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Re: Yosemite National Park River Management Planning

Dear Yosemite National Park Planning Staff,

American Whitewater would like to thank Yosemite National Park staff for the opportunity to conduct site visits and discuss paddling resources in the Park with you last month. Based on what we learned from our visit we would like to propose an alternative for you to consider during the revision of Comprehensive River Management Plans (CRMP's) for the Tuolumne and Merced rivers. In concert with the revision of these plans, we ask that the Park reconsider its overarching river management rules that provide the recreational context for the management and enjoyment of the Tuolumne and the Merced rivers.

Canoeing, kayaking and rafting are likely the oldest forms of travel and exploration aside from walking. Though technological advances have improved safety (as in all outdoor recreation) the core elements of the activity remain; exploring natural areas by paddling a small boat through the landscape on rivers. Each river is a natural trail through the landscape, reflecting the character of the geology and natural beauty. Paddling is human-powered, place-based, low-impact, quiet, non-consumptive, skill-based, and Wilderness-compliant. In short, it is exactly the kind of activity and experience that the Park system was created to foster. Like all outdoor recreational activities, paddlers exist on a spectrum of skill and commitment ranging from the casual participant to the dedicated enthusiast. Yosemite National Park has something for everyone, from a guided trip down the Merced to an exploratory adventure down the South Fork of the Merced. Regardless of the difficulty of the rapids and canyons, the core element of paddling is experiencing a place through interaction with moving water, moving with the natural flow and experiencing the landscape from the river's perspective. Rivers are an integral part of the geology and ecology of the park. Their beauty, energy, and motion, combined with the scenery of the canyons they flow through, offer Americans an incomparable experience unique to Yosemite National Park. We ask that you value this experience equally with the experiences sought by other Park visitors.

Enjoyment of rivers in kayaks and canoes is allowed in 390 of America's 392 National Parks. Only Yosemite and one other Park prohibit paddling.¹ The only rivers

¹ "All free flowing rivers, creeks, and streams within Yosemite National Park, except the Main Stem and South Fork of the Merced River as defined in this section, are closed to the use of any type of vessel

on which paddling is prohibited in the State of California are the rivers of Yosemite National Park. Outside of Yosemite, paddling is allowed on the Nation's over 200 Wild and Scenic Rivers as a general rule. In short, Yosemite National Park maintains an extremely unusual prohibition of paddling. The rationale for the prohibition is not persuasive or rational (see Appendix 1). We do not believe that the rivers of the Park have zero capacity to support paddling. It is our view that the Park should update its rules, regulations, and plans to reflect modern, nationally consistent river management. In short, we ask that the Park support rather than prohibit the public's ability to experience and enjoy the Park in suitable canoes, kayaks, and rafts.

Use of whitewater rivers and creeks by paddlers is naturally and often severely limited by water levels, weather, time of day, technical difficulty, physical challenge, and access. For these reasons the vast majority of whitewater rivers offer only a narrow window of suitable conditions and attract only a small number of paddlers each year. These annual and ephemeral opportunities are treasured and sought after by paddlers seeking to experience new and special places. These opportunities range from relatively commonly paddled rivers featured in guidebooks to lesser known exploratory runs. There is seldom if ever a need to manage these paddling opportunities differently than other front and backcountry recreational uses since they are generally among the smallest and lowest impact uses. Direct limits on these opportunities can needlessly eliminate rare and treasured experiences. In these comments we will refer to such rivers and creeks as "low use rivers." Nearly all of the rivers and tributaries in Yosemite would likely be low use, with one exception described below.

