MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
http://www.mariposacounty.org/

MILES MENETREY, CHAIR	**DISTRICT V**
WAYNE FORSYTHE, VICE-CHAIR	**DISTRICT IV**
ROSEMARIE SMALLCOMBE	**DISTRICT I**
SHANNON POE	**DISTRICT II**
DANETTE TOSO	**DISTRICT III**

ACTION SUMMARY MINUTES

March 21, 2023

A. 9:01 AM Called to Order

Attendee Name	Title	Status	Arrived
Danette Toso	Supervisor	Present	9:01 AM
Shannon Poe	Supervisor	Present	9:01 AM
Rosemarie Smallcombe	District I Supervisor	Present	9:01 AM
Wayne Forsythe	District IV Supervisor	Present	9:01 AM
Miles Menetrey	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

Chair Menetrey led the pledge.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

Chair Menetrey announced new requirements for the Public Comment telephone line, noting if an individual would like to speak, they will need to press *5 to raise their hand. He noted he would call the last four of their telephone number, and once called upon, they would click *6 to unmute themselves.

Jonathan Noel/Community Member comment on CA.7 and CA.8 and asked what the monies are used for and if we get matching funds from the State.

Joe Lynch/Health and Human Services Agency Director, commented on CA.15, noting social work is as old as time, neighbors helping neighbors. Mr. Lynch also noted that social workers help others when they are at their lowest and thanked them for their hard work and dedication.

Julie Simms/Health and Human Services commented by phone on CA.15 noting it is one of the hardest jobs.

Supervisor Smallcombe commented on CA.15, noting that social workers make many contributions and acknowledged she doesn't know how they do it, especially with all the disasters.

Dallin Kimble/County Administrative Officer responded to the question by Mr. Noel, nothing we do not get match funds, and this is paid for mainly by Measure M for emergency services.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

CA1. **Health and Human Services RES-2023-145**

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County

CA2. **Health and Human Services RES-2023-146**

Resolution Continuing the Local Health Emergency Due to the Oak Fire

CA3. **Sheriff's Office RES-2023-147**

Resolution Continuing the Local Emergency Due to the Oak Fire

CA4. **Sheriff's Office RES-2023-148**

Resolution Continuing the Local Emergency Due to the 2022/2023 Meteorological "Atmospheric River" Event

CA5. **Sheriff's Office RES-2023-149**

Resolution Continuing a Local Emergency Due to Extreme Snowstorms in February and March of 2023

6. Item Withdrawn and Rescheduled

CA7. **Administration RES-2023-150**

Approve Agreement 4CA06229 with CAL FIRE for Command and Control and Dispatch Services from July 1, 2023, to June 30, 2026, in an Amount Not to Exceed $3,914,038; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. **Administration RES-2023-151**

Approve Agreement 4CA06230 in an Amount Not to Exceed $2,279,793 for Extended Fire Protection Availability (Amador) Services from July 1, 2023 through June 30, 2026; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA9. **Administration RES-2023-152**

Ratify the Signature of the Board of Supervisors Chair on the Memorandum of Understanding with the Redwoods for Use of Their Loader for Snow Removal When Not Needed for Their Operations

CA10. **Administration/Community Development RES-2023-153**

Approve a Micro Grant for the Joyful Owl in the Amount of $10,000; and Authorize the Auditor to Submit Payment

CA11. **Agricultural Commissioner RES-2023-154**

Approve the Pest Detection Trapping Agreement No. 22-1694-003-SF, for FY 2022/2023 with the California Department of Food and Agriculture (CDFA); and Authorize the Board of Supervisors Chair to Sign the Agreement

12. Item Removed for Amendment

CA13. **County Counsel RES-2023-155**

Approve an Agreement with Dannis Woliver Kelley Attorneys at Law to Provide Construction Related Legal Services; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. **County Counsel RES-2023-156**

Approve Agreement with CivicPlus for Self-Publishing Software Services; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. **Health and Human Services 2023-30**

Proclaim the Month of March 2023, as "Social Work Month"

CA16. **HHS/Behavioral Health & Recovery Services RES-2023-157**

Approve First Amendment to Agreement with Davis Guest Home to Provide Community Residential Treatment Services for Clients Referred by Mariposa County Behavioral Health Increasing the Amount by $100,000 for a New Amount to Not Exceed $120,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA17. **Planning 2023-31**

Re-Appoint Eugene Spindler, Edward Mee, Alton Brown, Charles Jones and Tony Christianson to the Wawona Town Planning Advisory Committee with Terms to Expire February 28, 2025; and Appoint Richard Jacobson and Ken Kehrer to the Wawona Town Planning Advisory Committee with a Term to Expire February 28, 2025; and Recognize the Service of Lucy Royse (Supervisor Smallcombe)

CA18. **Planning 2023-32**

Recognize the Service of John Luther to the Fish Camp Town Planning Advisory Council; Re-Appoint Brett Archer, Donn Harter, Greg Royse and Robert Bassett; and Appoint William Reinhardt to the Fish Camp Town Planning Advisory Council with Terms to Expire February 28, 2025 (Supervisor Smallcombe)

CA19. **Public Works RES-2023-158**

Declare Saturday, May 6, 2023, Butterfly Parade a County Sponsored Event and Authorize Public Works to Waive the Encroachment Fee of $188.00; and Approve the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140 from 10:00 AM to 11:00 AM, Between Highway 49 North and Highway 49 South

CA20. **Public Works RES-2023-159**

Authorize Public Works to Waive the Encroachment Permit Fee of $188.00 for the Annual 4-H Citizenship Project Bike-A-Thon

CA21. **Public Works RES-2023-160**

Declare Paseo De Mariposa a County Sponsored Event; and Authorize Public Works to Waive the Encroachment Fee of $188.00

CA22. **Probation RES-2023-161**

Approve a Five (5) Year Agreement with Tyler Technologies, Inc. to Provide a Full Featured Case Management System, in an Amount Not to Exceed $44,800 in Year One, $52,040 in Year Two, $59,442 in Year Three, $67,014 in Year Four, and $74,765 in Year Five; and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Items removed from Consent Agenda

1. **Administration RES-2023-172**

Approve a Five Year Agreement with JMP in an Amount of $25,473 for Postage Machine Services in the Government Center Complex; and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: WITHDRAWN AND RESCHEDULED Next: 4/4/2023 9:00 AM

2. **Board of Supervisors RES-2023-162**

Resolution and Tile Plaque Recognizing Ken Trujillo, Upon His Retirement from the Probation Department (Board Chair)

Danielle Bondshu/Clerk of the Board made an announcement regarding a correction to the agenda noting it states its for Ken Trujillo, but it is in fact for John Trujillo. She also noted all attachments were correct, it was just the title of the Board item. She also extended her apologies.

Supervisors Smallcombe and Forsythe noted how wonderful he is and his commitment to the youth.

AMENDMENT: Name correction from Ken Trujillo to John Trujillo-Trejo.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Rosemarie Smallcombe, District I Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Toso, Poe, Smallcombe, Forsythe, Menetrey

F. Departmental Presentation

Kari Kisela/Mariposa County Chamber of Commerce announced the winners of the Business Awards Dinner. Thanked the Business leadership circle.

Pete Judy/Interim Chief Probation Officer thanked John Trujillo for his service, he has worked with kids and drug court within just about every aspect of probation.

Joe Lynch gave a brief update noting this week strong wind and storm events are forecasted. He noted the Health and Human Services Agency, the Sheriff's Office, and

the Office of Emergency Services (OES) are monitoring the event. He also noted for the listening public that if assistance or resources are needed during the event to call 209-259-1332 or if it is life threatening to call 911.

Sam Cerveny/Deputy Public Works Director gave an update on storm damage, noting the Roads crews are evaluating roadways. He noted Ashworth has areas where it has been undermined, Chowchilla has a lot of damage, and Hotzel is currently at one lane. Mr. Cerveny also noted for the listening public that there are some County roads that are only maintained between April and October. He also announced at the Don Pedro utilities division was having issues and the County landfill was seeing seepage issues. He noted the landfill will be taking spoiled food through March at all locations.

