



Dave Steindorf
California Stewardship Director
4 Baroni Drive
Chico, CA 95928
530-343-1871
dave@americanwhitewater.org

www.americanwhitewater.org

March 18, 2013

Yosemite National Park
Superintendent Don Neubacher
Attn: Tuolumne River Plan
P.O. Box 577
Yosemite, CA 95389

Dear Superintendent Neubacher,

American Whitewater appreciates having the opportunity to provide comment on Yosemite National Park's Tuolumne Wild and Scenic River Draft Comprehensive Management Plan and Environmental Impact Statement ("Draft Plan"). We also appreciate that you and your staff took the time to meet with us on February 26th, 2013 to discuss our interest in the plan and concerns regarding managing boating within the Park. A complete prohibition on boating is an usual management approach for both National Parks and on Wild and Scenic Rivers throughout the country, and we're pleased that Yosemite National Park is open to considering options for allowing paddling on the Tuolumne River.

American Whitewater is a national 501(c)(3) non-profit organization with a mission to protect and restore America's whitewater resources and enhance the public's ability to enjoy them safely. With over 5,500 members and 100 affiliate clubs, we represent the conservation interests of tens of thousands of whitewater enthusiasts across the country. A significant portion of our membership either resides in California or frequently travels to the state to enjoy our whitewater resources and connect with the landscape through rivers. As such, we have a direct interest in the future management of the Wild and Scenic Tuolumne River within Yosemite National Park.

Experiencing Yosemite National Park while boating on the Tuolumne River would be a peak experience for many of our members. More than just a means of travel, boating literally and figuratively immerses people within spectacular places, and does so with minimal impact. The Tuolumne offers a meaningful and significant opportunity for expedition-oriented kayakers to enjoy and connect with one of the most awe-inspiring and stunningly beautiful places in the world.

Unfortunately, boaters have been denied this experience due to a long-standing prohibition on boating along the entire length of the Wild and Scenic Tuolumne River within Yosemite National Park. While this ban has been in place for decades, it is a highly unusual management tool—both for National Parks and on Wild and Scenic Rivers across the country. Out of over 300 units of the National Park System, Yosemite is just one of three with such a prohibition. And on the over 200 Wild and Scenic Rivers throughout the country, paddling is allowed as a general rule. Rather than ban boating,

there are other tools available to the Park to address management concerns, which we discuss below.

Yosemite National Park is truly a special place, and American Whitewater and our members care strongly about protecting the valued ecological, cultural and historic resources within the Park. We also value preserving a wilderness experience for all who visit the Park. As a result, we fully support implementation of appropriate use limits and management actions that are necessary to protect park resources and ensure capacities are not exceeded. We believe that protecting these values can go hand in hand with allowing boating on the Wild and Scenic Tuolumne River.

Wilderness Goals, Standards, Capacities, and Management Actions in the Tuolumne River Corridor

The Draft Plan establishes that the overall *management goal* for recreation values within the Tuolumne River corridor is to provide experiences characterized by primitive and unconfined recreation, self-reliance and solitude.¹

In order to meet this management goal, the overall *management indicator* used is defined by the number of encounters a visitor will have with another group per hour. The *management standard* for the Park for this indicator is no more than ten encounters with other groups per hour, 80% of the time, exceeding not more than two out of three consecutive years.²

Shelby and Whittaker define visitor capacity as “the level of use beyond which impacts exceed standards.”³ The Draft Plan establishes an overnight *visitor capacity* for the Tuolumne River Corridor of 350 people per night in the wilderness zone above Hetch Hetchy Reservoir. Visitor use above this number assumes that the standard would be violated.⁴

To ensure that the standard is met, and capacity not exceeded, the Draft Plan proposes a number of *management actions* intended to regulate recreational use numbers and behavior. These include direct management actions that limit use, with the most relevant example being a limit of no more than 50 people per day beginning an overnight hike on the Glen Aulin Trail,⁵ as well as indirect actions like placing limits on group sizes, available campsites, parking lot locations and sizes, and permit acquisition.

American Whitewater believes that the overall goals, standards and capacities outlined in the Draft Plan are well reasoned. We support the majority of the management

¹ Tuolumne Wild and Scenic River Draft Comprehensive Management Plan and Environmental Impact Statement, January 2013, p. 5-7 and 5-75.

² *Id.* at p. 5-76.

³ See Whittaker, Doug and Shelby, Bo, “Allocating River Use: A Review of Approaches and Existing Systems for River Professionals.” River Management Society. 2008.

⁴ Tuolumne Draft Plan, p. 7-20.

