. The good cannot be separated from the bad, so “no action” is the only common sense solution. On behalf of Yosemite For Everyone and a great silent majority who want to keep enjoying Yosemite, I urge your serious and thoughtful consideration of these suggestions.

[Exhibit 1]

## YOSEMITE FOR EVERYONE—MISSION STATEMENT

Yosemite For Everyone is a group of dedicated individuals and concerned citizens who have an intimate connection with Yosemite National Park. They have all spent quality time in Yosemite, and have a good understanding of the park's inner workings and infrastructure. They believe in a common sense approach to preservation where visitor use is balanced with protecting the environment. They support recreational activities that have been traditionally and historically enjoyed for 150 years, and think they should be preserved for visitor enjoyment and comfort. They support the act signed by President Abraham Lincoln in 1864 that states, "the United States granted the Yosemite Valley and the Mariposa Big Tree Grove to the State of California, to be held, for public use, resort, and recreation, inalienable for all time." They also support the Organic Act of 1916 which provides that National Parks be preserved for the enjoyment of the public. They feel that providing recreational activities and amenities will add, not detract, from the Yosemite experience. And last, they walk in the path of John Muir, who welcomed the visitor to Yosemite National Park to be educated, inspired, and encouraged to "Climb the mountains and get their glad tidings."

***"Climb the mountains and get their glad tidings and Nature's peace will flow into you and cares fall off like autumn leaves," John Muir.***

[Exhibit 2]

LETTER FROM TONY COELHO, RETIRED CONGRESSMAN FROM CALIFORNIA

APRIL 13, 2013

Mr. JON JARVIS,  
Director, National Park Service,  
Washington, DC 20240.

DEAR MR. JARVIS:

I am Tony Coelho, retired Congressman from California. I am the author of the legislation that included the Merced River in the Wild and Scenic Rivers Act (WSRA).

I have been asked to clarify the legislative intent of this action. The WSRA was never intended to apply to the Merced River within Yosemite National Park at all. The Merced River within Yosemite National Park is protected and regulated by the National Park Service (NPS) and has never needed an overlay of inconsistent and confusing regulation. The WSRA designation was intended to apply to the Merced River outside the Park to the west.

The Merced River in Yosemite Valley has been recreational for almost 150 years. Yosemite Valley has never been wilderness. Any plan which proceeds under the WSRA should not change any infrastructure, or ban any activities traditionally carried on in Yosemite Valley such as bicycle rental, raft trips, daily horseback rides, or removal of the ice rink or swimming pools, nor should it require removal of historic bridges. I oppose any such measures. Yosemite Valley should be left as it is under any Plan required by the WSRA, subject only to traditional management by the NPS.

There is a simple and reasonable way to accomplish this. That is to remove the Merced River within Yosemite Valley (which has been designated recreational) from any Plan required by the WSRA in the same manner the preexisting Hetch Hetchy Dam has been removed from the Tuolumne River Plan. This will end litigation and acrimonious controversy and allow Yosemite to be enjoyed by the public in the traditional manner, as intended in the original grant and the Organic Act of 1916 establishing National Parks.

I urge this action to allow the 3,000,000 visitors per year to continue enjoying Yosemite.

Sincerely,

TONY COELHO

[Exhibit 3]

LETTER FROM PETER T. HOSS TO THE MARIPOSA GAZETTE

TO THE EDITOR:

I am Peter T. Hoss, author of a book entitled "Born in Yosemite" and one of a the founders of a group of retired Yosemite insiders (Park Service, concessioner Judicial, and Gateway tourist bureaus) calling ourselves Yosemite For Everyone.

I feel compelled to respond to the assertion by Jan W. van Wagtendonk that he knows better than Tony Coelho what Tony Coelho intended in introducing legislation to include the Merced River in the Wild and Scenic Rivers Act. The facts as I understand them are that Tony Coelho stated his intention when he introduced the bill in the House of Representatives. His intention did not survive the Senate version. The Senate added a section applying the WSR to Yosemite by amending the 1980 General Management Plan, using the language quoted by Jan W. van Wagtendonk, which speaks to future development only and does not require removal or relocation of anything existing or the cessation of any recreational activities. The Draft Merced River Plan goes far beyond the WSR as written, and is an attempt to reconfigure Yosemite Valley in accordance with WSR guidelines, as if almost 150 years or history and tradition have no importance.

What is important is to consider what Tony Coelho said about the current Draft Merced River Plan follows: "Any plan which proceeds under the WSR should not change infrastructure, or ban activities carried on in Yosemite Valley, such as bicycle rental, raft trips, daily horseback rides, or removal of the ice rink, or swimming pools, nor should it require removal of historic bridges. Yosemite Valley should be left as it is under any plan required under the WSR, subject only to traditional management by the NPS. There is a simple way of accomplishing this. That is to remove the Merced River within Yosemite Valley (which has been designated recreational) from the Plan required by the WSR in the same manner as the pre-existing Hetch Hetchy Dam has been removed from the Tuolumne River Plan. This will end litigation and acrimonious controversy and allow Yosemite to be enjoyed by the public in the traditional manner, as intended in the original grant and the Organic Act of 1916 establishing National Parks. I urge this action to allow 3 million visitors per year to continue enjoying Yosemite."

The Organic Act of 1916 establishing Yosemite as a National Park reaffirms the purpose of the original 1864 grant as follows ". . . to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

In my book "Born in Yosemite" at page 300 I record Jan W. van Wagtendonk as quoted in "Yosemite, the Embattled Wilderness" by Edmund Runte p. 221 as follows: "A reasonable interpretation of the Organic Act indicates that Congress intended that the Secretary of the Interior protect natural conditions in parks, as an absolute duty, and to only allow use consistent with that protection. It is questionable whether the Park Service should determine public desires and attempt to accommodate them."

Jan W. van Wagtendonk is entitled to his opinion but he is not entitled to rewrite the law.

In addition to adopting the suggestion of Tony Coelho the Park Service should adopt the no action alternative. This means only that an overlay of conflicting regulations is not necessary to "protect" a river which in reality does not need protection. The Park Service has more important problems to deal with and should be freed up to manage Yosemite in the traditional manner without having to design a Plan intended to avoid further litigation from the tiny minority which sued them. Future litigation is likely to occur from another direction if the proposed plan is forced on a general public overwhelmingly opposed to it, which is the case as far as we can determine.

[Exhibit 4]

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validity of the Yosemite Valley Plan by filing a Complaint of Injunctive and Declaratory Relief, 06-CV-01902 AWI.

WHEREAS, on March 27, 2008, the Ninth Circuit issued its ruling on appeal, affirming the district court in all respects and remanding for further proceedings. Friends of Yosemite Valley v. Kempthorne, 520 F.3d 1024 (9th Cir. 2008);

WHEREAS, on July 7, 2008, this Court entered the mandate of the United States Court of Appeals for the Ninth Circuit, Doc. 429, formally remanding this case to the District Court for further proceedings, consistent with the Ninth Circuit's opinion in Friends of Yosemite Valley v. Kempthorne, 520 F.3d 1024 (9th Cir. 2008);

WHEREAS, on July 22, 2008, Magistrate Judge Sandra M. Snyder held a telephonic conference call with the parties and their counsel (Doc. 430), during which

the Court agreed to undertake a process for mediation of the disputes between the Settling Parties; and

WHEREAS, the Settling Parties, with the assistance and through the good offices of Magistrate Judge Snyder, have reached agreement to settle and resolve this litigation according to the terms and conditions as set forth below and enable the Defendants to comply with their obligations under the Wild and Scenic Rivers Act (WSRA), the National Environmental Policy Act (NEPA), and other applicable federal environmental statutes;

NOW, THEREFORE, in the interests of the Settling Parties and the public interest and to promote judicial economy, the Settling Parties hereby stipulate and agree to the following terms in settlement of any and all claims in the above-captioned litigation:

## II. AGREEMENT

### A. Purpose of the Settlement Agreement

This Agreement is executed solely for the purpose of compromising and settling this litigation and nothing herein shall be construed as a precedent in any other context. This Agreement is not, and shall not be construed as, an admission against interest or positions taken or of wrongdoing or liability, by any of the Settling Parties with respect to any fact or issue involved in any pending or future litigation.

