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Historic Preservation
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VIA electronic transmission

June 24, 2014

Mr. Don Neubacher, Superintendent
Yosemite National Park
P.O. Box 577
Yosemite, California 95389

Re: Merced River Plan Record of Decision

Dear Mr. Neubacher:

We are writing to bring to your attention three issues of concern in the Merced River Plan Record of Decision (ROD). These are: (1) the inconsistent language between the ROD and its attachments regarding Sugar Pine Bridge; (2) the ROD language about the Superintendent's House and Garage, which suggests that the Park does not intend to explore options to relocate the property, contrary to the assurances NPS made to the Advisory Council on Historic Preservation (ACHP); and (3) the Determination of Non-Impairment for historic properties, which is improperly based on the arguments that the plan benefits natural resources, that "change is inherent" in Yosemite, and that adverse effects to historic properties will otherwise be addressed.

1) Inconsistent Language Regarding Sugar Pine Bridge

First, the language regarding future planning for Sugar Pine Bridge in the Floodplain Statement of Findings is in direct conflict with the Section 106 Programmatic Agreement (PA). The Section 106 PA includes the following language, which was the result of extensive consultation:

"Hydrological Study for Sugar Pine Bridge: The Merced River Plan undertaking ***retains all historic bridges for the immediate future.*** To address the localized impacts that have been attributed to Sugar Pine Bridge, the NPS will initiate a study to assess the merits of various long-term bridge management strategies. The NPS will consult with the signatory and concurring parties to this agreement with regard to the content and structure of the study, including the development of the criteria for success in mitigating hydrologic impacts and the array of alternative mitigation techniques to be tested." (emphasis added)

In contrast, the Floodplain Statement of Findings in the ROD states: "**Sugar Pine Bridge will be removed contingent on the results of a separate hydrologic study, which will evaluate the extent to which the bridge affects river flows under existing conditions. If the bridge is determined to exceed a certain threshold, it will be removed**" (emphasis added.)

The Floodplain Statement directly contradicts the PA, which is itself a part of the ROD, and also suggests that the NPS has foreclosed the future consideration of alternatives by prejudging the outcome of a decision that is supposed to be made in the future based on additional information.

In phone conversations with Kathleen Morse about this problem, she noted that this was in fact an error, that the PA language should be controlling here (not the Floodplain Statement) and that it would be addressed in an online errata sheet to the ROD. Accordingly, we want to formally reiterate our request to make that correction in writing.

2) Dismissal of Viability of Relocation of the Superintendent's House

Secondly, we greatly appreciate that NPS was willing to consider the potential relocation of the Superintendent's House, as reflected in both the PA and in the Selected Action that "modifies Alternative 5 by removing Residence 1 from its current location within the river corridor either by demolition ***or relocation*** (emphasis added)." However, we expected that NPS would consider the relocation option in good faith, and therefore we were concerned that the ROD introduced new language and new justifications to explain why relocation would be difficult or impossible. Had these concerns been raised during consultation, we would have had the opportunity to discuss and address them, but unfortunately, that did not occur.

A number of statements in the ROD exemplify previously unarticulated concerns about relocation. These include:

- "concerns about inadequate access and parking to support the public use of the facility would make it challenging to justify the investment"
- "concern about the radiating impacts to Cook's Meadow from social trails related to the presence of the structures"
- "the likelihood of exacerbating congestion and crowding by promoting additional activity in the area without the land available to provide parking and an appropriate means of access"
- "Suitable locations for Residence 1 within Yosemite Valley have not been identified, as developable space outside of the river corridor is extremely limited and already allocated to other visitor services and overnight accommodations. Co-locating the facility within existing housing areas introduces a potentially incompatible use and does not alleviate the concerns associated with providing adequate parking and public access. Finally, a public use for this facility has not been identified, regardless of its location, and this, along with the cost and logistical difficulties of moving it without damaging or destroying a number of black oak trees, were considerations in the original decision to demolish it."

This language creates the unfortunate impression that the Park Service was not sincere when it assured the ACHP that it would give fair consideration to the

relocation alternative. We believe there are reasonable means available to address these concerns and we hope to engage with the Park in the next few months about the potential relocation of the Superintendent's House and Garage. Identifying potential relocation sites is an essential prerequisite to talking with partners about potential reuses, and the longer that the buildings are vacant, the more expensive and challenging relocation and reuse will become.

3) Baseless Determination of Non-Impairment for Historic Properties

Finally, we disagree that the implementation of the Selected Action will not impair Park resources, and we strongly disagree with the justification set forth in the Determination of Non-Impairment in the ROD. Nearly 100 historic properties are likely to be adversely effected as a part of the MRP implementation, yet the conclusion is that historic resources are not impaired. The NPS has determined that removing historic structures does not qualify as "impairment" based on the flimsiest of justifications: (1) their removal would benefit natural resources (2) "change is inherent" in Yosemite; and (3) adverse effects to historic properties will be otherwise addressed.

We strongly object to this reasoning, which in our view is not consistent with the agency's stewardship responsibilities for historic properties under Section 110(a) of the National Historic Preservation Act, nor with the NPS Organic Act.

The ROD states that, "while some effects to historic properties are adverse, these effects do not rise to the level of impairment because as with any cultural system, change is inherent within the Yosemite Valley landscape" We challenge the NPS's attempts to take cultural landscape concepts regarding the dynamic nature of natural systems and apply them inappropriately to its treatment of historic structures. While we naturally support the notion that latitude for change must exist to allow historic structures to be adapted to meet current needs, we find it highly inappropriate that the NPS would use this flexibility as a defense or rationale for its own intentional demolition of historic properties.

Furthermore, the ROD states that, while "a select number of contributing resources within the Yosemite Valley Historic District would be removed and specific locations would be redesigned that would result in adverse effects to certain historic properties ... the NPS has deemed **these consequences to be acceptable because of the substantial benefits to biological resources**" (emphasis added.) This is yet another example of the NPS showing preference for natural over cultural resources where a large slate of historic properties will be removed to benefit natural ones.

The ROD summarizes its determination of non-impairment of historic structures and cultural landscapes by reference to the Section 106 consultation process and the resulting PA, but adopts reasoning that is utterly circular:

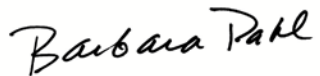
- "the Selected Action will not result in impairment ... because avoidance, minimization and/or mitigation measures would be instituted to resolve adverse effects"

- “Furthermore, the parks [*sic*] will continue to preserve cultural resources; therefore, there is no reason to suspect that implementation of the selected alternative will pose a risk of impairment to the parks [*sic*] cultural resources.”
- The Determination of Non-Impairment section concludes by finding that the Selected Action is consistent with the NPS management policies because “park resources and values will be passed on to future generations in a condition that is as good as, or better than, the conditions that exist today.”

It is hard to understand how any of these statements could possibly be true and/or support the Determination of Non-Impairment when 100 historic properties will be sacrificed as a part of the MRP, and when future actions that may or may not protect historic properties are purely speculative.

We appreciate your consideration of our comments and we look forward to continuing to consult with the Park as individual actions are further developed. In particular, we look forward to playing a role in future decisions affecting the historic Sugar Pine Bridge and the possible relocation of the Superintendent’s House and Garage.

Sincerely,



Barbara H. Pahl, Western Vice President

cc: John Fowler, Reid Nelson, Caroline Hall, and Katry Harris, ACHP
Stephanie Toothman and Jeffrey Durbin, NPS
Carol Roland-Nawi and Mark Beason, CA SHPO
Kitty Henderson, Historic Bridge Foundation