⁵ Tuolumne Draft Plan, p. 7-88. Note that trail quotas in the Draft Plan could be considered as either trail capacities or management actions. The Draft Plan is unclear about which is the case.

actions suggested by the Park in order to uphold these goals, standards and capacities—with one exception. The Draft Plan separates boaters out from all other overnight uses, banning paddling within the Park. Under the Wild and Scenic Rivers Act, management actions that limit use must be “necessary” and must not limit uses that do not “substantially interfere” with the values that led to designation.⁶

1. Paddling is Consistent with the Goal, Standard, and Visitor Capacities

While the Draft Plan bans boating in the Preferred Alternative, it offers no evidence that paddling the Tuolumne is incompatible with the management goal of providing an experience that fosters “self-reliance and solitude.” Rather than running counter to this management goal, we believe that paddling embodies it. Overall, paddling is a low-impact, Wilderness compliant activity, and it is exactly the kind of activity and experience that the National Park System was created to foster. The Tuolumne River itself speaks to this management goal as well, as it is a remote river that provides a challenging, and peak experience for paddlers who are capable and motivated enough to take the trip.

Similarly, while the Draft Plan bans boating in the Preferred Alternative, it fails to describe or document how paddling would cause the management standard of no more than ten encounters with other groups per hour, 80% of the time to be exceeded. The Park acknowledges that paddling use would be extremely low due to the level of challenge and the small seasonal window of acceptable flows, and we support this assumption.⁷ Regardless, we believe that appropriate river management actions would undeniably keep paddling from violating the management standard.

Finally, the Draft Plan also fails to describe or document how a few paddlers would violate the 350-person per night capacity for the wilderness zone above Hetch Hetchy Reservoir. Standard river management actions could undeniably keep paddling from violating the standard.

2. Reasonable Determination of Paddling Capacity

American Whitewater understands your mandate to define capacities for “kinds and amounts of public use,”⁸ and fully supports defining reasonable capacities for paddling and all other forms of appropriate recreational enjoyment of the Wild and Scenic Tuolumne River corridor. We agree that there is a number of paddlers that would be too many (like all visitors), but disagree that that number is one. We suggest that

⁶ 16 U.S.C. § 1281(a).

⁷ The Tuolumne is a very committing expedition run that will only be attempted by highly skilled boaters. Additionally, this run is only considered to be boatable when flows are between 500 and 1,500 cfs, as measured at the USGS gage above Hetch Hetchy reservoir. This range of flows typically occurs during a two to four week period in May, June, or July, depending on snowpack.

⁸ Wild and Scenic Rivers Act Guidelines for Eligibility, Classification and Management of River Areas, Section III. Federal Register, Volume 47 No. 173, September 7, 1982.

instead of a blanket prohibition, boaters can be included with other visitors to the Park, and that existing wilderness zone capacities apply to boaters as well as other visitors.⁹

Wilderness zone capacities in the Park are based on overnight use. Through this lens, camping in the wilderness as a paddler is the same kind of use as camping in the wilderness as a backcountry hiker. The target capacity is the same, regardless of whether overnight visitors arrive at their campsite by foot or by boat. *Thus, we feel the backcountry capacities proposed for hikers in the Draft Plan should be inclusive of paddling.*

While we strongly advocate that the Park include boating within wilderness zone capacity numbers, we recognize that the Park may feel that it is necessary to define a specific capacity for paddling. In this event, we understand that determining capacity can be a complex exercise that must consider other uses within the park, and that ultimately, the Park is best able to determine this number. In our opinion, however, the capacity of the Tuolumne River through the Meadows and Grand Canyon is, *at a minimum*, two groups of up to eight people per day.¹⁰ With an existing overall wilderness capacity of 350 people, this places boating capacity at a very small percentage of the total capacity within the Tuolumne corridor. At this scale, paddlers would be unlikely to encounter or compete with each other or other visitors to a detrimental degree.

Paddling capacities in this case are an academic exercise only. Flows, difficulty, and physical challenge all contribute to keep demand low. In light of these conditions, we expect that the number of groups paddling the Tuolumne River will not exceed ten per year, and thus it is not reasonable to assume paddling will approach or exceed any reasonable capacity specific to paddling, nor significantly contribute to violations of the total zone capacity.

3. Reasonable Application of Direct Recreation Management Tools (Quotas) to Meet the Standard and Stay Within The Capacity.

Capacity is “the level of use beyond which impacts exceed standards,” and the Park Service has a full suite of management tools to ensure those standards are not exceeded, including trailhead quotas, group size limits and parking restrictions. While using these tools can be an effective way to protect valued resources within the Park, they also place limits on the public’s ability to enjoy the Park and require Park resources to

⁹ The Draft Plan states that “[t]he Yosemite Wilderness is the most crowded in the NPS system, and it is somewhat hard to find solitude within day hiking distance of Tuolumne Meadows trailheads during the summer hiking season. However, beyond that distance (usually 3 to 5 miles) conditions for solitude are more abundant.” (TRP, p. 8-173.) This statement makes it clear that the primary issue is day use at Tuolumne Meadows rather than overnight use in the wilderness. Banning paddling will not solve this problem, and we find it surprising that no limits are proposed on day use for all visitors.