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### B. Merced Wild and Scenic River Comprehensive Management Plan

1. Schedule. The National Park Service (NPS) agrees to complete a new CMP for the Merced Wild and Scenic River and issue a Record of Decision (ROD) for that new CMP by December 2012. The Merced River CMP Milestones Calendar, attached as Appendix A, and the following interim target dates will guide the NPS in the preparation of the new CMP although these target dates are not mandatory or binding deadlines:
  - a. Release Public Scoping Report—March 2010;
  - b. Publish and release Draft CMP and Environmental Impact Statement December 2011;
  - c. Publish and release Final CMP and Environmental Impact Statement November 2012; and
  - d. Issue Record of Decision—December 2012.
2. Procedures.
  - a. User Capacity Experts. In contemplation of this settlement agreement, the NPS hired as primary consultants Bo Shelby, Doug Whitaker, and David Cole, recognized experts in user capacity, to work directly with the NPS's lead project manager in developing the Merced River CMP. These experts will be involved in the planning process from the beginning, including but not limited to working with NPS staff in: (1) defining the Merced River's outstandingly remarkable values (ORVs) on which the CMP will be focused; (2) participating in the interdisciplinary team meetings and workshops in order to help frame the discussions that take place so that user capacity is integrated throughout the planning effort; (3) participating in the development of a reasonable range of alternatives; (4) reviewing and assessing the user-capacity-related environmental consequences discussion of the draft and final environmental impact

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experiences in Yosemite National Park. Examples of repair work required to correct accessibility deficiencies include; reconfiguring existing facility paths of travel in developed areas; modifications to restrooms and fixtures; providing accessible routes, signage and information; and installation of required hardware and equipment. As stated above, for purposes of this Agreement, a "developed area" is defined as a location that contains multiple structures and facilities to serve park visitors or park operations. Examples of developed areas include campgrounds, Curry Village, entrance stations, maintenance areas, and picnic areas, but a developed area does not include an area where the only development is a trail or an interpretive sign.

4. If the NPS proposes to take any action that is other than for routine or intermittent operations, maintenance projects and/or emergency responses within

the river corridor as outlined above, the Defendants will provide advance notice to the Plaintiffs prior to implementation of the project and, if necessary, the Settling Parties will comply with the Dispute Resolution process with Magistrate Judge Snyder, discussed below in Section G.3. To the extent that the Settling Parties have a disagreement over particular activities, they agree to make a good faith effort to resolve the disagreement through the dispute resolution process discussed in G.3., below.

F. Attorneys' Fees and Costs of Litigation

Upon approval by this Court of the Settlement Agreement, the Defendants agree to pay Plaintiffs a total of ONE MILLION TWENTY-FIVE THOUSAND DOLLARS (\$1,025,000) in full and complete satisfaction of any and all claims, demands, rights, and causes of action pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and/or any other statute and/or common law theory, for all attorneys' fees and costs incurred by Plaintiffs, individually and/or severally through the date of this Settlement Agreement, in the above-captioned lawsuits. The check will be made payable to "Law Office of Sharon Duggan, IOLTA" by electronic transfer, within sixty (60) days of Court approval. No provision of this Agreement shall be interpreted as or constitute a commitment or

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requirement that the Federal Defendants obligate or pay funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other law or regulation.

G. Dismissal of Litigation; Retention of Jurisdiction

1. Dismissal. The Settling Parties agree that the YVP case, Case No. 06-CV-01902, will be dismissed.
2. Retention of Jurisdiction. The Settling Parties agree that the Court shall retain jurisdiction for the purposes of receiving periodic status reports from the Defendants and overseeing, if necessary, the dispute resolution process outlined in the following paragraph. The Court shall retain jurisdiction for 120 days after the NPS signs the Record of Decision for the new CMP. If the Plaintiffs file a supplemental complaint challenging the new CMP and a motion for preliminary injunction in the U.S. District Court for the Eastern District of California within that time, the parties agree to use the dispute resolution process in G.3., below in a good faith effort to resolve the dispute. NPS will agree to hold in abeyance any ground-disturbing projects authorized by the CMP in the river corridor following the filing of the supplemental complaint to enable the Court to rule on any motion for a preliminary injunction that the Plaintiffs file within that 120-day period.
3. Dispute Resolution. The Settling Parties have agreed that, to assist them in implementing the terms of this Settlement Agreement and avoiding future disputes regarding compliance, Magistrate Judge Snyder will continue her role as a neutral mediator. In this capacity, and with her consent and the Court's approval, Magistrate Judge Snyder will work with both parties to resolve any future disputes, disagreements, or misunderstandings that may arise during the course of implementing this Settlement Agreement. Any action at issue in the Dispute Resolution Process may not proceed until the Dispute Resolution Process is completed. Before invoking the dispute resolution process, however, a party must undertake and exhaust the following steps:

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- a. a party first must notify all other parties in writing when a dispute or concern arises and request an opportunity to discuss the disputed issues or concerns;
- b. all parties agree in good faith to make a concerted effort to resolve the dispute or concern through direct negotiations without the need for judicial intervention or mediation; and
- c. if the parties are unable to resolve the dispute within a two-week period of time following notification of the dispute, or longer upon agreement of the parties, then, upon written notice to all other parties, all parties agree to notify the court-appointed mediator and work cooperatively with the mediator to reach agreement. If the dispute is not resolved through the mediation process within 60 days after the first meeting with the mediator, in person or by telephone, then either Settling Party reserves the right to seek judicial review. All parties agree to make every effort to make themselves available and to meet with the mediator at the earliest opportunity, even if one or more rep-

representatives of that party is not available. However, mediation may proceed beyond this time period as long as the parties and the mediator believe it is worthwhile.

H. Authority, Execution, and General Terms of Settlement Agreement

1. This Agreement may be executed in counterparts. All executed counterparts shall constitute one agreement, and each counterpart shall be deemed an original.
2. The undersigned representatives and attorneys for each Settling Party certify that they are fully authorized by the Party or Parties whom they represent to enter into the terms and conditions of this Agreement and legally to bind such Party or Parties thereto.
3. Nothing in this Agreement shall be construed to deprive any Federal official of authority to revise, amend, or promulgate regulations. Nothing in this Agreement shall be deemed to limit the authority of the executive branch to make recommendations to Congress on any particular piece of legislation.

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4. Nothing in this Agreement shall be construed to commit a Federal agency or official to expend funds not appropriated by Congress.
5. The Parties do not intend by this Agreement to confer any rights or interests on any third-parties or non-parties to the Agreement.
6. The terms set forth in this Agreement are intended by the Parties as a final expression of agreement with respect to such terms, and may not be contradicted by evidence of any prior agreement or any contemporaneous oral statement. This Agreement is a complete and exclusive statement of the Parties' agreement which may not be explained or supplemented by evidence of additional terms. This Agreement may not be altered, modified, or superceded except by written instrument signed by each of the Parties or as otherwise provided by order of a court of competent jurisdiction.
7. This Agreement shall be governed by, and construed and enforced in accordance with, and pursuant to, the laws of the United States of America.
8. The paragraph headings in this Agreement are for the convenience of the Parties and are not intended to be given any substantive effect in interpreting the Agreement.
9. Nothing in this Agreement shall be construed to constitute a waiver of the sovereign immunity of the United States.
10. The Parties acknowledge that each Party and/or its counsel have reviewed and revised this Agreement and that no rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Agreement or any amendments or exhibits to this Agreement or any document executed and delivered by the Parties in connection with this Agreement.
11. Confidentiality. The parties agree that all negotiations leading up to this Agreement will remain confidential, subject to the terms and conditions of the Confidentiality Agreement and Order (Doc. 445) entered by the Court on September 12, 2008.

[Exhibit 5]

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LETTER SUBMITTED FOR THE RECORD FROM JULIA A. OLSON

WILD EARTH ADVOCATES,  
EUGENE, OR 97405,  
MARCH 30, 2009.

Charles R. Shockey,  
*United States Department of Justice,*  
*Environment and Natural Resources Division,*  
*Natural Resources Section,*  
*Sacramento, CA 95814-2322.*

Re: *Friends of Yosemite Valley v. Salazar*, CV-F-00-6191 AWI DLB, Project Manager Description.

DEAR MR. SHOCKEY,

Plaintiffs provide this letter identifying the skills that they believe are important to consider in selecting a new project manager for the Merced Wild and Scenic River Comprehensive Management Plan, pursuant to section B.2.c of the Settlement Agreement.

The new project manager should have previous experience with Wild and Scenic River plans and in developing user capacities on Wild and Scenic Rivers or an analogous program. She or he ("she") should be familiar with the outstandingly remarkable values ("ORVs"), delineation processes, and methods of protecting and enhancing ORVs. Ideally, she should be familiar with Yosemite's natural and cultural resources. In the absence of direct experience working on a WSRA CMP, the project manager should have experience working on at least one significant land management plan, such as a Wilderness Plan, where protecting natural resources was the primary goal.

She should be familiar with the Ninth Circuit and District Court decisions on the prior CMPs and have a thorough understanding and respect for WSRA as interpreted by the Secretarial Guidelines and the Courts. She should easily grasp that her primary goals are to protect and enhance river ORVs and establish user capacity consistent with that directive.

She should have successful experience in natural resource preservation and a demonstrated success and commitment to identifying and preserving cultural and historic resources (e.g., Native American history/culture, archeology, ethnography, etc.). She should have some background experience or work in a relevant natural or cultural resources field, beyond planning or NEPA compliance. Experience working as a scientist

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or a natural resources conservationist or a strong background in ecology would be preferred.