Monica Nielsen/Ag Commissioner noted on this day, was National Agriculture Day. She presented statistics such as the Ag industry accounted for $ 437 Billion, and California was sitting $16.5 billion more than Iowa. She announced Mariposa ranks 45 in State but with Cattle, we rank 5th. She announced for the listening public the Agricultural Department will be hosting their annual livestock pass training pm April 5th from 1:00 PM to 5:00 PM.

Wes Smith/OES noted the County was contacted by FEMA, CDAA, and SBA and was asked to complete a survey within 24 hours. He noted we are waiting for our information to be received by the Governor and pushed for Federal assistance. He noted up to this date, their office had received 291 total damage reports from residents which 196 were vetted for accuracy.

Supervisor Poe noted it was nice to see the team up there. He noted he visited 30-40 people who had homes damaged and most have not done the survey. In regards to tree damage, Mr. Smith noted they cannot answer what can be done.

Supervisor Smallcombe asked at what point will it no longer benefit a resident to do the survey. Mr. Smith noted FEMA closed the survey for snow damage on Friday the 17th. He announced that if the damage was incurred the survey will continue to be open. But if the damage was incurred within those dates, he encouraged all to submit their information.

Elizabeth Darcy/Public Information Officer followed up on Mr. Smith's comment noting changes were made to the emergency alert. She noted if you click on that, it gives information on the storm itself and it will remain up until the storms have succeeded. She noted the information was also added to www.mariposarecovers.org <http://www.mariposarecovers.org>. She noted a lot of information has been promoted on social media as well as 11 outside publications. She gave her email address edarcy@mariposacounty.org <mailto:edarcy@mariposacounty.org> for any businesses or offices that would like information for distribution purposes. In response to a question from Supervisor Smallcombe, Ms. Darcy noted there are flyers at Post Offices but if they were damaged, contact her for a new one.

Dallin Kimble/County Administrative Officer noted for congressional spending projects (formerly known as earmark projects), when notified we have to submit a proposal. He noted they are working with our Senators and Congressmen on resubmitting the request for the Wawona Fire Station and the 11th Street Paseo.

Danielle Bondshu/Clerk of the Board noted the Board Chambers will be closed to the public last two weeks in May for the installation of the new sound system. She also announced the new agenda management system will go live for the first meeting in June.

G. Public Comment on Non-Agenda Items

Mike Bruso/Community Member noted his career was in education. He noted he oversaw staff development days. He also noted his entire career was to try and change the points of view of differing education which was adult driven. He noted to deal with issues, all tend to jump to debate which is a "Greek beat down." He noted what should happen before the debate is dialogue as people should strive to beat down ideas, not people. Mr. Bruso also noted he comes to Board meetings to help bring a differing point of view and generate new though.

H. Regular Agenda Items

1. **Board of Supervisors (ID # 13771)**

Receive a Presentation on the California Road Charge from Lauren Prehoda with Cal Trans

RESULT: WITHDRAWN

2. **Fire (ID # 13850)**

Receive a Presentation from Mariposa County Fire Department Regarding Their 2022 Annual Report and Statistics

Steve Ward/Division Chief Cal Fire/Mariposa Fire gave a PowerPoint presentation. He noted a correction to page 5 has the population count incorrectly, it should say 17,131. In response to a question from Supervisor Poe, Chief Ward the reason we do not have a lot of volunteers was due to change, such as when Cal Fire came in and took over command and control.

Public comment was received by Jonathan Noel who gave kudos and asked if the stations currently closed will reopen for fire season.

Dallin Kimble noted the Cal Fire Command and Control as well as the Cal Fire Amador agreements provide much-needed training and professional knowledge, as well as the receipt of money from Cal Fire for the use of the Airport, our staff does join the training and Mariposa County sees a guaranteed response.

Kudos were received Kudos Supervisors Forsythe and Smallcombe. In response to a question from Supervisor Smallcombe, Chief Ward confirmed that on packet page 287, it noted "Campa Totals" in which 2/3rds are medical calls. Chair Menetrey noted the report states 2 medical responders by 5 were stated and Mercy is the responding medical authority. Chief Ward noted that was correct, also noting it is fluid based on the number of volunteers.

CORRECTIONS: The population is 17,131, applications is 17, and 5 medical responders (three of those are going through the application process).

RESULT: INFORMATION RECEIVED

3. **Fire RES-2023-163**

Approve Title III Funding Proposals from the Secure Rural Schools and Community Self-Determination Act of 2000 in the Amount of $101,000.00; and Begin the 45 Day Comment Period

Chief Ward gave the staff report. No public comment.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Shannon Poe, Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

4. **Planning (ID # 13868)**

Receive a Presentation on the Status of the Mariposa Gateway Elements Project

Steve Engfer/Planning Director introduced the item, noting this item is related to H.5. He turned the floor over to Mikey Goralnik/Community Development Planner who gave a PowerPoint Presentation.

Kazzy Brocchini/Community Member/Indigenous person spoke in favor of the murals. She asked the Board to think about if they had ever been trivialized for who they were or told they could not partake in their religion or speak their language. She noted those are things her people have dealt with for years, noting the decimation of her people in California was heavy. She noted this project gives her people a voice and a chance to display their art and shows they have value which will influence children and give a voice to indigenous people.

Wendy Brown/Concerned Citizen noted she wished she would have paid more attention. She noted she loves murals and appreciates the planning, but she noted the consultants are from Half Moon Bay and the architecture looks like urban art. She noted she moved here because she loved the “little cowboy/country western” town. She noted she would hate to become urban and noted the murals do not portray the rest of the community. She also asked, “Are they going to include traditional art?” she also noted she is a Cowboy Poet but there is no Western theme for that part of this community. She wants to see all parts represented. She then handed a letter to the Clerk of the Board.

Cara Goger/Arts Council clarified a few statements noting they have been taking input on the project since the beginning and are still taking feedback. She noted the report will be on the website and the consultants were chosen because they have an already established rapport within the community.

Lester Bridges/a resident noted he went through a town in Missouri where they had a mural, 3 stories high. He noted there is an opportunity in the Mountain Fitness Gym building. He noted murals can do a lot for our community.

Mike Bruso noted he likes murals but is not in favor of public art. He noted public art is a version of cherry-picking. He then gave some examples that he has seen throughout his career.

Ms. Brown came back to the podium and noted she was curious as to where the individuals who responded to the survey were from.

Mr. Goralnik clarified that we are not just doing these projects for the community it is also to sell and market our community so outside input is still welcome.

Board discussion ensued, but kudos were given to the presenters by the Supervisors.

RESULT: INFORMATION RECEIVED

Recess

11:42 PM Chair Menetrey recessed the Board for a brief break and reconvened at 11:48 PM.

5. **Planning RES-2023-164**

Adopt a Resolution Approving the Submittal of an Application to Cycle 2 of the Caltrans Clean California Local Grant Program to Fund the Mariposa Gateway Element Project Phase 2; Authorizing the Planning Director to Sign the Application; Authorize the Board of Supervisors Chair to Sign the Grant Agreement And, If Necessary, Associated Agreements with Collaborating Property Owners, If Awarded (Subject to Approval as to Legal Form by County Counsel); and Authorize the Board of Supervisors Chair to Sign the Letter of Support

Mikey Goralnik gave the staff report. Public comment received from Jonathan Noel who discussed history and people of Mariposa. Kudos were given by Supervisors Forsythe and Smallcombe. Colleen Rhodes community member noted she looks forward to having Mikey look at the project in Coulterville.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

6. **Administration (ID # 13590)**

Discussion and Direction of Policy Regarding Complaints Against Department Heads or Other Employees of the Board of Supervisors

Dallin Kimble introduced the item noting it is being brought forward by previous direction from the Board. In response to a question from Supervisor Smallcombe, Mr. Kimble noted the complaints would flow through Human Resources and if need be, investigated through a third party.

Public comment was received by Danielle Bondshu/Clerk of the Board, Jonathan Noel/Community Member, Lester Bridges/Community Member, and Elizabeth Darcy/Public Information Officer all of whom presented ideas or noted employees need to feel safe and heard.

Board discussion ensued.

DIRECTION: Staff is to revise the current policy which would direct staff to

Human Resources where the issue would try to be resolved before a formal investigation was launched with the caveat that the Board will be notified if an investigation has occurred. Also, if a pattern is established, the Board would like to be a part of the conversation.

