



[www.americanwhitewater.org](http://www.americanwhitewater.org)

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November 23, 2011

Yosemite National Park  
Attn: Merced River Plan  
Via e-mail to [yose\\_planning@nps.gov](mailto:yose_planning@nps.gov)

**Re: Merced Wild and Scenic River Management Plan**

Dear Yosemite National Park Planning Staff:

American Whitewater appreciates having the opportunity to provide feedback as Yosemite National Park develops alternatives for the Merced Wild and Scenic River Management Plan. The Merced represents a defining landscape feature of Yosemite National Park, and our members and many in the general public would highly value having the opportunity to experience the Yosemite Valley by boat if given the chance. We are very pleased to see the Park taking steps to allow the public to experience the beauty of the Park and connect with the Merced through paddling.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. With our combined membership and affiliate clubs, we represent the conservation interests of tens of thousands of whitewater enthusiasts across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. Founding principles of our organization include protection of the wilderness character of waterways and promotion of the recreational value of wilderness rivers.

We understand that the Workbook highlights just 35 of hundreds of issues for consideration for the Management Plan, and we are incredibly pleased to see that the Park is considering lifting the ban on paddling and floating on certain segments of the river. However, we are concerned that the segmented approach of the workbook may fail to assess the capacity of the entire Merced River to support paddling – and thus the need or lack thereof for indirect or direct limits on paddling activities on the entire river. *Paddling should be allowed on the entire length of the Wild and Scenic Merced River throughout the year – and only limited where and to the extent needed to protect and enhance the full suite of ORV's.* We propose that in most reaches, management action is unnecessary for limiting the number of visitors who will choose to experience the river in a kayak, canoe or raft. Season, hydrology, and physical challenge will place sufficient natural restrictions on paddling use. On reaches where use is reasonably predicted to approach or exceed capacity, nationally consistent river management techniques should be employed to limit use. Prohibiting the activity is excessive, and those who choose to experience the river should have the opportunity to do so. A segmented approach where paddling is allowed on a few sections of river and prohibited from the rest not only

continues an outdated Park policy on the river, but is also not in compliance with the Wilderness Act and Wild and Scenic Rivers Act.

### **Management Issues**

American Whitewater provided extensive comments and management suggestions during the Public Scoping Process in 2010, and we attach those comments for reference. Additionally, we have provided comments in the fillable workbook pages provided by the Park. Additional comments are included below.

Large Woody Debris - As paddlers, we highly value healthy and robust riparian systems, and recognize that an integral part of a healthy river includes large woody debris (LWD). Paddlers recognize it as a natural part of the paddling experience, encounter it often on virtually all other rivers, and accept the risks involved. The presence of LWD in a river should not be a reason to close it. We understand what the NPS General Management Policy 6.4.1 clearly outlines - that “park visitors need to accept wilderness on its own unique terms.” We support continued management of LWD on high-use segments of the river, however do not support removing it from the system unless deemed absolutely necessary. Should wood need to be managed in high use areas for recreational passage or to protect infrastructure, movement is generally preferred over removal. Additionally, we do not support using cables around logs in rivers, as cable and rope poses an extreme safety hazard and is not a natural part of a healthy and dynamic river.

User capacity – We support the goal of protecting the natural landscape of the riparian corridor. In areas where user capacity is exceeded, we support employing indirect and/or direct limits, including a permitting system should one prove necessary.

While paddlers are a relatively small segment of backcountry users in the Park, we recognize that all visitors have an impact on the environment. River exploration within the Park has similar impacts as hiking, backpacking, and backcountry fishing, although use of a trail is one way with the river serving as the return route. We support continued management of backcountry users, where hand-powered boating (including kayaking, rafting, pack-rafting) is recognized as a wilderness-compliant activity for all wilderness zones in the park.

Additionally, methods other than prohibiting paddling can be employed to influence paddling use characteristics. For example, the Park Service can recommend that paddlers voluntarily forego sections of the river during certain seasonal or flow conditions, but it should not prohibit users from paddling a reach if they so choose. Additionally, the Park can require that paddlers have certain craft types and safety equipment in order to enjoy a particular stretch of the river. This will prevent visitors from floating on inflatable toys and mattresses in sections of the river. Further, it is important to consider that river conditions, weather, time of day, technical difficulty, physical challenge, and other factors will all place natural limits on the number of users to the river.