She should work well with consultants (specifically the user capacity experts who will work on the CMP), be willing to listen to the public, have respect for differing views, and be a good organizer of personnel and making information available. She should have a high level of respect for the public NEPA process and for meeting the deadlines agreed to in the settlement agreement.

She should have an appreciation for how historical conflict between the government and the public can create mistrust and needs to be overcome with a commitment to restoring confidence. She should have some direct experience and/or training with conflict resolution. She should be creative in communicating with, involving and integrating widespread participation and input from diverse perspectives (e.g., Native Americans, multi-generational campers, climbers, disabled, backpackers/hikers, environmentalists, gateway residents, NPS/DNC employees, park overnight lodgers, concessionaire/gateway hoteliers, equestrians, anglers, etc.) with a focus on commonalities as opposed to differences and an ability to view the public as offering a value-added perspective rather than an adversary that has to be overcome.

She should not have an institutional bias in favor of the validity of past NPS actions in Yosemite and will consider ideas from others, including the Plaintiffs, with open-mindedness.

She will have a commitment to transparency in the planning process. She should be comfortable with personal interaction between the public and the NPS from the onset of plan preparation and with making herself accessible to the public. She should be open to exploring and implementing alternative technological options (such as on-line interactive forums) for participation by the public who cannot otherwise attend meetings because of distance or work responsibilities.

She should be someone who has a demonstrated love for experiencing nature in an ecologically respectful way.

Thank you for taking into consideration this list of experiences and qualities when making your hiring decision for the Merced CMP project manager.

Sincerely,

JULIA A. OLSON,  
*Counsel for Plaintiffs.*



[Exhibit 6]

LETTER SUBMITTED FOR THE RECORD FROM THE HONORABLE TOM MCCLINTOCK  
 CONGRESS OF THE UNITED STATES,  
 HOUSE OF REPRESENTATIVES,  
 WASHINGTON, DC, APRIL 12, 2013.

DON NEUBACKER, *Superintendent*,  
*Attn: Merced River Plan*,  
*P.O. Box 577*,  
*Yosemite, CA 95389*.

DEAR MR. NEUBACHER:

I am writing to provide comments on the National Park Service's (NPS) Draft Environmental Impact Statement (DEIS) for the Merced River Comprehensive Management Plan. Yosemite National Park is a national treasure that must be available for the American public to access and enjoy in the same manner that Americans have for decades. The 1864 act authorizing the original Yosemite land grant to the State of California stated that the "premises shall be held for public use, resort, and recreation" and "shall be inalienable for all time." The draft plan in question directly contravenes the authorization, and I am firmly against NPS taking any action that would limit public access and enjoyment of Yosemite.

Congress enacted the Wild and Scenic Rivers Act to protect free-flowing rivers from dams and other development. Congress did not intend for NPS to use the act to justify limiting visitation, closing facilities and eliminating or curtailing historic uses that pre-date passage of the act and the Merced River designation under that act. In designating the Merced River, Congress understood that Yosemite National Park had a multitude of existing facilities that served river users, that Yosemite was widely visited and that the Merced River was extensively used for recreational pursuits by park visitors. See S. Rep. No. 96 100<sup>th</sup> Cong. 1<sup>st</sup> Sess. 1987 (the river is an "outstanding and heavily used recreation resource in the areas of easy accessibility").

The Merced River's designation was based upon the river's value as a popular recreation resource in a highly-visited national park that was supported by the extensive facilities that existed at the time of the river's designation. Congress could not have intended for NPS to limit visitation or do away with the existing facilities and the recreational activities that support the values that caused the Merced River to be designated in the first place. Congress also did not intend its designation to drive planning of the larger park and force the closure of facilities that pre-date the act, enhance visitor experiences, and are located outside of the Merced River.

It is equally troubling that NPS is proposing to close a number of facilities within Yosemite Village and reduce recreational Activities in the Yosemite Valley. NPS claims that camping will be increased to 640 campsites but that figure is still less than the 830 campsites that existed before the 1997 flood. NPS is also proposing to close the Curry Village ice skating rink, bike rental facilities, snack stands, swimming pools, tennis courts, retail stores and horse stables and stock use. These facilities are not located in the Merced River, do not impede its flow, and many existed and historically served Yosemite visitors for decades prior to Congress passing the Act.

It defies logic that NPS is proposing to close these facilities not because they degrade the Merced River, but instead because in NPS's eyes, these longstanding facilities do not benefit the river. What about the benefits that the American public will lose under NPS's proposal? NPS is also proposing to eliminate commercial rafting on the river. Like the existing facilities, commercial rafting is a service that was offered before the Merced River's designation under the act.

I am also concerned about the proposed destruction of the Sugar Pine Bridge. This historic stone bridge was built in 1928 (40 years before enactment of the Wild and Scenic Rivers Act) and was entered into the National Register of Historic Places in 1977. The National Historic Preservation Act directs Federal agencies to preserve the historic properties under their control and the legislation designating the Merced River as Wild and Scenic does not require the bridge's destruction. I do not believe that the Park Service may simply ignore its responsibilities under the National Historic Preservation Act to protect the Sugar Pine Bridge and find no justification for robbing Yosemite of this iconic landmark.

Finally, I am aware that NPS has received a number of requests for an extension of the public comment period on the Merced River plan. This is entirely understandable given that the plan and its exhibits are over 4,000 pages long, and that the comment period overlaps with the comment periods of two other major Yosemite Park plans. To ensure that the public has an adequate opportunity to provide its input, I concur that an extension is necessary, and therefore have requested that NPS extend its public comment period on the Merced River Plan by 90 days to ensure full public opportunity to comment on this important issue.

I submit these comments greatly troubled by the adverse and lasting effects this would have on Yosemite and the many visitors who enjoy the park.

Sincerely,

TOM MCCLINTOCK.

[Exhibit 7]

## ALTERNATIVE 1: NO ACTION ALTERNATIVE

### OVERVIEW

Alternative 1, also known as the “No Action Alternative,” is required by NEPA implementing regulations and serves as a baseline from which to compare the action alternatives. Alternative 1 represents existing conditions in 2011, when the NPS completed research studies intended to assess conditions of the Merced River, and the continuation of current park management into the future. This alternative assumes that current trends in the conditions of natural and cultural resources and visitor experiences would continue, consistent with the management activities that are ongoing under currently approved plans. Future actions that would require additional planning and environmental compliance could still occur, independent of the Merced River Plan/DEIS, but they are not considered part of the No Action Alternative for the purposes of conducting environmental compliance for the Merced River Plan.

The overall management direction of Alternative 1 is based on current guiding management documents. The 1980 General Management Plan is the primary guiding document for park management, along with subsequent park-wide management documents such as the Wilderness Management Plan (1989), Concessions Services Plan (1992), Fire Management Plan (2004, with operational updates in 2009), and the Invasive Plant Management Plan (updated in 2010). In addition to following park-specific management policy, the NPS would also continue to comply with Federal laws, including the NPS Organic Act, the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act, and all other Federal laws, directives, policies, and executive orders pertaining to park management.

Under Alternative 1, the NPS would not adopt a comprehensive management plan to protect and enhance river values and address user capacity and land use in the corridor. The two prior versions of the river plan would not be in effect, because the courts determined that prior versions of the plan were invalid. Ecological restoration actions would be limited to those that would only require a Categorical Exclusion in compliance with NEPA, and those identified in the 2009 Settlement Agreement. The river corridor would be  $\frac{1}{4}$  mile on either side of the ordinary high-water mark because the WSRA provides for these default boundaries in the absence of agency designated boundaries. The segment classifications would be the same as those in the 1982 National Rivers Inventory in which the river was designated wild and scenic. There would no Section 7 Determination Process. The ORVs, as articulated in Yosemite's 1996 Draft Yosemite Valley Housing Plan, would continue to be protected and enhanced. There would be no established limit to the number of visitors or vehicles that would be allowed within the corridor. There would be no changes to existing facilities, transportation systems or services.

### *Summary of Current Actions and Issues Affecting River Values*

This section is intended to summarize (1) those actions that would protect and enhance river values that are already underway, and (2) issues that affect river values corridor wide. This section is not intended to summarize all the current management of resources in the river corridor; rather, it focuses on the actions that are directly related to issues identified in chapter 5. This provides a baseline for comparing the actions that might be taken under the action alternatives (Alternatives 2–6) to protect and enhance river values.

The following conditions would continue throughout all segments of the Merced River corridor under Alternative 1.

Mr. BISHOP. Thank you.  
Mr. Asquith?