RESULT: DIRECTION GIVEN

7. Items H.7,8, and 9 were pushed to last three items on Regular Agenda

12:50 PM Chair Menetrey recessed for lunch noting Regular agenda items H. 7, 8, 9, and the Local Transportation items will be taken up after the other 2:00 PM reconvene items.

I. 2:00 PM Reconvene

2:01 PM Chair Menetrey Reconvened the Board meeting

1. **Planning RES-2023-165**

Adopt a Resolution Approving the Merced River Trail Vision Plan; Finding the Project is Exempt from CEQA; and Authorizing County Departments and Agencies to Pursue Implementing Its Recommendations

Mikey Goralnik introduced the item and gave a PowerPoint Presentation.

Public comments were received from Art Baggett/Resident, Bill King/Executive Director of Mariposa Trails, Molly Stephens/Midpines Resident, Jeff Jenkins/Community Member, Jonathan Noel, Patrick Johnson/National Park Service Planner, and Colleen Rhodes whom all noted how beneficial and needed this project is for our community.

Kudos and thanks were given by all the Board members in excitement about this project being brought forward for approval.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

2. **Planning (ID # 13889)**

Receive a Presentation on the Mariposa County TerraCount Tool Project

Steve Engfer introduced the item noting the TerraCount Tool consultants from Tukman Geospatial were present, he turned the floor to Hanna Harrison/Community Design Planner who gave a PowerPoint Presentation

Mark Tukman/Tukman Geospatial introduced himself and noted they have been working on this project for a couple of years. He noted this came out of work done in Sonoma and Merced and went into a PowerPoint Presentation. He then introduced Dylan Loudon/Tukman Geospatial who finished the presentation. In response to a question from Chair Menetrey, Mr. Loudon explained that carbon sequestering is a good thing. It shows how the vegetation is sequestering carbon and mitigating

impacts.

Public comment was received by Mike Bruso, Tony Toso/Cotton Creek Ranch, and Karen Glendenning/Fish Camp Resident who all noted tools are great but were concerned with how they can impact producers as well as users of wood-burning stoves.

Board discussion ensued on the pros and cons of the tool.

RESULT: INFORMATION RECEIVED

3. **Administration RES-2023-166**

Approve an Agreement with BAE Urban Economics for a Short Term Rental Study; and Authorize the Board of Supervisors Chair to Sign the Agreement

Dallin Kimble noted there has been a few questions on this item and turned it to Ben Goger/Housing Development Specialist who gave the staff report.

Public comment was received by Jim Evans/an active housing advocate who noted he is in favor of mitigating impacts and asked that the Board look at a fee that goes toward the housing trust fund.

Mike Bruso expressed his concerns about the property rights issue this raises. He noted government involvement is the reason for the housing crisis, not Vacation Rentals.

Board discussion ensued and Mr. Kimble noted this firm's bid was $80,900 and the other received was $110,000. He also noted this is just a study, it is not a guarantee the Board will approve what's recommended. This study will help to quantify the impacts.

RESULT: **ADOPTED [4 TO 1]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Danette Toso, Supervisor
AYES: Danette Toso, Rosemarie Smallcombe, Wayne Forsythe, Miles Menetrey
NAYS: Shannon Poe

4. **Administration (ID # 13899)**

Discussion and Possible Direction on the National Center for Public Lands Counties; and a Requested Contribution of Approximately $25,000

Dallin Kimble gave the staff report. Public comment was received from Mike Bruso, and Karen Glendenning, both expressing concerns for this item.

Board discussion ensued. Supervisor Smallcombe expressed her concern in the use of LATC Funds, noting those funds cannot be used for lobbying.

Board gave direction with Supervisor Smallcombe disagreeing.

DIRECTION: Staff is to bring the item back on April 4th with more clarification on the use of the funds as well as with the possibility of pulling the funds from General Contingency instead of the LATC funds.

RESULT: **DIRECTION GIVEN**

5. **Clerk of the Board of Supervisors (ID # 13926)**

Discussion and Possible Direction on Agenda Layout

Danielle Bondshu gave the staff report. No public comment.

DIRECTION: Give the Clerk of the Board the leeway to adjust the agenda to optimize Department Head time.

RESULT: **DIRECTION GIVEN**

Recess Board of Supervisors

5:35 PM Chair Menetrey recessed the Board meeting and the Clerk of the Board read the Government Code Announcement.

J. LOCAL TRANSPORTATION COMMISSION

5:35 PM Chair Forsythe called the Local Transportation Commission meeting to order.

Public Comment Period

None.

LTC Regular Agenda

1. **Public Works LTC-2023-7**

PUBLIC HEARING: Adopt the Initial Study/Mitigated Negative Declaration for the Mariposa Creek Parkway Phase III and Trailhead Project; Approve the Mitigation Monitoring Report Program; and Authorize the Executive Director-MCLTC to File a Notice of Determination Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075

Steve Engfer introduced the item and Mr. Goralnik gave a PowerPoint presentation noting the Planning Department was able have CEQA done in the same study. No public comment received.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Shannon Poe, Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

Adjourn LTC

5:46 PM Chair Forsythe adjourned the LTC meeting.

Reconvene as Board of Supervisors

5:46 PM Chair Menetrey reconvened the Board meeting.

K. Closed Session

5:47 PM Chair Menetrey announced the closed session items and opened for public comment on each item. No public comment. Chair Menetrey recessed the Board into closed session at **5:49 PM**.

1. **Administration (ID # 13927)**

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 7919 Hunter's Valley Road in Mariposa; Agency Negotiator: Dallin Kimble, County Administrative Officer; Closed Session Will Concern Price and Terms of Transaction

No public comment.

RESULT: CLOSED SESSION HELD

2. **County Counsel (ID # 13922)**

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation; Sher're Hendricks V. County of Mariposa; WCAB No. ADJ14464845

No public comment.

RESULT: CLOSED SESSION HELD

3. **County Counsel (ID # 13923)**

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation; Walter Dwyer V. County of Mariposa; WCAB No.: ADJ10168154,ADJ10168168, ADJ1016816464

No public comment.

RESULT: CLOSED SESSION HELD

Report Out

6:34 PM Chair Menetrey reconvened the Board meeting and reported that during closed session information was received and direction was given for all three closed session items.

L. Board Information

Information received.

M. Adjournment

6:36 PM Chair Menetrey adjourned the meeting.

Respectfully submitted,

Danielle Bondshu
Clerk of the Board

Miles Menetrey
Chair, Board of Supervisors

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2023-145

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: Continue a Shelter Crisis Local Emergency in Mariposa County

---

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County.

California Government Code 8698, 8698.1 and 8698.2 allows for the governing body of a city or county to declare a shelter crisis. A shelter crisis declaration relaxes standards for building occupancy, limits liability and provides a legal basis for the use of certain facilities designated by the County as a shelter for the duration of the crisis.

In order to declare the shelter crisis, the County made findings at a public meeting and adopted Resolution 18-518 that (1) a significant number of persons within the county's jurisdiction are without the ability to obtain shelter; and (2) the situation has resulted in a threat to the health and safety of those persons.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On November 5, 2018, the Board of Supervisors adopted Resolution 18-518 declaring the existence of a Shelter Crisis Local Emergency in Mariposa County to allow Mariposa County to proceed with temporary homeless shelter solutions to meet the needs of our homeless community members.

Recognizing the prevalence of homelessness in California and the health and safety risks facing homeless persons, California law authorizes counties to declare a "shelter crisis" and avail themselves to attendant protections and powers. Specifically, upon declaring a "shelter crisis":

- A county may allow persons unable to obtain housing to occupy designated public facilities during the duration of the emergency (public facilities include parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the county);
- A county is immune from liability for ordinary negligence in the provision of emergency housing for all conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing; and

- The provisions of any state or local law or regulation prescribing standards of housing, health, and safety are suspended to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the crisis.

If the County desires to construct and operate an emergency homeless shelter, it is recommended that the County Board of Supervisors first declare a "shelter crisis" in order to avail itself of the associated powers and liability protections.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County may not be eligible for possible State or Federal assistance, or proceed with temporary homeless shelter solutions.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2023-146

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: Continue the Oak Fire Local Health Emergency

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing the Local Health Emergency Due to the Oak Fire.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On July 22, 2022, the Oak Fire began in the Midpines area of Mariposa County and grew into a major wildfire.