Infrastructure required for access will likely be minimal. On low use segments of the river, defined put-ins and take-outs are not required. In high use areas, we support

designated parking for boating and defined access areas at existing bridges and campgrounds, where possible. We support building/improving access at West of Pohono Bridge.

We note that the Park is considering having shuttle service within the Park. Visitors accessing the river will prefer to have vehicle access to the park. If a shuttle service becomes necessary, it needs to accommodate the transport of kayaks, canoes and rafts.

The Park Service must determine the capacity of the Merced River to support recreational and other uses. A core part of this determination must define the amounts of various kinds of river use that the river and its values can sustainably support. To put a fine point on it, the capacity of the entire Merced River to support paddling is not zero. Paddling must become a component of recreational use of the Merced River, a change in Yosemite management that is in the public interest.

### **Wild and Scenic Rivers Act**

The Wild and Scenic Rivers Act states that the Park Service should not limit recreational uses that do not substantially interfere with public use and enjoyment of the values for which a river was designated.<sup>1</sup> The Merced Wild and Scenic River was designated for 24 outstanding biological, recreational, geological/hydrological, scenic and cultural values. Canoeing, kayaking and rafting are human-powered, place-based, low-impact, quiet and non-consumptive ways to connect with the natural landscape. There is no evidence that it substantially interferes with the outstanding remarkable values for which the Merced was designated and therefore should be allowed on the entire length of the river.

### **Wilderness Act**

Wilderness Areas are “devoted to the public purposes of *recreational*, scenic, scientific, educational, conservation and historical use”,<sup>2</sup> and the Wilderness Act describes “wilderness” as an area that has “outstanding opportunities for ... a primitive and unconfined type of recreation.”<sup>3</sup> Paddling is a form of recreation that is a core part of the Act, and the founders of the Wilderness concept, including Olaus Murie, Bob Marshall and Aldo Leopold wrote specifically of the unique perspective and adventure that paddling in Wilderness areas offer. Exploring the rivers in Yosemite National Park and their related Wilderness Areas by hand-powered craft affords visitors with a unique opportunity to experience park resources, enjoy the river and riparian landscape, and provides inspirational opportunities to experience wild rivers. We ask that you value this experience equally on the entire length of the Merced with the experiences sought by other Park visitors in the Yosemite Wilderness Area. The core element of paddling is

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<sup>1</sup> 16 U.S.C. §1281(a)

<sup>2</sup> 16 U.S.C. § 1133(b); emphasis added.

<sup>3</sup> 16 U.S.C. § 1131(c)

experiencing a place through interaction with moving water, going with the natural flow and experiencing the landscape from the river's perspective. This is fully in alignment with the Park's goal to provide opportunities for direct connection to river values.

The user capacity of the Merced River in the Wilderness Area is something well above zero, and should be managed as such. Paddling meets with the Park Service's 2006 Management Policy 6.4.3, which pertains to Wilderness and requires that "recreational uses of wilderness will be of a type and nature that ensures that its use and enjoyment (1) will leave it unimpaired for future use and enjoyment as wilderness, (2) provides for the protection of the area as wilderness, and (3) provides for the preservation of wilderness character."

## **Conclusion**

American Whitewater is pleased to see that Yosemite National Park is taking steps toward opening the Wild and Scenic Merced River up to paddling, and appreciate your efforts in working with us throughout the planning process. Paddling needs to be allowed throughout the year on the entire length of the Merced within the Park – and limited only as necessary. Allowing paddling only on certain segments during certain times of the year falls short of meeting the requirements of the Wilderness Act and the Wild and Scenic Rivers Act. Thank you for this opportunity to help shape the alternatives that will be considered in the Merced Wild and Scenic Management Plan.

Sincerely,

A handwritten signature in cursive script that reads "Dave Steindorf".

Dave Steindorf  
California Stewardship Director