**STATEMENT OF BOB ASQUITH, GROVELAND, CALIFORNIA**

Mr. ASQUITH. Thank you for inviting me to talk. I appreciate your time here today. I have been visiting Yosemite with my family since the 1950s. Presently I live in one of the gateway communities and visit the park 25 to 30 times a year for the past 5 years. This is after retiring, spending 40 years in the hubbub of Silicon Valley. I have participated as a private citizen in Yosemite's planning processes during the Tuolumne River plan for about 3 years, and most recently, for a couple of years in the Merced River planning.

I have been to at least a dozen meetings. Some of the meetings have had more than 100 people attending them over this period of time. They have all been very open meetings, and I have been really impressed since the beginning meetings I went to with the Tuolumne River plan about how open the Park Service was, actually inviting people attending the meeting to play a planner for an hour and see what you would do with the park. Here are the challenges, what would you do?

I am also amazed by the science of the park. They have been very thoughtful, and the Park Service has spent a lot of effort, not only with their agency, but the USGS, in conducting the science about the park and how to manage it.

My impression of the meetings, that they have been well organized, they have been inclusive, they have listened to everybody, and painstakingly recorded the comments of everybody that was there, as well as their question.

I am impressed that there is a very complicated nature, a juggling act, that takes place between the Organic Act, the Wild and Scenic Rivers Act, the Wilderness Act, the historic buildings in the park. It is amazing, with all of that and the court ruling, that they could even come up with a plan at all. It seems there is too much competition.

One example that I have seen, as Director Jarvis mentioned, is if you look at the Merced River flowing down the middle of the valley for a minute, and look at a 1-year, 2-year, 5-year, 10-year flood plain. Before a few many years, you are off at the size of the valley, and you have now included all of the real estate in the valley. So then you start the science of the rockfall analysis and start to come back from the walls of the valley, and you have some rather limited real estate that you have to deal with, and try to put all these amenities and all these competing interests in. It is quite a juggling act.

Is the plan, as I read it, perfect? I doubt that. But it is a pretty good place to start, and a pretty good place to begin managing? I think so. I think there is a lot being made of relatively small issues. You know, 2 years ago I was in the Yosemite Valley, for example, and had watched when we had a heavy rainfall in California. The Merced River tore a new gorge in the valley, because the Sugar Pine Bridge constricted its flow. That gorge was about 20 feet deep and about 20 feet across, and it was pretty ugly stuff amidst what would have been a rather beautiful area.

So, what I want to say in kind of conclusion is that as we look at some of these amenities, and we are talking about we need to move this and what do we do with that and so forth, remember that a lot of the activity that doesn't take place, a lot of the camping that doesn't take place, a lot of the swimming and swimming pools that doesn't take place in the valley will take place in the gateway communities. I live in one. So, it is not lost forever. It is displaced into an area that really uses it. Most of the gateway communities are in poorer counties in California, so the business would be welcome in those communities.

I, for one, think the Park Service has done a remarkable job of navigating through these competing laws and issues, and I think that this panel, this Committee, should look at the plan and not make many changes to it.

And I have a yellow light. That is before the red light, I'm finished.

[The prepared statement of Mr. Asquith follows:]

PREPARED STATEMENT OF BOB ASQUITH, GROVELAND, CALIFORNIA

Good morning.

I thank this Committee for inviting me to testify about Yosemite National Park, one of our great national treasures. Yosemite has become a very personal treasure since I began traveling to Yosemite and camping in its high country with my family since the 1950s. After working 40 years in Silicon Valley both in technical and sales and marketing positions, I retired to Groveland which is about a half an hour drive from Yosemite National Park. Throughout these many years, I have experienced many changes in the park.

I travel into Yosemite National Park several times a month and, during the summer, several times a week. In fact, last Thursday—the Fourth of July—I was hiking in a little used and quiet part of Yosemite, enjoying its peace.

I am on the Board of Directors of Yosemite Gateway Partners. This is a 501(c)(3) corporation that is a collaborative, non-advocacy organization that is devoted to supporting communications between Yosemite and its four gateway communities, specifically to, *"collaborate on and address issues of regional importance to create sustainable cultural, natural and economic prosperity"*.

From my personal perspective, there are number of key issues facing the park and its management—none more important than creating a comprehensive plan to manage conflicting goals. Some important issues are traffic and congestion, development of accommodations, and balancing visitor use with protecting park resources.

Shortly after I retired, I became involved with Yosemite's efforts in planning for the Tuolumne River Management plan. I attended more than 10 meetings for this plan over 3 years and was a welcome participant in process. During that time, work on the Merced River Management plan began. This followed a very similar process, beginning with a number of public meetings. Key park personnel, who were very open to suggestions and comments made by those attending, also attended all that I attended.

From Merced River Plan scoping meetings through the most recent presentations of the draft EIS, key Yosemite staff were present, many times including Superintendent Neubacher; there was always a very open atmosphere, acceptance of questions in public dialog and a willingness to stay until the last question was answered.

I also have attended at least 12 Merced River presentations and meetings. These include meetings at Yosemite Gateway partners, four a year, for nearly 2 years, plus many more in Gateway communities.

In all cases, the park would start with a presentation of the status of the planning process, their current thinking, then opening the meeting to questions for all attendees. Each time, anyone who wanted to speak was allowed to do so, was listened to, and his or her comments recorded.

The planning process is a juggling challenge of competing goals and interests. The Park has met this challenge in earnest. I believe they have created a workable plan out of at least five separate Federal statutes that often have competing goals.

As an example, if you assumed that the Merced River flowed directly down the middle of Yosemite Valley, then you can map 1-year, 5-year, 25-year, and 100-year floodplains thereby using almost all of the real estate in the Valley, right to the

walls. If you then map the Rockfall hazards of the Valley walls, you start moving the lines back from the walls toward the Merced River, those zones cross each other in many places. The question becomes what asset do you place in either the floodplain or the rockfall hazard zone or both because they have overlapped. In short, there is limited real estate for everything and choices need to be made as to what to accommodate safely.

I am extremely impressed with the planning process the Park has undertaken. Beginning with my first participation in the Tuolumne River plan and continuing with the Merced River plan, the Park has found multiple ways and forums for engaging people and helping with the planning process by listening to their comments and suggestions and incorporating them into this plan.

I applaud the Yosemite National Park planners and management for developing a comprehensive, well thought out and vetted plan to manage these great resources, while considering tens of thousands of public comments over dozens of public meetings.

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Mr. BISHOP. You got 40 seconds; you want to just filibuster?

[Laughter.]

Mr. BISHOP. No, you can't, no. I thank you. I thank all of the witnesses for their testimony, for coming here. We will now turn to the Committee for questions.

Mr. McClintock, if you would like to go first.

Mr. MCCLINTOCK. Former Congressman Tony Coelho is the author of the act that designated the Merced as Wild and Scenic. In a letter he vigorously opposes the plan. He categorically states that the legislation never contemplated the removal of existing amenities. What is your—and, Mr. Chairman, I would like to ask unanimous consent to enter that in the record.

Mr. BISHOP. No objection.

[The information submitted by Mr. McClintock for the record can be found on page 31, Exhibit 2:]

Mr. MCCLINTOCK. And ask Mr. Jarvis for his response.

Mr. JARVIS. Thank you, sir, for that question. I know that has been something that has been boiling out there.

You know, we have to go with the plain language of the statute. And regardless of what Mr. Coelho indicates in his letter, the plain language of the statute does designate the entire length of the river through Yosemite Valley, as well as in Yosemite National Park. And so, unless there is a modification to that law, we have to apply that law as written.

Mr. MCCLINTOCK. Well, let me read exactly what he says. "The WSRA was never intended to apply to the Merced River within Yosemite National Park at all. The Merced River within Yosemite National Park is protected and regulated by the National Park Service and has never needed an overlay of inconsistent and confusing regulation. The WSRA designation was intended to apply to the Merced River outside the park to the west."

Ms. Brown—and one more question for Mr. Jarvis. Of the public comments that were received—and I understand more than 30,000 have been received—what is the proportion in support of the plan?

Mr. JARVIS. I was checking, because I didn't have that number off the top of my head. The superintendent indicates about 20,000 in support of the plan, of the 30,000.

Mr. MCCLINTOCK. In support of—

Mr. JARVIS. Of the plan—

Mr. MCCLINTOCK [continuing]. Alternative number five, or any one of the alternatives?

Mr. JARVIS. Alternative five.

Mr. MCCLINTOCK. All of alternative five?

Mr. JARVIS. Most of the components of alternative five.

Mr. MCCLINTOCK. Ms. Brown, we are told that the NPS has done extensive public hearings on this proposal. You have attended those hearings. What is your impression of them?

Ms. BROWN. I disagree with that. I feel that the outreach to the visitors to Yosemite Park was inadequate. The draft Environmental Impact Statement was released in January of 2013. It is a 4,000-page document including exhibits, and that is sandwiched between two other plans, the Tuolumne River plan and the Mariposa Grove restoration plan. This is much more information than the average citizen can absorb and comment intelligently on in 90 days.