The County Health Officer declared a local health emergency under California Health and Safety Code Section 101080 on July 22nd, 2022.

On July 26, 2022, the Board of Supervisors adopted Resolution 22-435 ratifying a Proclamation of the existence of a local health.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:
Not Applicable.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13814

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2023-147

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Continue the Local Emergency Due to the Oak Fire

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing the Local Emergency Due to the Oak Fire.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On July 22, 2022, the Oak Fire began in the Midpines area of Mariposa County and grew into a major wildfire.

On July 23, 2022, Mariposa County received notification of the approval of a Federal Fire Management Assistance Grant (FMAG) to aid with the Oak Fire. Additionally, Gavin Newsom, Governor of the State of California, also proclaimed, on July 23, 2022, a state of emergency in Mariposa County due to the Oak.

On July 23rd, 2022, Sheriff Jeremy Briese, acting as the Director of Emergency Services pursuant to Mariposa County Code Section 2.80.040, issued a Proclamation declaring a local emergency.

On July 26, 2022, the Board of Supervisors adopted Resolution 22-435 ratifying a Proclamation of the existence of a local emergency.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:
•

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13812

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2023-148

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Continue the Local Emergency Due to the 22/23 Meteorological "Atmospheric River" Event

---

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing the Local Emergency Due to the 2022/2023 Meteorological "Atmospheric River" Event.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

An extreme storm beginning on December 27th, 2022, caused ongoing damage to the County and other public and district facilities, including but not limited to roads, bridges, and structure/s/ within Mariposa County.

January 11th, 2023: The Board ratified the January 5th, 2023 Local Emergency Proclamation Due to the 2022/2023 Meteorological "Atmospheric River" Event. Additionally, the Board has ratified similar proclamations in the past during other emergencies.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not continue the proclamation, the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:

•

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13809

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2023-149

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Continue the Local Emergency Due to Extreme Snowstorms 2023

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing a Local Emergency Due to Extreme Snowstorms in February and March of 2023.

On February 23rd, 2023 a series of snow storms impacted Mariposa County. Heavy snowfall from the storms impacted many areas, causing downed trees and power lines. The snow accumulation caused damage to the County and other public and district facilities, including but not limited to roads, bridges, and structure/s/ within Mariposa County.

On March 1st, 2023, Sheriff Jeremy Briese, acting as the Director of Emergency Services pursuant to Mariposa County Code Section 2.80.040, issued a Proclamation, declaring a local emergency.

On March 7th, 2023 the Board adopted a Resolution Ratifying the March 1, 2023 Proclamation by the Director of Emergency Services of the County of Mariposa, State of California, Proclaiming the Existence of a Local Emergency.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has ratified similar proclamations in the past during other emergencies.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the Board does not ratify the proclamation, the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:
.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13883

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2023-150

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: CALFIRE Command and Control

RECOMMENDATION AND JUSTIFICATION:
Approve Agreement 4CA06229 with CAL FIRE for Command and Control and Dispatch Services from July 1, 2023, to June 30, 2026, in an Amount Not to Exceed $3,914,038; and Authorize the Board of Supervisors Chair to Sign the Agreement.

This agreement would continue the County's partnership with CAL FIRE for command and control and dispatch services for an additional three years. CAL FIRE is respected as one of the best all-hazards response agencies in the world. As a partner to more than 140 California jurisdictions, including Mariposa County, they have extensive experience in all aspects of fire department management and service delivery. This partnership has been beneficial for Mariposa County and staff recommends approval of the agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On June 28, 2016, the Board approved Resolution 16-331, a three-year agreement with CAL FIRE for medical dispatch in a not-to-exceed amount of $772,735.

On April 11, 2017, the Board had an extensive discussion about CAL FIRE command and control services and directed staff to move forward with an agreement.

On May 9, 2017, the Board approved Resolution 17-282, a one-year agreement with CAL FIRE for Amador, command and control and dispatch services in the not-to-exceed amount of $1,260,561. This agreement was later rescinded at CAL FIRE's request so separate agreements could be executed for Amador and Command and Control/Dispatch.

On September 12, 2017, the Board approved Resolution 17-592, a one-year agreement with CAL FIRE for command and control and dispatch services in a not-to-exceed amount of $981,631.

On July 17, 2018, the Board approved Resolution 18-341, a three-year agreement with CAL FIRE for command and control and dispatch services in a not-to-exceed amount of $3,241,945.

On July 6, 2021, the Board approved Resolution 21-400, a one-year agreement with CAL FIRE for command and control and dispatch services in a not-to-exceed amount of $1,037,419.

On April 5, 2022, the Board approved Resolution 22-201, a one-year agreement with CAL FIRE for command and control and dispatch services in a not-to-exceed amount of $1,162,526.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. Staff will need additional direction to understand whether or how the Board would like these services to be provided.

FINANCIAL IMPACT:
This agreement requires a commitment of up to $3,914,038 for fire services in the next three fiscal years.

ATTACHMENTS:
County of Mariposa LG1_23_26 (004) (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT
LG-1 REV. 1/2023

AGREEMENT NUMBER **4CA06229**

REGISTRATION NUMBER:

D.7.a

1. This Agreement is entered into between the State Agency and the Local Agency named below:

STATE AGENCY'S NAME
California Department of Forestry and Fire Protection – (CAL FIRE)

LOCAL AGENCY'S NAME
County of Mariposa

2. The term of this Agreement is: July 1, 2023 through June 30, 2026

3. The maximum amount of this Agreement is: $3,914,038.00
Three million, nine hundred fourteen thousand, thirty eight dollars and zero cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work – Includes page 2 (contact page) in count for Exhibit A	5	pages
Exhibit B – Budget Detail and Payment Provisions	2	pages
Exhibit C – General Terms and Conditions	7	pages
Exhibit D – Additional Provisions	9	pages
Exhibit E – Description of Other Services	3	pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

LOCAL AGENCY

LOCAL AGENCY'S NAME
County of Mariposa

BY *(Authorized Signature)* — DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING
Miles Menetrey, Chair, Board of Supervisors

ADDRESS
5100 Bullion Street Mariposa, CA 95338

STATE OF CALIFORNIA

AGENCY NAME
California Department of Forestry and Fire Protection

BY *(Authorized Signature)* — DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING
Matthew Sully, Assistant Deputy Director, Cooperative Fire

ADDRESS P.O. Box 944246, Sacramento, CA 94244-2460

California Department of General Services Use Only

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT A
COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT

The project representatives during the term of this agreement will be:

CAL FIRE Unit Chief:	MMU	Local Agency:	County of Mariposa
Name:	Mike van Loben Sels	Name:	Dallin Kimble
Phone:	209-966-3611	Phone:	209-966-3222
Fax:	209-966-2907	Fax:	209-966-5147

All required correspondence shall be sent through U.S. Postal Service by certified mail and directed to:

CAL FIRE Unit Chief:	Mike van Loben Sels	Local Agency:	County of Mariposa
Section/Unit:	Madera-Mariposa-Merced	Section/Unit:	Fire Dept.
Attention:	Mike van Loben Sels	Attention:	Steven Ward
Address:	5366 Highway 49 North Mariposa, CA 95338	Address:	5100 Bullion Street Mariposa, CA 95338
Phone:	559-706-8800	Phone:	209-966-4330
Fax:	209-966-2907	Fax:	209-966-0252

Send an additional copy of all correspondence to:

CAL FIRE
Cooperative Fire Services
P.O. Box 944246
Sacramento, CA 94244-2460

AUTHORIZATION

As used herein, Director shall mean Director of CAL FIRE. This agreement, its terms and conditions are authorized under the Public Resources Code Sections 4141, 4142, 4143 and 4144, as applicable.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT A
SCOPE OF WORK

Under Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and fire suppression forces including the necessary equipment, personnel, and facilities required to prevent and extinguish forest fires.

