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Congress of the United States
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COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON WATER AND POWER
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SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION
COMMITTEE ON THE BUDGET

April 12, 2013

Don Neubacher, 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 the 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, 100th Cong, 1st 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.

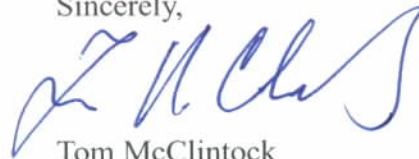
It defies logic that NPS is proposing to close these facilities not because they degrade the Merced River, but instead because in NPS's eyes, these longstanding facilities do not benefit the River. What about the benefits that the American public will lose under NPS's proposal? NPS is also proposing 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,

A handwritten signature in blue ink, appearing to read "Tom McClintock", is written in a cursive style.

Tom McClintock