The public meetings were not published in a timely manner to allow citizens to arrange for time off from work to attend them. And sometimes the times and dates were incorrect. I had to call the Park Service more than once on those.

Mr. MCCLINTOCK. Mr. Ouzounian, what was your impression of the hearings conducted by the National Park Service?

Mr. OUZOUNIAN. Well, I have been going to hearings for 33 years, and I have seen a trend—one of confined to a box with court reporters that intimidate the respondents to where the public does not want to participate. This was supposed to be a special partnering, a friendlier environment, if you will. And certainly, the face of it, the book cover of it, was very, very friendly. However, the meat is in the decisions and the details that we see, and that is where we are discouraged, where we had lots of public comment to talk about—

Mr. MCCLINTOCK. Are you, in effect, saying that they left the impression the Park Service has already decided what it wants to do, and is simply going through the motions?

Mr. OUZOUNIAN. Well, the reason for a poor count, which I classify this exercise as a poor count of respondents, is that because people don't believe the Park Service. They have been to other planning meetings before, they don't see the results, they keep close to their home base. I asked for something between Oakhurst and San Diego and requested Orange County. We got Los Angeles at rush hour.

Mr. MCCLINTOCK. Ms. Brown, you actually wrote a letter to the superintendent, protesting the short shrift given to those in opposition to the plan. What was the response you received back?

Ms. BROWN. I didn't receive any response back from that. It just seemed, as time went on, the Park Service cared less and less about what we had to say. The time allowed for public comment and input was lessened, and more time was given to social interaction at the meetings.

Mr. MCCLINTOCK. Mr. Ouzounian, you mentioned the dramatic reduction in valley campsites relative to before the flood, from 872 down to 466. That is a 46 percent reduction. Alternative five would still lock in a 27 percent reduction from the pre-flood levels, and it would lock in a 31 percent reduction in overnight lodging. Is that contributing to the competition for spaces?

Mr. BISHOP. Let me give you 15 seconds to answer that. We will have another round of questions, though.

Mr. OUZOUNIAN. It is very difficult. The mix of the numbers cannot be compared. We are talking about walk-in sites versus affordable, family drive-in sites. You are either going to camp via a bus, if alternative five is passed, a bus with a family of four, five—how do you do that—or you are going to have to make parking lots that are going to blight the park.

Like Camp Four, if you have ever been to Camp Four, there is a huge parking lot so you can walk your gear in. It is a terrible mismatch of—

Mr. BISHOP. We will come back to that and allow you to have a follow-up on that same question on the next round, as well. Thank you.

Mr. Costa?

Mr. COSTA. Thank you very much. I think we have some common goals. That is that we want to be able to maintain access for Americans to enjoy one of the great national parks in our country.

This plan is frustrating, because it is the third proposal over almost 20 years. I mean to put this in perspective. I know you are talking about most recently the current comment period, which some of us felt was too short and asked for an extension. I would have liked the extension to have been longer. But the fact is that, to put this in context, this has been ongoing for over 20 years now, and this is the third proposal that the park has come up with. I have issues with the current proposal that is before us.

I hope this hearing today gives us the wherewithal before it has produced the—Mr. Jarvis, update us right now on the timeline. This fall you are going to—after this comment period has taken place, you have taken that information, then what is going to happen next?

Mr. JARVIS. We are in the comments analysis period right now. The public comment period has closed. It was open for 4 months, it is now closed, with those 30,000 comments. We are analyzing those comments, considering every one of them seriously—

Mr. COSTA. So the comments that these witnesses have made and others have made, are all part of the record, and they are all part of the consideration?

Mr. JARVIS. Yes.

Mr. COSTA. And what happens next?

Mr. JARVIS. Then next will be we hope to issue a final EIS, and then—

Mr. COSTA. And that would be at what time, November?

Mr. JARVIS. It would be late this year, in this fiscal year. I mean in this calendar year of 2013. We want to—

Mr. COSTA. And you are working under a court decision under the ninth circuit—

Mr. JARVIS. That is correct.

Mr. COSTA [continuing]. Right?

Mr. JARVIS. Yes. And we—

Mr. COSTA. So do you agree with our other attorney friend, Mr. Hoss, that you have those other two options, notwithstanding the ninth circuit, which was, to quote him precisely, “No-action alternative,” or the second option, to eliminate the areas of recreation, which I suspect would take a piece of legislation, my guess would be?

Mr. JARVIS. Well, we have to consider the entire body of law that applies to Yosemite National Park—

Mr. COSTA. No, but what are your legal advisors telling you? I just want to cut to the chase. Do you have a no-action alternative? Do you—

Mr. JARVIS. There is a no-action alternative in here. And—

Mr. COSTA. And then what would happen if you took that?

Mr. JARVIS. I think we would be challenged in court.

Mr. COSTA. You would be sued again. You are trying to avoid this 20-year marathon.

Mr. JARVIS. We are looking for a sustainable decision here.

Mr. COSTA. OK. And the recreational suggestion, Mr. Hoss, I think requires legislation to change that. I don't think they can do that administratively.

Mr. HOSS. May I address the comment that another lawsuit would result from the no-action alternative?

Mr. COSTA. You could, but I have some other questions that I want to ask. And I have been dealing with these issues for decades. And you are an attorney, I am not. But I think litigation is the bane of some people's existence.

Mr. HOSS. I—

Mr. COSTA. So let's put it aside, OK?

Mr. HOSS. What—

Mr. COSTA. I don't need that question answered. I am concerned about the access, the drive-ins and such, which is why I asked you to repeat the comments, Mr. Ouzounian.

After the 1997 flood, then Congressman Radanovich attempted—and others supported his efforts—to provide restoration. We had a certain amount of access. And this is, I think, a real key, because not everybody is a hiker. And we want to be able to have access for families. The 872 in the camping sites, the 58 walk-in sites, and the 14 group sites, do you view that as an addition or a subtraction?

Mr. OUZOUNIAN. No, those are the totals.

Mr. COSTA. No, no, I am talking to Mr. Jarvis, Director Jarvis.

Mr. JARVIS. OK. Wasn't sure.

Mr. COSTA. Is that an—I am sorry, I will get back to you.

Is that an addition or a subtraction, post-1997 flood?

Mr. JARVIS. The proposed alternative, alternative five, is a reduction in pre-flood campsite numbers. Now, I am not sure about those specific numbers. But the bottom line is that, because of the flood plain and our deep concern about rebuilding these kinds of sites and amenities in the flood plain itself that would be subject to being flooded again—

Mr. COSTA. So it is a cost—but, I mean, these are the most cherished sites there. I mean I get calls to my office, the people, they ask, "Can you hold a site?" I said, "No, I can't hold a site."

But I mean the access, this lottery thing that he talked about, 1-minute access, I get calls and complaints from—I mean it is—I think you are in an impossible situation. Do the other alternatives—and my time has run out—provide additional access for those who don't have the ability to—who want to have access to the river, whether it is for an evening or for a 4 or 5-day visit?



Mr. BISHOP. Why don't we—I will let you think about that one. We are going to have another round of questions. You can hit that one afterwards.

Mr. COSTA. Thank you.

Mr. BISHOP. Let me ask a couple of questions here. Let me finish follow-up on what Mr. Costa said, Director Jarvis.

You said that when you are talking about adding and subtracting parking spaces, none of these are going to go back to the pre-flood numbers. How much does it cost to create a park campground and parking area? And even if it was flooded, how much would it actually cost to restore those? I am not asking a specific figure, but isn't that kind of a minimal expense that would take place there?

Mr. JARVIS. Well, there are physical amenities that go in for camping. I mean, absolutely. There are picnic tables and restrooms and trails, and all of that is a physical asset that is subject to loss. We certainly saw that during the flood. And it is a poor investment, frankly, from a Federal investment standpoint, to put these things back in an area that we know we are going to lose. With that maintenance backlog of the National Park Service, that is just a bad investment.

Mr. BISHOP. How much did it cost you to dig them up and get rid of them?

Mr. JARVIS. The flood took them out; we did not put them back. So——

Mr. BISHOP. The flood took out the parking areas, as well?

Mr. JARVIS. The goal here was to move as much of the facilities that are fiscal investment out of the flood plain and not into the rockfall zone. That is the challenge that has been mentioned here and I would suggest that the park has gone to heroic efforts to find locations in the valley that are neither in the rockfall zone or in the flood zone to put new campsites.

And so, alternative five actually proposes an additional 174 sites over current, but not back to pre-flood. We couldn't——

Mr. BISHOP. Oh——

Mr. JARVIS [continuing]. Find the——

Mr. BISHOP. What was the pre-flood number?

Mr. JARVIS. Eight hundred and twenty-eight.

Mr. BISHOP. So you are going from 828 to?

Mr. JARVIS. Six-forty.

Mr. BISHOP. Six-forty. A significant drop. All right.

Can you tell me the purpose of destroying the Sugar Pine Bridge?