The purpose of this agreement is to provide mutually advantageous fire and emergency services through an effective consolidated organization, wherein the STATE is primarily financially responsible for protecting natural resources from vegetation fires and the LOCAL AGENCY is primarily financially responsible for protecting life and property from fires and other emergencies. The LOCAL AGENCY shall have sole authority to establish the fire protection organization and structure needed to meet the determined level of service. This level of service may be based on the LOCAL AGENCY governing board's established fiscal parameters and assessment of risks and hazards. LOCAL AGENCY personnel providing services under this agreement may include any one or a combination of the following: regular employees, persons temporarily employed and commonly known as volunteers, paid-call firefighters, or others temporarily employed to perform any emergency work or emergency service including, but not limited to fire prevention, fire suppression and emergency medical response.

To comply with the STATE's mandate for full cost recovery of goods and services provided for others, the LOCAL AGENCY shall be responsible for all STATE costs, both direct and indirect, required to execute the terms of this agreement. These costs shall include, but not be limited to: required training and associated post coverage, employee uniform and Personal Protective Equipment (PPE) costs.

1. FIRE PROTECTION SERVICES TO BE PROVIDED BY THE STATE

STATE provides a modern, full service fire protection and emergency incident management agency that provides comprehensive fire protection and other emergency incident response. STATE designs regional fire protection solutions for urban and rural communities by efficiently utilizing all emergency protection resources. Regional solutions provide the most effective method of protecting the citizens of California at local, county and state levels.

Fire protection services to be provided by STATE under this agreement shall include the following: (check boxes below that apply)

☒ 1) Emergency Fire Protection, Medical and Rescue Response: services include commercial, residential, and wildland fire protection, prevention and investigation; hazardous materials incident response; emergency vehicle extrication; hazardous conditions response (flooding, downed power lines, earthquake, terrorist incident, etc.); emergency medical and rescue response; and public service assistance. Also included are management support services that include fire department administration, training and safety, personnel, finance and logistical support.

☒ 2) Basic Life Support Services: emergency medical technician (EMT) level emergency medical response providing first aid, basic life support (BLS), airway management, administration of oxygen, bleeding control, and life support system stabilization until patients are transported to the nearest emergency care facility.

☐ 3) Advanced Life Support Services: paramedic level emergency medical response providing early advanced airway management, intravenous drug therapy, and life support system stabilization until patients are transported to the nearest emergency care facility.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

☒ 4) Dispatch Services: provide fire department 9-1-1 emergency dispatch by CAL FIRE Fire/Emergency Command Center (ECC). CAL FIRE will be responsible for fire/emergency dispatching emergency resource units covered under this agreement. The CAL FIRE ECC is staffed with a Battalion Chief, three or more Fire Captains and Communications Operators to provide 24/7 year-round coverage. There is always an officer of Captain rank or higher to serve as the shift supervisor and command officer. CAL FIRE uses an integrated Computer Aided Dispatch (CAD) system using the latest technology, to direct the closest available resources to all emergency incidents.

☐ 5) Fire Code Inspection, Prevention and Enforcement Services: CAL FIRE has staff Fire Inspectors serving under the direction of the LOCAL AGENCY Fire Marshal to provide services to the area covered by this agreement. Fire Code Enforcement will normally be available five days per week, with emergency or scheduled enforcement inspections available seven days per week. Fire Prevention and Investigation services will be provided by CAL FIRE Prevention Officers trained in arson, commercial, and wildland fire investigation. Officers are available by appointment for site visits and consultations. Officers are trained at CAL FIRE's Peace Officer Standard Training (POST) certified law enforcement training academy and they cooperate effectively with all local, state and federal law enforcement agencies.

☐ 6) Land Use/ Pre-Fire Planning Services – CAL FIRE staff will provide community land use planning, administration of Pre-Fire project work, including community outreach, development of community education programs, project quality control, maintenance of project records and submittal of progress reports, completion of required environmental documentation, acquisition of required permits and completion of other associated administrative duties.

☐ 7) Disaster planning services (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☐ 8) Specific service descriptions and staffing coverage, by station (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☐ 9) Extended Fire Protection Service Availability (Amador)

2. ADMINISTRATION

Under the requirements of California Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and firefighting services as outlined in Exhibit D, Schedule B of this agreement.

A. Director shall select and employ a Region Chief who shall, under the direction of the Director/Chief Deputy Director, manage all aspects of fire prevention and fire protection services and forestry-related programs.

B. Director will select and employ a Unit Chief who shall, under the supervision and direction of Director/Region Chief or a lawful representative, have charge of the organization described in Exhibit D, Schedules A, B and C included hereto and made a part of this agreement.

C. LOCAL AGENCY shall appoint the Unit Chief as the LOCAL AGENCY Fire Chief for all Emergency Fire Protection, Medical and Rescue Response Agreements, pursuant to applicable statutory authority. The Unit Chief may delegate this responsibility to qualified staff.

D. The Unit Chief may dispatch personnel and equipment listed in Exhibit D, Schedules A, B and C from the assigned station or location under guidelines established by LOCAL AGENCY and approved by STATE. Personnel and/or equipment listed in Exhibit D, Schedule B may be dispatched at the sole discretion of STATE.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

E. The Unit Chief shall exercise professional judgment consistent with STATE policy and his or her employment by STATE in authorizing or making any assignments to emergencies and other responses, including assignments made in response to requests for mutual aid.

F. Except as may be otherwise provided for in this agreement, STATE shall not incur any obligation on the part of LOCAL AGENCY to pay for any labor, materials, supplies or services beyond the total set forth in the respective Exhibit D, Schedules A and C, as to the services to be rendered pursuant to each Schedule.

G. Nothing herein shall alter or amend or be construed to alter or amend any Collective Bargaining Agreement or Memorandum of Understanding between the State of California and its employees under the State Employer-Employee Relations Act.

3. SUPPRESSION COST RECOVERY

As provided in Health and Safety Code (H&SC) Section 13009, STATE may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using LOCAL AGENCY equipment and personnel under the terms of this agreement, STATE may, at the request of LOCAL AGENCY, bring such an action for collection of costs incurred by LOCAL AGENCY. In such a case LOCAL AGENCY appoints and designates STATE as its agent in said collection proceedings. In the event of recovery, STATE shall deduct fees and litigation costs in a proportional percentage amount based on verifiable and justifiable suppression costs for the fire at issue. These recovery costs are for services provided which are beyond the scope of those covered by the local government administrative fee.

In all such instances, STATE shall give timely notice of the possible application of H&SC Section 13009 to the representative designated by LOCAL AGENCY.

4. MUTUAL AID

When rendering mutual aid or assistance as authorized in H&SC Sections 13050 and 13054, STATE may, at the request of LOCAL AGENCY, demand payment of charges and seek reimbursement of LOCAL AGENCY costs for personnel, equipment and operating expenses as funded herein, under authority given by H&SC Sections 13051 and 13054. STATE, in seeking said reimbursement pursuant to such request of LOCAL AGENCY, shall represent LOCAL AGENCY by following the procedures set forth in H&SC Section 13052. Any recovery of LOCAL AGENCY costs, less expenses, shall be paid or credited to LOCAL AGENCY, as directed by LOCAL AGENCY.

In all such instances, STATE shall give timely notice of the possible application of H&SC Sections 13051 and 13054 to the officer designated by LOCAL AGENCY.

5. PROPERTY PURCHASE AND ACCOUNTING

LOCAL AGENCY shall be responsible for all costs associated with property required by personnel to carry out this agreement. Employee uniform costs will be assessed to the LOCAL AGENCY through the agreement billing process. Personal Protective Equipment (PPE) costs shall be the responsibility of the LOCAL AGENCY. By mutual agreement, PPE meeting the minimum specifications established by the STATE may be purchased directly by the LOCAL AGENCY. Alternately, the STATE will supply all PPE and the LOCAL AGENCY will be billed for costs incurred.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

All property provided by LOCAL AGENCY and by STATE for the purpose of providing fire protection services shall be marked and accounted for by the Unit Chief in such a manner as to conform to the regulations, if any, established by the parties for the segregation, care, and use of the respective properties.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. PAYMENT FOR SERVICES

A. LOCAL AGENCY shall pay STATE actual cost for fire protection services pursuant to this agreement an amount not to exceed that set forth in Exhibit D, Schedule A for each fiscal year. STATE shall prepare an Exhibit D, Schedule A each year, which shall be the basis for payment for the entire fiscal year for which services are provided.