Only a small percentage of whitewater rivers offer the rare combination of co-occurring desirable qualities that create high recreational demand. These are generally larger rivers with suitable and predictable warm weather flows, easy access, and easy or moderate difficulty. Such rivers can attract enough paddlers to contribute significantly to the total or seasonal use of the river corridor, and thus may require unique and active management. In these comments we will refer to such rivers and creeks as "high use rivers." The Middle Fork of the Salmon, Rogue, and Grand Canyon of the Colorado are pre-eminent examples of managed high use rivers in Forest Service Wilderness areas or National Parks

Across all Federal lands, these two types of rivers are managed very differently from one another. Paddling on low use rivers on all Federal lands is managed in concert with – and indistinguishable from – all other day and overnight use. In many cases this amounts to little or no active management. In other cases standard permits are required for traversing or camping in an area and there may be some minimal infrastructure created to facilitate paddling. Paddling on high use rivers on Federal lands is managed differently across such rivers based on the management goals and concerns, and also based on a set of river management practices and protocols. While too exhaustive to go into detail in these comments, the protocols generally are intended to provide for high quality experiences while protecting the river resource from significant impacts. Use

designed to carry passengers upon the water and any other device, such as air mattresses or inner tubes that may be so used." 36 CFR § 1.5(a)(1); 36 CFR § 1.5(f)

limits are imposed only when deemed necessary, and are done so in an equitable and rational manner. Our proposal below follows this same general management concept by delineating low and high use rivers and proposing management actions accordingly.

We ask that the Park view river access in this nationally consistent context, rather than relying on the unique idiosyncratic current and past management of Yosemite National Park as a baseline for decision making. In short, please ask why, how, and if paddling should be limited, not why, how, and if it should be allowed. We propose the following management alternative for the rivers and creeks of Yosemite National Park.

Low Use Rivers:

We propose that all low use rivers be managed in the following manner:

1. Type III Personal Floatation Devices are required on all rivers and creeks.
2. Only non-motorized hard shell canoes, kayaks, and multi-chambered whitewater inflatable craft are allowed.
3. Paddlers must follow all rules and regulations relating to hikers for the areas through which they plan to travel. This requirement includes securing all relevant permits for camping and travel.
4. No guiding is allowed on low use rivers without a special use permit or commercial use permit.
5. The Park will not be responsible for removing downed trees from low use rivers or in any way ensuring their navigability.

We propose that all rivers and creeks in Yosemite National Park not specifically listed as a high use river be managed as a low use river. Monitoring can at any time indicate that a low use river be reclassified as a high use river. In addition, the Park may address any site-specific concerns in the same manner those associated with any other use.

Of special note, we propose that low-use rivers include the following Wild and Scenic River reaches: the entire Tuolumne River, the South Fork of the Merced River, and the Merced River below Pohono. We will work with the Park to convey the special egress circumstances associated with Hetch Hetchy Reservoir to the paddling community. Such outreach could be done online and at the time of permit issuance.

Rationale:

The above proposal would allow park visitors to explore the park using canoes, kayaks, and suitable inflatables in addition to the current options (hiking, climbing, driving, horseback riding, etc.) This proposal would provide the potential for unparalleled backcountry paddling experiences for the community of people that connect with nature and special places primarily through paddling. It would make the management of paddling in Yosemite National Park consistent with the management of virtually every other river in the Nation, and restore fairness. It would be fully consistent with overarching park objectives and mandates, as well as the Wilderness Act and the Wild and Scenic Rivers Act. It would foster deep appreciation of the Park by conservation-oriented visitors that are now alienated.

The requirement of PFD's and suitable craft, as well as the lack of guiding services and lack of wood management will discourage un-skilled individuals from launching on rivers and enhance the safety of the program. The Park should not expect new demands for infrastructure enhancements based on this proposal. The permitting process is integrated into existing permitting processes and thus should have no noticeable administrative impacts.

Under our proposal the time-of-day access restriction on the Wild and Scenic South Fork Merced would be eliminated. Doing so would make management easier and more consistent with other rivers. Access would be granted to the Wild and Scenic Merced River downstream of Pohono for the few individuals that might choose to paddle it. Access would also be granted to the Wild and Scenic Tuolumne River for the few groups that would choose to descend the river and hike out each year. We expect that the large portages and hike out will discourage all but the most ambitious groups from running this section, but believe that the most ambitious groups should be allowed to experience this part of the park in this way. Logistical, physical, and technical challenge is routinely relied upon to limit many activities in the Park including climbing and backpacking.