Mr. JARVIS. The Sugar Pine Bridge is essentially a funnel for the Merced River. It constricts it. Any time you constrict a river like that during flood conditions, you accelerate its speed, you cause it to create significant erosion downstream. And so it is like turning a fire hose on. And the Sugar Pine Bridge, in particular, is the one bridge in the valley that is resulting in significant erosion to the banks downstream.

Mr. BISHOP. Does that help adjust or control the flow of the river?

Mr. JARVIS. No, it is not a flood control device.

Mr. BISHOP. So the river wouldn't change its path if that bridge was taken out? And if it would, what is the next site that is in its path if the river were to change?

Mr. JARVIS. Well, there is—the Sugar Pine Bridge itself, of all the bridges, is the most significant one of concern. And it has been the subject of study to determine that if we were to remove it, the river could function much more normally and not scour the banks and the river bottom.

Mr. BISHOP. Is there a chance it would change its direction?

Mr. JARVIS. The river is a dynamic system, and it does move through the valley and has moved through the valley, historically.

Mr. BISHOP. I know. We had one discussion once again where some of your people were talking to the rivers and asking them what they were going to do, too.

Ms. Brown, my time is running down. You said there was one scenic river that runs through Sacramento.

Ms. BROWN. Yes.

Mr. BISHOP. So if we were just to declare Sacramento as a wilderness area, wouldn't that help a lot of us?

Ms. BROWN. I don't think so.

Mr. BISHOP. Oh, all right. Let me get back to a real question. As you understand it, what is the purpose of that Wild and Scenic River designation? And is that consistent, in your mind, with what the Park Service is proposing?

Ms. BROWN. No, I don't think it is consistent. The Wild and Scenic Rivers Act is to keep it free flowing and wild. I would remind you that Yosemite Valley is designated recreational, and it should remain so.

Mr. BISHOP. Mr. Hoss, I will give you a chance of answering the question that you wanted to answer with Mr. Costa, if you can do it in 40 seconds.

Mr. HOSS. Well, Mr. Jarvis believes that if the no-action alternative is involved, that will encourage litigation. I disagree totally with that, because settlement agreement is because the plaintiffs, and not the general public, they are out of the loop completely in this settlement. But they got what they bargained for. They have their comprehensive management plan. They have their attorneys paid. They have no right to dictate what the Park Service's alternatives are.

Now, the much more likelihood of litigation, if the other alternatives are adopted, because there is no mediation process in that.

Mr. BISHOP. All right, thank you.

Mr. HOSS. Anyway—

Mr. BISHOP. I appreciate that.

Mr. HOSS. Yes, that is my answer.

Mr. BISHOP. My time is concluded. We are going to another round. Mr. McClintock—I am sorry, never get my—as old as I am. It is a sad state. Mr. McClintock, please.

Mr. MCCLINTOCK. That is your first senior moment. Thank you for sharing it with all of us, Mr. Chairman.

Let me pick up, Mr. Hoss, where you left off. Were any of the user groups involved in this settlement agreement?

Mr. HOSS. No. I mean—

Mr. MCCLINTOCK. And how much—

Mr. HOSS. This is an agreement between this tiny group—

Mr. MCCLINTOCK. And how much did the Park Service agree to pay the litigants in this settlement?

Mr. HOSS. Over \$1 million.

Mr. MCCLINTOCK. Where did that money come from?

Mr. HOSS. I assume it came from what was supposed to be prepared flood—who knows? It wasn't authorized.

Mr. MCCLINTOCK. And Mr. Jarvis has said that he would not favor the no-action alternative for fear of being sued by this same group. You have just said, however, that he can expect lawsuits regardless of what plan is determined. Is that correct?

Mr. HOSS. That is the pattern that seems to have developed here. People don't agree on what happens to Yosemite. I think the worst thing that can happen is lawsuits. I am here to try to suggest how we might be able to get rid of them. And I think the best way is to adopt no action, let the Park Service go back to managing the parks. The whole planning process just encourages these lawsuits, because somebody is going to be unhappy, no matter what they do.

Mr. MCCLINTOCK. Doesn't the NPS position that "We are going to choose number five, because otherwise this particular litigant is going to sue us," doesn't that put that particular litigant in command of the entire policy with respect to the National Park Service in Yosemite?

Mr. HOSS. That is exactly what I am objecting to. It does do that. If you want to discourage litigation, the best way to do it is to adopt no action, in my view, otherwise you are letting the litigants drive what the Park Service does.

Mr. MCCLINTOCK. Well, do you think that the NPS should stand up and challenge the demands of this particular group, on behalf of all of the users of the park?

Mr. HOSS. I believe so. I believe that is what the general public wants, at least from what I have heard of what they want. And they can go back to managing the park. They have the authority to do that under all kinds of legislation. And they won't be saddled with the possibility that somebody is going to sue them if they don't—

Mr. MCCLINTOCK. Mr. Ouzounian, should the campers be included in this settlement? Shouldn't the campers be represented by the NPS as much as it is representing the litigants in this case?

Mr. OUZOUNIAN. Well, I would assume so. I still maintain that your largest body of respondents to this plan are the campers that haven't been reached. They scream for supply, they scream for access, they scream for affordability. They want their families to enjoy the most precious summer vacation a kid, a grandpa, would ever want.

Now, I don't know how a no-action plan meets that goal. Because if I had to trust today's Park Service with fulfilling our desire, it is not going to be my money on that. I think it is all going to just stay weeds.

Mr. MCCLINTOCK. So, again, what you are saying is they have already come to their decision, they are just coming up with the excuses to implement it.

Mr. OUZOUNIAN. After 33 years, sir, I believe that has been the MO.

Mr. McCLINTOCK. Mr. Jarvis just said that the NPS has gone to "heroic efforts" to restore campgrounds destroyed by the flood. Would you agree with that?

Mr. OUZOUNIAN. With all due respect to that statement, my toes are cringing. I watched firepits, I watched picnic tables being heaped into piles at a cost. Congressman Radanovich asked me to do a study. He said, "Would you evaluate it, you being a contractor? Would you evaluate the cost of repairing these flood-damaged campgrounds versus putting new campgrounds in," like going up in the high country—

Mr. McCLINTOCK. After the flood, the then-superintendent of Yosemite said that this was actually a good thing, because it allowed for an unprecedented opportunity for positive change. Have you seen positive change after the floods of 1997?

Mr. OUZOUNIAN. No. Not only that, but BJ Griffin, without a process—that was the superintendent, I believe, at the time—took it upon herself to seize a bad moment in time for the park and capitalize on it for some futuristic plan, which is what we are talking about today.

Mr. McCLINTOCK. Which was to reduce the number of campsites, the number of parking spaces, and, therefore, the recreational opportunities afforded the public?

Mr. OUZOUNIAN. Well, correct, but under the guise of transportation, taking out the roads and—

Mr. McCLINTOCK. Now, you said that Congress appropriated \$17 million to restore these campsites and parking places. But you are also telling us that those campsites were not restored and those parking places were not restored. What happened to that money?

Mr. OUZOUNIAN. Well, according to staff at the Alternative Workshop, it is gone. They don't know where it went, they wouldn't tell me where it went. And I asked for an IG through Senator Feinstein to come on and find out. I do not know the results of his findings.

Mr. McCLINTOCK. What do you anticipate the camping experience to be 10 years from now, if this plan is implemented?

Mr. OUZOUNIAN. It is like an endangered animal. It won't exist. There is no profit in camping.

Mr. McCLINTOCK. Thank you.

Mr. BISHOP. Thank you. Mr. Costa?

Mr. COSTA. I talked on my last round about the things that we have in common, and I think one of those is trying to ensure that the amenities continue for future generations to come. Some of those amenities we have all talked about, having experienced over the years, that we have enjoyed the national park.

The horseback riding I am concerned about, not only as it relates to days, but the potential precedent as it relates to use throughout the park system, and not only in Yosemite, but Kings Canyon. Last year there was an attempt to limit the amount of packing on Kings Canyon. We addressed that.

But, Director Jarvis, there is concern among those who want to get to the further places. Is there an intention, a plan going on here with this NPS report to limit access of day use of horses, as well as backpacking?

Mr. JARVIS. No, sir. We are strong supporters of—let me just emphasize that I personally, as director, am a absolute strong sup-

porter of public use in our national parks. We have established, as one of our centennial goals in 2016 of four goals. One of them is connecting people to parks. We deeply believe that everyone should—

Mr. COSTA. All right, but just bottom line. I mean the intent—but the proposal four here would limit day use for horse activities.

Mr. JARVIS. Let me try to explain what the context of this is, if I may. The point behind the proposal on stock use and bicycle rentals is the physical facility that supports that activity, is to remove that from the river corridor. So bike rentals require space. They require staff. They require storage. They require—

Mr. COSTA. At The Ahwahnee Hotel, when I have rented bikes from there, either we brought the bikes to the hotel, or we went down to the lodge.