B. Any other funds designated by LOCAL AGENCY to be expended under the supervision of or for use by a Unit Chief for fire protection services shall be set forth in Exhibit D, Schedule C. This clause shall not limit the right of LOCAL AGENCY to make additional expenditures, whether under Exhibit D, Schedule C or otherwise.

C. STATE shall invoice LOCAL AGENCY for the cost of fire protection services on a quarterly basis as follows:

1) For actual services rendered by STATE during the period of July 1 through September 30, by an invoice filed with LOCAL AGENCY on or after December 10.

2) For actual services rendered by STATE during the period October 1 through December 31, by an invoice filed with LOCAL AGENCY on or after December 31.

3) For actual services rendered by STATE during the period January 1 through March 31, by an invoice filed with LOCAL AGENCY on or after March 31.

4) For the estimated cost of services during the period April 1 through June 30, by an invoice filed in advance with LOCAL AGENCY on or after March 1.

5) A final statement shall be filed with LOCAL AGENCY by October 1 following the close of the fiscal year, reconciling the payments made by LOCAL AGENCY with the cost of the actual services rendered by STATE and including any other costs as provided herein, giving credit for all payments made by LOCAL AGENCY and claiming the balance due to STATE, if any, or refunding to LOCAL AGENCY the amount of any overpayment.

6) All payments by LOCAL AGENCY shall be made within thirty (30) days of receipt of invoice from STATE, or within thirty (30) days after the filing dates specified above, whichever is later.

7) The STATE reserves the right to adjust the frequency of billing and payment to a monthly cycle with a thirty (30) day written notice to the LOCAL AGENCY when:

a. The Director predicts a cash flow shortage, or

b. When determined by the Region Chief, after consulting with the Unit Chief and the LOCAL AGENCY Contract Administrator, that the LOCAL AGENCY may not have the financial ability to support the contract at the contract level.

D. Invoices shall include actual or estimated costs as provided herein of salaries and employee benefits for those personnel employed, charges for operating expenses and equipment and the administrative charge in accordance with Exhibit D, Schedule A. When "contractual rates" are indicated, the rate shall be based on an average salary plus all benefits. "Contractual rates" means an all-inclusive rate established in Exhibit

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

D, Schedule A for total costs to STATE, per specified position, for 24-hour fire protection services during the period covered.

E. STATE shall credit the LOCAL AGENCY, or cover behind at no cost, for the costs of Non-post (e.g. Fire Marshal, Training Officer, etc.) positions and equipment assigned to STATE responsibility fires or other STATE funded emergency incidents. The STATE shall notify the LOCAL AGENCY when this occurs.

2. COST OF OPERATING AND MAINTAINING EQUIPMENT AND PROPERTY

The cost of maintaining, operating, and replacing any and all property and equipment, real or personal, furnished by the parties hereto for fire protection purposes, shall be borne by the party owning or furnishing such property or equipment unless otherwise provided for herein or by separate written agreement.

3. BUDGET CONTINGENCY CLAUSE

A. If the LOCAL AGENCY's governing authority does not appropriate sufficient funds for the current year or any subsequent years covered under this Agreement, which results in an inability to pay the STATE for the services specified in this Agreement, the LOCAL AGENCY shall promptly notify the STATE and this Agreement will terminate pursuant to the notice periods required herein.

B. If funding for any fiscal year is reduced or deleted by the LOCAL AGENCY for purposes of this program, the LOCAL AGENCY shall promptly notify the STATE, and the STATE shall have the option to either cancel this Agreement with no liability occurring to the STATE, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced amount, pursuant to the notice terms herein.

C. If the STATE Budget Act does not appropriate sufficient funds to provide the services for the current year or any subsequent years covered under this Agreement, which results in an inability to provide the services specified in this Agreement to the LOCAL AGENCY, the STATE shall promptly notify the LOCAL AGENCY, and this Agreement will terminate pursuant to the notice periods required herein.

D. If funding for any fiscal year is reduced or deleted by the STATE Budget Act for purposes of this program, the STATE shall promptly notify the LOCAL AGENCY, and the LOCAL AGENCY shall have the option to either cancel this Agreement with no liability occurring to the LOCAL AGENCY, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced services, pursuant to the notice terms herein.

E. Notwithstanding the foregoing provisions in paragraphs A and B above, the LOCAL AGENCY shall remain responsible for payment for all services actually rendered by the STATE under this Agreement regardless of LOCAL AGENCY funding being reduced, deleted or not otherwise appropriated for this program. The LOCAL AGENCY shall promptly notify the STATE in writing of any budgetary changes that would impact this Agreement.

F. LOCAL AGENCY and STATE agree that this Budget Contingency Clause shall not relieve or excuse either party from its obligation(s) to provide timely notice as may be required elsewhere in this Agreement.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT C
GENERAL TERMS AND CONDITIONS

1. **APPROVAL**: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. STATE will not commence performance until such approval has been obtained.

2. **AMENDMENT**: This agreement may be amended by mutual consent of LOCAL AGENCY and STATE. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

   If during the term of this agreement LOCAL AGENCY shall desire a reduction in STATE civil service employees assigned to the organization provided for in Exhibit D, Schedule A, LOCAL AGENCY shall provide 120 days written notice of the requested reduction. Notification shall include the following: (1) The total amount of reduction; (2) The firm effective date of the reduction; and (3) The number of employees, by classification, affected by a reduction. If such notice is not provided, LOCAL AGENCY shall reimburse STATE for relocation costs incurred by STATE as a result of the reduction. Personnel reductions resulting solely from an increase in STATE employee salaries or STATE expenses occurring after signing this agreement and set forth in Exhibit D, Schedule A to this agreement shall not be subject to relocation expense reimbursement by LOCAL AGENCY.

   If during the term of this agreement costs to LOCAL AGENCY set forth in any Exhibit D, Schedule A to this agreement increase and LOCAL AGENCY, in its sole discretion, determines it cannot meet such increase without reducing services provided by STATE, LOCAL AGENCY shall within one hundred twenty (120) days of receipt of such Schedule notify STATE and designate which adjustments shall be made to bring costs to the necessary level. If such designation is not received by STATE within the period specified, STATE shall reduce services in its sole discretion to permit continued operation within available funds.

3. **ASSIGNMENT**: This Agreement is not assignable by the LOCAL AGENCY either in whole or in part, without the consent of the STATE in the form of a formal written amendment.

4. **EXTENSION OF AGREEMENT**:

   A. One year prior to the date of expiration of this agreement, LOCAL AGENCY shall give STATE written notice of whether LOCAL AGENCY will extend or enter into a new agreement with STATE for fire protection services and, if so, whether LOCAL AGENCY intends to change the level of fire protection services from that provided by this agreement. If this agreement is executed with less than one year remaining on the term of the agreement, LOCAL AGENCY shall provide this written notice at the time it signs the agreement and the one year notice requirement shall not apply.

   B. If LOCAL AGENCY fails to provide the notice, as defined above in (A), STATE shall have the option to extend this agreement for a period of up to one year from the original termination date and to continue providing services at the same or reduced level as STATE determines would be appropriate during the extended period of this agreement. Six months prior to the date of expiration of this agreement, or any extension hereof, STATE shall give written notice to LOCAL AGENCY of any extension of this agreement and any change in the level of fire protection services STATE will provide during the extended period of this agreement. Services provided and obligations incurred by STATE during an extended period shall be accepted by LOCAL AGENCY as services and obligations under the terms of this agreement.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

C. The cost of services provided by STATE during the extended period shall be based upon the amounts that would have been charged LOCAL AGENCY during the fiscal year in which the extended period falls had the agreement been extended pursuant hereto. Payment by LOCAL AGENCY for services rendered by STATE during the extended period shall be as provided in Exhibit B, Section 1, B of this agreement.