Under this proposal paddlers would be considered no different than hikers and other front or backcountry users. Thus all decisions and management actions that address user capacities or specific resources in an area will affect paddlers equitably with other users. In this way paddling can be responsibly and actively managed without any additional administrative or visitor impacts.

High Use Rivers:

We propose that the only high use river in Yosemite National Park is the Merced River upstream of Pohono Bridge, which we will discuss as three reaches:

- Reach 1: Happy Isles Bridge to Stoneman Bridge (II)
- Reach 2: Stoneman Bridge to Sentinal Beach. (I)
- Reach 3: Sentinal Beach to Pohono Bridge (III-IV)

Currently The National Park Service allows both non-commercial and commercial use of Reach 2 with certain restrictions. It is our interest to provide year round opportunities for the public to experience Reaches 1 and 3 in addition to reach 2 and we are open to the Park's ideas on how to meet this interest. It is beyond our knowledge to make judgments regarding the current amount of use of Reach 2 relative to the corridor and river's capacity. Our proposal is focused on providing discrete opportunities to paddle Reaches 1 and 3, likely in concert with Reach 2. Our assumption is that this change would not significantly increase peak use numbers on Reach 2, but would rather allow limited shoulder season use and allow a subset of Reach 2 paddlers to extend their trip on a less visited reach or reaches.

Our proposal for the Merced River from Happy Isles Bridge to Pohono Bridge is as follows:

1. A specified number of floating permits for each calendar day of the year will be available online and at the appropriate location(s) in the Park. Each person paddling requires a permit. The permit grants permission to float any portion or all of Reaches 1, 2, and 3.
2. Permitted paddlers must wear type III Personal Floatation Devices.
3. Permitted paddlers may only use non-motorized hard shell canoes, kayaks, and multi-chambered whitewater inflatable craft.
4. No guiding is allowed on Reach 1 or 3 without a special use permit or commercial use permit.
5. The park will not be responsible for removing downed trees on Reach 1 or 3, or for in any way ensuring their navigability.
6. Initially, up to 50 permits per day will be granted. Subsequent monitoring and demand data can be used to adjust this number up or down to meet demand and/or address management concerns.

Rationale:

This proposal creates new opportunities for visitors with proper equipment to enjoy the entire floatable Merced River and Yosemite Valley in a very special way. As we learned during our site visit, experiencing the Yosemite Valley from the Merced River is a valuable and spectacular experience that the Park can offer its visitors.

We expect the initial offering of 50 permits per day to result in an average of maximum 10 groups of 5 paddlers per day. With these extremely low numbers it is unlikely that one group of paddlers would see more than 1 or 2 other groups on the water. In addition, paddlers would only be visible from a given location on shore 10 times throughout the day for only the 1-5 minutes it takes to pass by. We feel that 50 is a reasonable number to try, and are open to the Park Service's perspective on what the correct number should be.

We recognize the arbitrary nature of this number. It would be easy, for example, to defend the position that 50 is acceptable but hard to claim that 51 would be unacceptable. The correct way to implement boating on the river is to completely open it under the regulations of a low use river, and adjust as needed based on documented effects. We would prefer this alternative. We recognize however that the extremely high use levels of the Yosemite Valley create little room for trial and error, and we are willing to accept admittedly inequitable up-front limits that we can collectively learn from. Thus, we are proposing to start with a very conservative number and adaptively manage that allocation upwards or downward based on the demand and concerns that arise based on the initial offering.

The year round season allows paddlers to experience the river during times of year when other floaters and non-boating tourists are absent or present in reduced numbers. We have dropped the temperature limit for permitted paddlers that is currently imposed by the park because paddlers with proper equipment (e.g., drysuits) can safely paddle at temperatures far below that limit. We are inclined to drop the flow limitation of 6.5 feet,

however we would like to review this with Park Service staff to evaluate the safety concerns at flows above that level. Permitting paddling on reaches 1 and 3 should allow paddlers to avoid crowding even during peak floating season on Reach 2. The small number of permits ensures that paddlers and non-paddlers alike will be unlikely to encounter paddlers on the river. The small number of permits also ensures few encounters with non-paddlers and negligible environmental effects. The equipment limits, lack of wood management, and lack of commercial guiding will discourage unskilled paddlers. We recognize that instituting a new permit carries with it some administrative burden which we hope is offset by better meeting the Park mission and the Wild and Scenic Rivers Act. In addition a fee structure similar to the Park's Wilderness permits would help offset the administrative needs.