¹⁰ If a user capacity for paddling is established, we suggest that it be stated on a per-day or at-one-time scale. Alternative 2 considers capacities at the per-year scale, which is impossible to directly connect with most relevant standards.

implement. As a result, these tools should only be used when they are necessary to 1) to reduce use, if and when use approaches capacity, and 2) to address specific resource concerns.

As previously stated, we believe that paddling capacity far exceeds demand for the Tuolumne Meadows and Grand Canyon, but we recognize that paddling also occurs with more popular hiking activities in some of the same areas. Paddling use is unlikely to ever threaten to exceed standards because of seasonal flow availability and the technical challenge of the river. However the total use of the area may.

As we discussed at our meeting on February 26th, we support the Park's concept of considering river use similar to trail use. The Tuolumne River could either be considered a (water) trail with its own daily quota specific to floating, or it could be included as part of the adjacent Glen Aulin Trail quota. As we understand trail quotas, they are intended to meet a desired encounter standard and limit use based on available camping sites and wilderness zone capacities. Provided that trail use is defined by these criteria, we support either approach.

The Glen Aulin Trail currently has two quotas for overnight use, one for people camping their first night at Glen Aulin Camp (35 people total: 21 reservations, 14 first come first served) and another for people camping beyond Glen Aulin Camp (15 people total: 9 reservations, 6 first come first served). The Preferred Alternative would reduce the quota for the Glen Aulin Camp to 20, while keeping the overnight Glen Aulin Wilderness Zone capacity at 50.

For managing boating on the Tuolumne, we propose either:

- a. That those who seek a permit for using the Glen Aulin Trail (whether they camp at Glen Aulin or beyond) have the option of choosing whether to paddle or hike. The Draft Management Plan limits the group size for hikers venturing off-trail to eight per group,¹¹ and we suggest that this limit is acceptable and reasonable for paddling as well. In this scenario, the Park would not allow additional use of the river corridor or adjacent camping, but would allow paddlers the opportunity to enjoy the river under these strict existing limits. There would be no additional work or permit changes required by the Park;

or,

- b. The river could be managed as a trail in and of itself, distinct from the Glen Aulin Trail. In this case, we recommend the same permitting requirements and quota be instituted as is the case for hikers camping beyond Glen Aulin Camp. (Currently, 15 people total [9 reservations, 6 first come first served], or 30 people, as we understand the Preferred Alternative). This option would recognize that river users travel a different route, camp in different locations, and would be far less likely to encounter hikers than other hikers would be.

¹¹ Draft Management Plan, p. 7-7.

American Whitewater supports either approach, but prefers the first. We believe that the first option is the easiest to implement and would have no effects on other Plan components. Both would be fair, equitable, protective of the resource, in compliance with capacities, and ensure standards are not exceeded. Also, importantly for us, either would provide a reasonable chance for paddlers to enjoy this river.

4. Reasonable Application of Indirect Recreation Management Tools to Address Specific Resource Concerns

The Draft Plan references several resource concerns regarding paddling that are easily addressed through standard river management actions. We outline several suggestions below that have been utilized on rivers throughout the country. Rather than unnecessarily banning boating on the Wild and Scenic Tuolumne River, the Park should instead implement some or all of the actions outlined below.

Specifically, the Draft Plan cites concerns about impacts to riparian plants in the Meadows as a justification for banning paddling. As conservation-oriented paddlers, our members highly value preserving the ecological health of the rivers we enjoy. Except for putting-in and taking-out, paddlers generally stay in the channel rather than on the banks. Floating on the water has much less impact on riparian vegetation than visitors who are walking along the banks.

The Draft Plan considers actions intended to keep visitors, such as day use hikers, anglers and swimmers, away from sensitive vegetation areas and on trails and boardwalks in order to prevent additional riparian zone damage.¹² It also describes how wilderness campers receive instruction on how to minimize and avoid impacts to the wilderness when they receive their permit.¹³ We propose that the Final Plan include actions that seek to accomplish the same goal for paddlers, keeping them on the water and away from shore. These actions could acceptably include:

- Designated river and shore access areas.
- Education on riparian vegetation through signage or permit materials.
- Mandatory equipment requirements: Personal Floatation Device, helmet, and a boat designed specifically for river travel.
- Request that boaters stay off the shore as a voluntary measure, except at designated areas.
- Mandatory closure of shore access except at designated areas or in case of emergency, so long as those areas are closed to all visitors.