5. **AUDIT**: STATE, including the Department of General Services and the Bureau of State Audits, and LOCAL AGENCY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto, pertaining to the performance of this agreement. STATE and LOCAL AGENCY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) of the other party access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. STATE and LOCAL AGENCY agree to a similar right to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

6. **INDEMNIFICATION**: Each party, to the extent permitted by law, agrees to indemnify, defend and save harmless the other party, its officers, agents and employees from (1) any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies to that party and (2) from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by that party, in the performance of any activities of that party under this agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to the other party or from acts not within the scope of duties to be performed pursuant to this agreement; and (3) each party shall be responsible for any and all claims that may arise from the behavior and/or performance of its respective employees during and in the course of their employment to this cooperative agreement.

7. **DISPUTES**: LOCAL AGENCY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of LOCAL AGENCY, be available for contract resolution or policy intervention with the STATE's Region Chief when, upon determination by the designated STATE representative, the Unit Chief acting as LOCAL AGENCY's Fire Chief under this agreement faces a situation in which a decision to serve the interest of LOCAL AGENCY has the potential to conflict with STATE interest or policy. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed of within a reasonable period of time by the LOCAL AGENCY and STATE employees normally responsible for the administration of this agreement shall be brought to the attention of the CAL FIRE Director or designee and the Chief Executive Officer (or designated representative) of the LOCAL AGENCY for joint resolution. For purposes of this provision, a "reasonable period of time" shall be ten (10) calendar days or less. STATE and LOCAL AGENCY agree to continue with the responsibilities under this Agreement during any dispute.

8. **TERMINATION FOR CAUSE/CANCELLATION**:

A. If LOCAL AGENCY fails to remit payments in accordance with any part of this agreement, STATE may terminate this agreement and all related services upon 60 days written notice to LOCAL AGENCY. Termination of this agreement does not relieve LOCAL AGENCY from providing STATE full compensation in accordance with terms of this agreement for services actually rendered by STATE pursuant to this agreement.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

B. This agreement may be cancelled at the option of either STATE or LOCAL AGENCY at any time during its term, with or without cause, on giving one year's written notice to the other party. Either LOCAL AGENCY or STATE electing to cancel this agreement shall give one year's written notice to the other party prior to cancellation.

9. **INDEPENDENT CONTRACTOR**: Unless otherwise provided in this agreement LOCAL AGENCY and the agents and employees of LOCAL AGENCY, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the STATE.

10. **NON-DISCRIMINATION CLAUSE:** During the performance of this agreement, LOCAL AGENCY shall be an equal opportunity employer and shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) mental disability, medical condition (e.g.cancer), age (over 40), marital status, denial of family care leave, veteran status, sexual orientation, and sexual identity. LOCAL AGENCY shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. LOCAL AGENCY shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. LOCAL AGENCY shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

    In addition, LOCAL AGENCY acknowledges that it has obligations relating to ethics, Equal Employment Opportunity (EEO), the Fire Fighter's Bill of Rights Act (FFBOR), and the Peace Officer's Bill of Rights Act (POBOR). LOCAL AGENCY shall ensure that its employees comply with all the legal obligations relating to these areas. LOCAL AGENCY shall ensure that its employees are provided appropriate training.

11. **TIMELINESS**: Time is of the essence in the performance of this agreement.

12. **COMPENSATION**: The consideration to be paid STATE, as provided herein, shall be in compensation for all of STATE's expenses incurred in the performance hereof, including travel, per Diem, and taxes, unless otherwise expressly so provided.

13. **GOVERNING LAW**: This agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

14. **CHILD SUPPORT COMPLIANCE ACT**: "For any Agreement in excess of $100,000, the LOCAL AGENCY acknowledges in accordance with Public Contract Code 7110, that:

    A. The LOCAL AGENCY recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

    B. The LOCAL AGENCY, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department."

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

15. **UNENFORCEABLE PROVISION**: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

16. **COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

    The STATE and LOCAL AGENCY have a responsibility to comply with the provisions of the 1996 Federal Health Insurance Portability and Accountability Act (HIPAA) and the 2001 State Health Insurance Portability and Accountability Implementation Act. HIPAA provisions become applicable once the association and relationships of the health care providers are determined by the LOCAL AGENCY. It is the LOCAL AGENCY'S responsibility to determine their status as a "covered entity" and the relationships of personnel as "health care providers", "health care clearinghouse", "hybrid entities", business associates", or "trading partners". STATE personnel assigned to fill the LOCAL AGENCY'S positions within this Agreement, and their supervisors, may fall under the requirements of HIPAA based on the LOCAL AGENCY'S status. It is the LOCAL AGENCY'S responsibility to identify, notify, train, and provide all necessary policy and procedures to the STATE personnel that fall under HIPAA requirements so that they can comply with the required security and privacy standards of the act.

17. **LIABILITY INSURANCE**

    The STATE and LOCAL AGENCY shall each provide proof of insurance in a form acceptable to the other party at no cost one to the other, to cover all services provided and use of local government facilities covered by this agreement. If LOCAL AGENCY is insured and/or self-insured in whole or in part for any losses, LOCAL AGENCY shall provide a completed Certification of Self Insurance (Exhibit D, Schedule E) or certificate of insurance, executed by a duly authorized officer of LOCAL AGENCY. Upon request of LOCAL AGENCY the STATE shall provide a letter from DGS, Office Risk and Insurance Management executed by a duly authorized officer of STATE. If commercially insured in whole or in part, a certificate of such coverage executed by the insurer or its authorized representative shall be provided.

    Said commercial insurance or self-insurance coverage of the LOCAL AGENCY shall include the following:

    A. Fire protection and emergency services - Any commercial insurance shall provide at least general liability for $5,000,000 combined single limit per occurrence.

    B. Dispatch services – Any commercial insurance shall provide at least general liability for $1,000,000 combined single limit per occurrence.

    C. The CAL FIRE, State of California, its officers, agents, employees, and servants are included as additional insured's for purposes of this contract.

    D. The STATE shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed on page 2 of this agreement.

18. **WORKERS COMPENSATION**: (only applies where local government employees/volunteers are supervised by CAL FIRE, as listed in Exhibit D Schedule C. STATE contract employees' workers compensation is included as part of the contract personnel benefit rate).

    A. Workers' Compensation and related benefits for those persons, whose use or employment is contemplated herein, shall be provided in the manner prescribed by California Labor Codes, State Interagency Agreements and other related laws, rules, insurance policies, collective bargaining agreements, and memorandums of understanding.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

B. The STATE Unit Chief administering the organization provided for in this agreement shall not use, dispatch or direct any non STATE employees, on any work which is deemed to be the responsibility of LOCAL AGENCY, unless and until LOCAL AGENCY provides for Workers' Compensation benefits at no cost to STATE. In the event STATE is held liable, in whole or in part, for the payment of any Worker's Compensation claim or award arising from the injury or death of any such worker, LOCAL AGENCY agrees to compensate STATE for the full amount of such liability.

C. The STATE /LOCAL AGENCY shall receive proof of Worker's Compensation coverage and shall be notified of any cancellation and change of coverage at the addresses listed in Section 1.

19. **CONFLICT OF INTEREST**: LOCAL AGENCY needs to be aware of the following provisions regarding current or former state employees. If LOCAL AGENCY has any questions on the status of any person rendering services or involved with the Agreement, the STATE must be contacted immediately for clarification.

    Current State Employees (Public Contract Code §10410):

    1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

    2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

    Former State Employees (Public Contract Code §10411):

    1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

    2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

    If LOCAL AGENCY violates any provisions of above paragraphs, such action by LOCAL AGENCY shall render this Agreement void. (Public Contract Code §10420)

    Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Public Contract Code §10430 (e))

20. **LABOR CODE/WORKERS' COMPENSATION**: LOCAL AGENCY needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and LOCAL AGENCY affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

21. **AMERICANS WITH DISABILITIES ACT**: LOCAL AGENCY assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

22. **LOCAL AGENCY NAME CHANGE**: An amendment is required to change the LOCAL AGENCY'S name as listed on this Agreement. Upon receipt of legal documentation of the name change the STATE will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

23. **RESOLUTION**: A county, city, district, or other local public body must provide the STATE with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

24. **AIR OR WATER POLLUTION VIOLATION**: Under the State laws, the LOCAL AGENCY shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

25. **AFFIRMATIVE ACTION**. STATE certifies its compliance with applicable federal and State hiring requirements for persons with disabilities, and is deemed by LOCAL AGENCY to be in compliance with the provisions of LOCAL AGENCY'S Affirmative Action Program for Vendors.