Conclusion:

Paddling rivers is a powerful and widely accepted way of experiencing National Parks and other federal lands across the country. Current management of Yosemite National Park prohibits the public from exploring the Park's rivers by kayak, canoe, and raft with little or no justification. We propose that Yosemite National Park take a fresh look at the capacity of the rivers within the Park to support a very low-impact use that fits entirely within the intent of the national park's purpose. We propose that the Park manage their rivers in a manner consistent with normal river management protocols and practices. Our proposal allows paddling to occur while protecting the Park's rivers and the experiences of other Park visitors. Our proposed alternative is intended for consideration in the development of Comprehensive River Management Plans for the Wild and Scenic Rivers in the Park and for consideration of general Park rules affecting paddling. Thank you for analyzing these alternatives, and for considering the interests of the many citizens that connect most strongly with special natural places from their kayaks, canoes, and rafts.

Sincerely,

Dave Steindorf



American Whitewater
California Stewardship Director

Kevin Colburn



American Whitewater
National Stewardship Director

Appendix 1. American Whitewater Response to Park Rationale for Paddling Prohibitions

River	Rationale	Response
<i>All Rivers</i>	<i>This restriction is necessary to preserve the natural character of lakes, rivers, creeks, and stream for public enjoyment.</i>	Paddling does not impact the natural character of waterways – and because of this is allowed in virtually all other Parks. The restriction diminishes public enjoyment of waterways – not preserves it – through by preventing the public’s primary means of enjoying rivers. Paddling is low impact and quiet. Normal paddling use patterns result in only rare encounters with non-paddlers being a rarity , and often these are positive. This consideration contradicts the management of virtually all other rivers, common sense, and equity.
<i>Tuolumne River</i>	<i>The shorelines of Hetch Hetchy Reservoir and Lake Eleanor are the wilderness boundary. The closure is necessary to preserve the wilderness character and water quality of the lake’s surroundings.</i>	Paddling is fully supported by the Wilderness Act. The small amount of paddling that the Tuolumne would attract would in no way diminish Wilderness character and would in fact enhance it by encouraging exploration. Paddling would not impact the water quality of the lake’s surroundings. To state otherwise is not defensible.
<i>Merced River</i>	<i>The Superintendent has determined that management of the Main Stem of the Merced River must meet the needs of all park users; including but not limited to photographers, fishermen, and those wishing to see undisturbed sections of free flowing river. By partitioning the river and placing time constraints on certain activities, each of the visitor groups can be accommodated, while providing for both visitor</i>	All healthy rivers accommodate photographers, fishermen, and other visitors. These uses are not in conflict. Normal (or regulated) paddling use patterns result in only rare and often positive encounters with non-paddlers being a rarity ., Paddling is naturally limited by season, flow, and time of day. Paddlers move quickly downstream, which results in no paddlers using a given stretch of river for the vast majority of time. The paddling capacity of the Merced River is not zero.

	<i>and resource Protection.</i>	In addition we are aware of no significant resource impacts of paddling on the Merced.
<i>Merced River</i>	<i>The closure beyond the Sentinel Picnic Area is necessary due to naturally fallen trees in the river which pose a safety hazard to rafters or floaters. Removal of the trees would be contrary to the park resource management policy; therefore, pursuant to policy, the trees will not be removed.</i>	Wood in rivers is a natural part of the paddling experience. Paddlers are allowed to navigate virtually every other river in the Nation, few of which have any wood removed from them. Traversing wood is part of paddling – not a reason to prohibit paddling.