Banning boating to protect riparian vegetation, just as banning any other activity within the Park to accomplish the same goal, makes little sense. Any of these management tools would protect riparian vegetation from possible impacts for all uses and visitors to the Park.

¹² Draft Management Plan, p. ES-12 (Describing options for management under Alternative 2).

¹³ Draft Management Plan, p. 8-174.

We understand that there is a great deal of congestion and crowding along Highway 120, and are sensitive to the fact that boaters will be part of this. In order to ease crowding for both general visitors and boaters, we suggest that Soda Springs may be an ideal place for boaters to put-in. It is removed from Highway 120, there is room for multi-day parking, and there is a gravel bar on the river that would be appropriate as a launch site. While there are many potential launch sites, we believe that the Soda Springs location is most appropriate.

In addition, we understand and appreciate the sensitivity of cultural resources within the Pate Valley. We expect that the same restrictions that apply to other visitors to this area will also be applied to paddlers.

Another reason cited in the Draft Plan for prohibiting boating is safety. Safety on technically challenging whitewater is managed consistently across many federally managed rivers with some simple management actions. They include:

- Mandatory permit required for river use.
- Mandatory equipment requirements: personal floatation device, helmet, and a boat designed specifically for river travel.
- Education on the conditions to be expected on the water.

Paddling prohibitions or use limits are not used to manage river safety on any other river we are aware of in the United States. The management tools listed above serve river managers well across the country, and we encourage the Park to employ them to address safety concerns.

Tuolumne River Below O'Shaughnessy Dam

Our members would also appreciate the opportunity to boat on the Tuolumne River below O'Shaughnessy Dam, and we believe that boating here, as upstream, is appropriate and can be managed along with other uses in the area. We note that the Draft Plan does not specifically address whether boating will be allowed on this segment, and we request that boating also be allowed on this reach. Table 8-14 shows that trailhead use to Poopenaut Valley is the lowest in the Tuolumne River corridor.¹⁴ Use here is far below the trailhead quota of 25 people per day. Boating use numbers should be incorporated into the existing wilderness zone capacity limit and trailhead quota. There is no indication that boating use would significantly increase use in this area.

Conclusion

As it currently stands, the Draft Management Plan creates a double standard between paddling and all other uses allowed within Yosemite National Park. The Draft Plan's Preferred Alternative establishes specific trail quotas for people who seek to hike the Glen Aulin Trail at 50 people per night, and overnight wilderness capacities at 350 people per night above Hetch Hetchy. These management actions and visitor capacities are implemented to stay within the realm of a preferred encounter standard. At the same time, the capacity for those who also seek to camp in the backcountry, but arrive by boat,

¹⁴ Draft Management Plan, p. 8-173.

is found to be zero. In response to this finding, the Preferred Alternative selected in the Draft Plan proposes a total ban on all boating. This action completely lacks justification, and is incongruous with how the Park is required to establish user capacities under the Wild and Scenic Rivers Act, the Wilderness Act and the National Park Service's policies.¹⁵

The Draft Plan fails to support setting the capacity of the river for paddling at zero, and similarly fails to justify banning boating completely throughout the Wild and Scenic Tuolumne River corridor. Specifically, the Draft Plan fails to provide a reason for managing one person who chooses to hike through an area differently from another who wants to float through that same area. Making such a distinction in this case is arbitrary and capricious.

American Whitewater believes that the Tuolumne River has a capacity to support recreational use, and that the established wilderness zone capacity, target encounter standard, and Park resource values can be maintained if boating is managed in an integrated fashion with hiking and camping. We have outlined proposals for managing paddling on the Tuolumne River through the Meadows and the Grand Canyon that are simple, nationally-consistent, protective, and in compliance with the Wilderness and Wild and Scenic Rivers Acts. We ask simply that informed visitors with the right equipment be allowed to choose to paddle through this area rather than hike through it, and that they be managed under the same capacities and with the same tools that apply to hikers.

We welcome the opportunity to continue to work with the Park in order to ensure that the Final Wild and Scenic Tuolumne River Management Plan is protective of Park values while offering visitors a high quality wilderness experience whether they chose to paddle or hike. Thank you for considering our suggestions and requests.

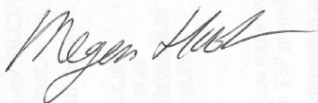
Sincerely,



Dave Steindorf
California Stewardship Director



Kevin Colburn
National Stewardship Director



Megan Hooker
Associate Stewardship Director

¹⁵ See American Whitewater's scoping comments for the Merced River, dated February 4, 2010, November 23, 2011, and April 20, 2012.