Mr. JARVIS. Well, we are looking at the possibility here—and I have talked to the superintended about, like we have capital bike share here in Washington, something that is self-operated—so what we are looking—

Mr. COSTA. It is not your intention to take bikes or horses out of the—

Mr. JARVIS. No, what we are looking at are the physical facilities.

Mr. COSTA. How about the rafting?

Mr. JARVIS. Same thing with rafting. The rafting would be—to run commercial rafting in the valley, you have to store the rafts—

Mr. COSTA. What if Mr. McClintock and I forget to bring our rafts?

Mr. JARVIS. There will be raft rentals right outside that you can arrange, make a phone call, they will deliver a raft to you. This is about storage of facilities inside the park.

Mr. COSTA. All right. Mr. Asquith, you attended many of these meetings, as you stated for the record. Did you think that you felt intimidated, or that it was an attempt to be non-inclusive, in terms of the numerous meetings that I have seen here as part of the record that took place, and a lot of folks showed up?

Mr. ASQUITH. Not at all. In fact, there were a lot of different mechanisms the Park Service has used to be inclusive. I recall one meeting that was attended by 130 people in Yosemite Valley where there were different scenarios put on large boards the size of the paintings here on the walls, and people were given colored dots. If you think this is a bad idea, go stick a red one on it. It is like your colored lights. If you think this is an OK idea, put a yellow one on it, and a really good one, put a green. So people were anonymous in voting for things that they wanted to do, 130-some people, and they had all the time to do it. They had an hour to go analyze, read them, and pick it. So not at all were they intimidating.

Mr. COSTA. And so what do you think is the biggest challenge facing the park?

Mr. ASQUITH. Well—

Mr. COSTA. Since you decided to move from Silicon Valley to be right next to it.

Mr. ASQUITH. I think, honestly, the park is crowded during the summer months.

Mr. COSTA. Yes, I pointed that out to begin with.

Mr. ASQUITH. Well, and that is when everybody wants to come.

Mr. COSTA. Right.

Mr. ASQUITH. So I, as a gateway resident——

Mr. COSTA. Might change——

Mr. ASQUITH. No, I try to find parts of the park that aren't crowded.

Mr. COSTA. No, I invite people to come all the time. But I say, "If you can avoid between Memorial Day and Labor Day, that is"——

Mr. ASQUITH. But the challenge for the Park Service is how to manage that time, because that is the time a lot of—particularly Americans, and in particular, Californians, are able to——

Mr. COSTA. Well, children are out of school and I mean, it is——

Mr. ASQUITH. Exactly.

Mr. COSTA. We understand the challenge.

Mr. ASQUITH. Well, and the other challenge, I think, is the physical real estate. I have——

Mr. COSTA. Nobody wants to go to an area that is 7 miles long and about a mile wide.

Mr. ASQUITH. Well, it is——

Mr. COSTA. Conflicting areas of the flood plain, I mean, what a lot of people don't realize is those beautiful rocks that you come to admire are always evolving. And I have been there when you have these falls take place, and the crashing of these rocks. So you have a narrow band there, because the closer you are to those cliffs, I mean, the hazards—people have lost their lives, and there have been serious injuries as a result of that continuing erosion of the valley floor.

Mr. ASQUITH. They record one major rockfall a week in Yosemite, and that——

Mr. COSTA. On the valley floor.

Mr. ASQUITH. Yes, in the valley. So not catastrophic, but one significant rockfall a week. So I would not like to be camping in the place where the rockfall happens.

Mr. COSTA. I wouldn't, either.

Mr. BISHOP. Thank you. We will give you a chance to ask additional questions here, as well. Most of you have done a good job of answering the questions I had ahead of time when responding to everybody else here, so I only have a very, very few last questions.

First of all, I would like to tell your people to come to Utah. We actually welcome you and we would be happy having the rest of you come up there. If Yosemite doesn't want you, come up to Utah.

First question, though, Mr. Jarvis, the court decision, the latest one with the ninth circuit—not necessarily one of the greatest circuits we have, but the ninth circuit—was that settlement done under your watch, or was it done prior to you?

Mr. JARVIS. That is a good question. That was while I was regional director, not while I was director.

Mr. BISHOP. All right. Thank you, I appreciate that. One of you mentioned that the idea of making this a Wild and Scenic River was added in the Senate. I don't know who testified to that. And that was—it was not done in the House version but in the Senate addition?

Mr. HOSS. That is my understanding of the legislative history which I have looked at, is that the proposal to the House was Tony Coelho's, which excluded Yosemite Valley. The Senate said, "Well, there is a management plan already in effect, 1980, which hasn't really been carried out. So let's just tack that on as an amendment so that they can do a plan." They were required to do a plan.

Mr. BISHOP. All right.

Mr. HOSS. It was never intended to have any effect on existing development in Yosemite. And there is a record to support that, if anybody wants to challenge—

Mr. BISHOP. That is another good reason why never to trust anything that comes out of the Senate. And we have a couple of major bills this month. Good memory to have there.

Mr. HOSS. An unintended consequence would be the way I would characterize—

Mr. BISHOP. The Senate is an unintended consequence, yes.

Mr. HOSS. Well—

Mr. BISHOP. Mr. Ouzounian, if I could ask you one last question about the Upper and Lower River campgrounds, in your opinion, would it be—I mean the Park Service has talked about the cost of continuing repairing that. Would it be too costly to repair and use those campgrounds?

Mr. OUZOUNIAN. No. It would have been less costly had they seized the opportunity, like, \$20 to one, for repair, \$20 for new, under the Radanovich estimate I made at the time.

Now, marginally, it is still less, because the infrastructure for the sewage system is still in place.

Mr. BISHOP. Go back to the premise of this being made here that it has a chance of being flooded again in the future, and therefore you will be constantly repairing that.

Mr. OUZOUNIAN. Gee, is that breaking news, sir? I mean I don't mean to be indignant, but it has always flooded. Let me ask you the basic question. Would you rather have fixed-roof structures flood, or campgrounds with picnic tables and barbeques to rearrange? I don't mean to be sarcastic, but it is very obvious. Campgrounds have withstood the test of time because they are flood-resistant.

Mr. BISHOP. I get the point. I appreciate it.

Mr. OUZOUNIAN. Thank you.

Mr. BISHOP. That is why I have already invited you to Utah. I don't have any other questions of these witnesses.

Mr. McClintock, do you have a final few?

Mr. MCCLINTOCK. Just a few more. Ms. Brown, a bipartisan group of congressmen asked for an extension of the public comment period. The Park Service said it couldn't possibly push back the August deadline for a decision, and therefore could only extend the comment period by 12 days.

Now, they are asking the deadline to be moved to December, but not for public comment. What is your reaction to that?

Ms. BROWN. Who has asked the—

Mr. MCCLINTOCK. The Park Service.

Ms. BROWN. For their decision?

Mr. MCCLINTOCK. They have asked that the decision be moved back to December.

Ms. BROWN. I don't think that is fair, when we were only given 12 days. They should not be allowed any kind of an extension.

Mr. MCCLINTOCK. Let me ask you this. The director says that—in fact, Director Jarvis, let me ask you this question. You said that you are bending over backwards to connect people to the parks. But, for example, part of this plan is to take out the snack shop. So, my question would be, where does a dad go to get ice cream for the kids on hot summer's day?

Mr. JARVIS. There will be plenty of places still in the valley that they can get a ice cream——

Mr. MCCLINTOCK. How far from the existing facility?

Mr. JARVIS. There are nodes of snack shops and food services throughout the valley, and we have a transportation——

Mr. MCCLINTOCK. How far?

Mr. JARVIS. I don't know that answer. I can get you that data, if you like.

Mr. MCCLINTOCK. Well, a 30-minute, 30-second walk? A 1-minute walk? How far?

Mr. JARVIS. I don't know the answer to that. I mean everything is reasonable——

Mr. MCCLINTOCK. How about the grocery store? That is going. So where does a family go to get the extra charcoal briquettes for the barbeque?

Mr. JARVIS. A grocery store is staying.

Mr. MCCLINTOCK. One of them is going. Mr. Hoss?

Mr. HOSS. I believe that the housekeeping camp grocery store is going. Now, let me talk about the effect of that. People stay at the housekeeping camp. They need food and supplies. There is a store at Camp Curry. If you close the housekeeping camp facility, then the people get in their cars to drive to Camp Curry to buy the groceries, and they increase traffic congestion. That is asinine, in my opinion.

Mr. MCCLINTOCK. Is that also going to happen to the relocation of the bike rentals, the horseback rentals, and so forth?

Mr. HOSS. The facilities where people buy things should be spread out over the valley, instead of concentrating them all in one place. You concentrate them all in one place——

Mr. MCCLINTOCK. Well, and how far will——

Mr. HOSS [continuing]. You get traffic congestion.

Mr. MCCLINTOCK. Yes, and how far will people have to go if they want to rent a raft?

Mr. HOSS. Well, I am not sure where they propose to relocate these facilities.

Mr. MCCLINTOCK. When I was there I was told Wawona is going to be the location——

Mr. HOSS. Well, that would be 20 miles, at least an hour's drive. And to rent a raft in Wawona and drive 20 miles makes certainly no sense to me. There are certainly places in the valley, if they want to get them out of the river corridor, they could do that without taking them to Wawona.

Mr. MCCLINTOCK. Well, they are taking out the swimming pools. Where are kids going to go swimming in the summer——



Mr. HOSS. The only time you can comfortably swim in the river is about 2 months in the summer. It is too cold or too dangerous—

Mr. MCCLINTOCK. But they are taking out the swimming pool. So where are the kids going to go?

Mr. HOSS. Well, they don't have any place to swim.

Mr. MCCLINTOCK. Except the river.

Mr. HOSS. Yes. Well, the river, you can't swim in the river for a great deal of the time.

Mr. MCCLINTOCK. Not safely, anyway.

Mr. HOSS. That is right. So the river is no substitute for swimming pools.

Mr. MCCLINTOCK. Well, again, under this proposal it sounds like it is going to have to be. Mr. OUZOUNIAN?

Mr. OUZOUNIAN. Well, I'm in favor of swimming pools, I don't see how they damage the river. But in this whole environmental concept, I would much rather the kids play in the swimming pool than play in the river. Just think of the logistics. I mean they have showers—

Mr. MCCLINTOCK. That choice is about to be taken away from them.

Mr. OUZOUNIAN. Well, so then when it is 95 degrees outside, guess where people are going to go? It is the same deal at Half Dome. I have got to do it. They are going to go to the river. Now, on a high-swift day, that could be very problematic and dangerous. But they are going to want to go in the river when it is 95 degrees.

Mr. MCCLINTOCK. Ms. Brown, how long has the Sugar Pine Bridge been there?

Ms. BROWN. I don't know the answer to that question, but I would be happy to find out.

Mr. MCCLINTOCK. Does it date back to the 1920s, I think 1927 or 1928?

Ms. BROWN. The 1920s? That sounds correct.

Mr. MCCLINTOCK. Isn't it on the register of historic sites?

Ms. BROWN. Yes, it is, and—

Mr. MCCLINTOCK. And suddenly it is a great threat to the flow of the river, according to the Director, after all of these years.

Ms. BROWN. Correct.

Mr. MCCLINTOCK. What would removal of that bridge do to visitor access?

Ms. BROWN. To visitor access?

Mr. MCCLINTOCK. Yes.

Ms. BROWN. Well, they plan on putting big wood back into the river, as well. I don't think that is a good idea, because it will keep the visitors from getting to the river.

Mr. MCCLINTOCK. Can you give us some sense of community sentiment on this plan? I conducted a telephone conference with the folks that live in the adjoining communities, the gateway communities, the local folks. More than 25,000 people joined the call. More than 80 percent—in fact, substantially more than 80 percent were against this plan. So the local community sentiment, to me, seems to be very negative on it. What is your impression?

Ms. BROWN. I believe you are correct in that. My husband and I were in on that call and listened in. The majority of the people

that called in were against the plan, and there were very, very few that were for it.

Mr. MCCLINTOCK. We actually did a keyed poll during that poll.

Ms. BROWN. Yes.

Mr. MCCLINTOCK. And it was more than 80 percent in opposition.

Ms. BROWN. Yes.

Mr. OUZOUNIAN. Sir, one thing that bridge supports is a road, and we have an issue of public egress if there is a tragedy some of the rockfalls. You take out that bridge, you take out the road. In fact, that is the case for all of the bridges.

There is also a thing called engineering standards that can be implemented to mitigate the problem that Director Jarvis has talked about. No one is talking about engineering. Why is that off the table? You can engineer the bank reconstruction and help that river.

Mr. MCCLINTOCK. Just one quick question, if the Chairman will indulge me. Ms. Brown and Mr. Hoss, what is the impact going to be on tourism to all of the communities that depend on that Yosemite-bound tourism for their business?

Mr. HOSS. Well, Ms. Brown should address that. I am not actually a resident of Mariposa; she is.

Mr. MCCLINTOCK. OK. Ms.—

Ms. BROWN. Yes, I have lived there for 42 years, and it will affect the local economies. If the recreational activities are eliminated, there will be less visitation. And our outlying gateway communities will suffer.

Mr. MCCLINTOCK. In fact, after the flood, visitation to the park dropped by about 25 percent, and didn't return to pre-flood levels until very recently. Is that correct?

Ms. BROWN. That is correct.

Mr. MCCLINTOCK. And—

Ms. BROWN. We have all experienced that in our local gateway communities.

Mr. MCCLINTOCK. Would that, in part, be due to the fact that the number of campsites and parking spaces were dramatically reduced?

Ms. BROWN. Yes.

Mr. HOSS. May I make one comment? Something that hasn't been brought up here yet. You have almost 150 years of recreational use. You have no real degradation of the river in that time. That is because of good management, to a great extent, but there is no actual degradation of the river. This is an issue that just comes up because of the enactment of something that was never intended to apply in the first place. There are other more important problems that the Park Service needs to deal with, than worrying about the degradation of the river.

And I have to disagree categorically that the visitor services degrade the river. The visitor services are what the park is for, and what it should be preserved for.

Mr. BISHOP. Mr. McClintock, I—

Mr. MCCLINTOCK. Thank you so much for your indulgence.

Mr. BISHOP. I only have one real question, one sarcastic question and a statement left. Do you want to finish?

Mr. MCCLINTOCK. I just wanted to thank you for arranging this hearing today. I believe that we are at a significant crossroads in the purposes to which the national parks will be put, and whether we are going to continue to honor the promise that has been honored to the American people for the past 150 years that public lands, in particularly Yosemite, will be there for the public use, resort, and recreation for all time, or whether it will be turned to a radically different purpose that is, at its core, exclusionary and elitist.

Mr. BISHOP. Thank you. I appreciate that. Let me ask a legitimate question.

Ms. Brown, you said they were wanting to put big wood into the river. I don't understand what that means.

Ms. BROWN. Yes. They have plans to do some biotechnical engineering along the river banks. They are going to remove the riprap, which up to now has worked just fine to retain the banks and hold the river back from taking out the roads. They want to remove that riprap. It is already working. They want to replace it with plants. I have camped by rivers. I know what rivers can do. And they can create oxbows. The banks will move, especially if the bridges were removed.

Mr. BISHOP. So the vegetation is what you meant by big wood.

Ms. BROWN. No.

Mr. BISHOP. No.

Ms. BROWN. They will put in vegetation and then they will put big wood back into the river to make it more natural.

Mr. BISHOP. OK. I don't know if—thank you.

Mr. OUZOUNIAN. Landscaping.

[Laughter.]

Mr. BISHOP. You explained it, and I am as dumb as I was before.

Let me ask the sarcastic one to the Director, if I could. In one of your other areas, on a Wild and Scenic recreation area, river, you have banned any activity that involves paddles. I am assuming you are going to allow people to paddle in this river.

Mr. JARVIS. Oh, yes.

Mr. BISHOP. Good. If you do it in the other one, I would be even happier, too, at the same time.

Let me do the last one. I think this is maybe a shout out to the professionals. One of the things that I feel frustrated by here is much of what we are going through as a result, once again, of court litigation and the concept of suing and settling. The idea that the court should be a driver of policy that deals with our public lands is really a fairly recent paradigm shift. It goes back maybe five, six decades, at the most. And it is a paradigm shift.

It didn't happen originally, the reason that we give so much precedence to this process right now is simply in the way we address our issues and the way we handle ourselves. It doesn't have to be that way. And it seems like every 70 years we do have paradigm shifts about public lands, how they are used, how they will be maintained. It is about time to look at this phenomenon of the role the courts play in coming up with policy toward our lands. And it is about time for another paradigm shift. And I feel that is—not only it is coming, but it is long overdue.

Unless there is any last thing you want to say, Mr. McClintock, I want to thank the panel. Many of you have flown a great distance to be here. Well, all of you have flown a great distance to be here. Mr. Jarvis, we appreciate you taking the time to join us on this particular panel. I appreciate what you are doing within the Park Service and for all your testimony.

If there is anything additionally you would like to add to the testimony, put it in writing, we will accept it. There may be some questions from Members—obviously not here, but there will be questions from other Members that could be sent to you. If there are, we would ask you to respond to those in a timely manner.

With that, I have the last thing I need to say formally. Wish I knew what it was. Which I have to—oh, I am supposed to thank you for being here. I think I already did that. And ask you to answer questions. I think I already did that. So, without objection, we stand in adjournment.

[Whereupon, at 11:46 a.m., the Subcommittee was adjourned.]