26. **DRUG AND ALCOHOL-FREE WORKPLACE**. As a material condition of this Agreement, STATE agrees that it and its employees, while performing service for LOCAL AGENCY, on LOCAL AGENCY property, or while using LOCAL AGENCY equipment, shall comply with STATE's Employee Rules of Conduct as they relate to the possession, use, or consumption of drugs and alcohol.

27. **ZERO TOLERANCE FOR FRAUDULENT CONDUCT IN LOCAL AGENCY SERVICES**. STATE shall comply with any applicable "Zero Tolerance for Fraudulent Conduct in LOCAL AGENCY Services." There shall be "Zero Tolerance" for fraud committed by contractors in the administration of LOCAL AGENCY programs and the provision of LOCAL AGENCY services. Upon proven instances of fraud committed by the STATE in connection with performance under the Agreement, the Agreement may be terminated consistent with the termination for cause/cancellation term, Exhibit C, section 8, subsection B, of Cooperative Fire Programs Fire Protection Reimbursement Agreement, LG-1, between the California Department of Forestry and Fire Protection (CAL FIRE) and the LOCAL AGENCY.

28. **CONFIDENTIAL INFORMATION**. "Confidential information" means information designated by CAL FIRE and/or the LOCAL AGENCY disclosure of which is restricted, prohibited or privileged by State and federal law. Confidential Information includes, but is not limited to, information exempt from disclosure under the California Public Records Act (Government Code Sections 6250 et seq.) Confidential Information includes but is not limited to all records as defined in Government Code section 6252 as well as verbal communication of Confidential Information. Any exchange of Confidential Information between parties shall not constitute a "waiver" of any exemption pursuant to Government Code section 6254.5

    CAL FIRE and LOCAL AGENCY personnel allowed access to information designated as Confidential Information shall be limited to those persons with a demonstrable business need for such access. CAL FIRE and LOCAL AGENCY agree to provide a list of authorized personnel in writing as required by Government Code section 6254.5(e). CAL FIRE and the

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

LOCAL AGENCY agree to take all necessary measures to protect Confidential Information and shall impose all the requirements of this Agreement on all of their respective officers, employees and agents with regards to access to the Confidential Information. A Party to this Contract who experiences a security breach involving Confidential Information covered by this Contract, agrees to promptly notify the other Party of such breach

29. **ENTIRE AGREEMENT**: This agreement contains the whole agreement between the Parties. It cancels and supersedes any previous agreement for the same or similar services.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT D
ADDITIONAL PROVISIONS

EXCISE TAX: State of California is exempt from federal excise taxes, and no payment will be made for any taxes levied on employees' wages. STATE will pay any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. The STATE may pay any applicable sales and use tax imposed by another state.

Schedules

The following Schedules are included as part of this agreement (check boxes if they apply):

☒ **A. Fiscal Display, PRC 4142 AND/OR PRC 4144 -** STATE provided LOCAL AGENCY funded fire protection services. STATE-owned vehicles shall be operated and maintained in accordance with policies of STATE at rates listed in Exhibit D, Schedule A.

☒ **B. STATE Funded Resource** - A listing of personnel, crews and major facilities of the STATE overlapping or adjacent to the local agency area that may form a reciprocal part of this agreement.

☒ **C. LOCAL AGENCY Provided Local Funded Resources -** A listing of services, personnel, equipment and expenses, which are paid directly by the local agency, but which are under the supervision of the Unit Chief.

☐ **D. LOCAL AGENCY Owned STATE Maintained Vehicles** - Vehicle information pertaining to maintenance responsibilities and procedures for local agency-owned vehicles that may be a part of the agreement.

LOCAL AGENCY-owned firefighting vehicles shall meet and be maintained to meet minimum safety standards set forth in Title 49, Code of Federal Regulations; and Titles 8 and 13, California Code of Regulations.

LOCAL AGENCY-owned vehicles that are furnished to the STATE shall be maintained and operated in accordance to LOCAL AGENCY policies. In the event LOCAL AGENCY does not have such policies, LOCAL AGENCY-owned vehicles shall be maintained and operated in accordance with STATE policies. The cost of said vehicle maintenance and operation shall be at actual cost or at rates listed in Exhibit D, Schedule D.

Exhibit D, Schedule D is incorporated into this section if LOCAL AGENCY-owned vehicles listed in Exhibit D, Schedule D are to be operated, maintained, and repaired by STATE.

LOCAL AGENCY assumes full responsibility for all liabilities associated therewith in accordance with California Vehicle Code Sections 17000, 17001 et seq. STATE employees operating LOCAL AGENCY-owned vehicles shall be deemed employees of LOCAL AGENCY, as defined in Vehicle Code Section 17000. Except where LOCAL AGENCY would have no duty to indemnify STATE under Exhibit C, Section 6 for all LOCAL AGENCY-owned vehicles operated or used by employees of STATE under this agreement.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

LOCAL AGENCY employees, who are under the supervision of the Unit Chief and operating STATE-owned motor vehicles, as a part of the duties and in connection with fire protection and other emergency services, shall be deemed employees of STATE, as defined in Vehicle Code Section 17000 for acts or omissions in the use of such vehicles. Except where STATE would have no duty to indemnify LOCAL AGENCY under Exhibit C, Section 6.

E. Certification of Insurance - Provider Insurance Certification and/or proof of self-insurance.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT D, SCHEDULE A

LOCAL FUNDED – STATE RESOURCES

FISCAL DISPLAY

PRC 4142

NAME OF LOCAL AGENCY: County of Mariposa

CONTRACT NUMBER: 4CA06229

Index: 4200 PCA: 48000 Fiscal Year: 2023/24 to 2025/26

This is Schedule A of Cooperative Agreement originally dated July 1, 2023, by and between CAL FIRE of the State of California and LOCAL AGENCY.

(See Attached)

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

Fiscal Year: 2023
Index: 4200
PCA 48000
PRC: 4142
Comments

Unit: MMU

Sub Total (+4%)	**$1,088,835**
Admin	**$130,769**
Total	**$1,219,604**

Overtime Total: $15,218

Contract Name: County of Mariposa
Contract No.: 4CA06229
Page No.: 19

This is a Schedule A - 4142 of the Cooperative Agreement, dated July 1, 2023 between *"County of Mariposa* and The California Department of Forestry and Fire Protection (CAL FIRE)

CAL FIRE Unit Chief	Mike van Loben Sels
CAL FIRE Region Chief	Dave Fulcher

Number of Positions	Classification/ad-ons (Pick From List)	RET.	Period	Salary Months	Salary Rate	Total Salary	EDWC Rate	EDWC Periods	Total EDWC	Salary Benefits	FFI UI	EDWC Benefits	Total Salary & EDWC	Total Position Cost
1	Assistant Chief (Supervisory) - Division Chief	POF		12	$10,713	$128,556	$0	12	$0	$121,884	$0	$0	$250,440	$335,034
1	Longevity Pay Differential - 9%	POF		12	$0	$11,570			$0	$10,970		$0	$22,540	
1	Assistant Chief (Supervisory) Recruitment and Retention Pay Differential	POF		12	$1,851	$22,212			$0	$21,059		$0	$43,271	
1	Extended Duty Pay Differential - Assistant Chief 15%	POF		6	$1,607	$9,642			$0	$9,142		$0	$18,784	
		POF			$0	$0			$0	$0		$0	$0	
	Overtime	POF							$0	$0		$0	$0	
1	Battalion Chief (Nonsupervisory)	POF		12	$7,158	$85,896	$4,279	12	$51,348	$81,438	$0	$30,244	$248,926	$269,218
1	Longevity Pay Differential - 7%	POF		12	$0	$6,013			$0	$5,701		$0	$11,713	
1	Education Incentive Pay Differential	POF		12	$150	$1,800			$0	$1,707		$0	$3,507	
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
	Overtime	POF				$5,000			$0	$73		$0	$5,073	
1	Fire Captain, Range A	POF		12	$6,167	$74,004	$3,698	12	$44,376	$70,163	$0	$26,137	$214,681	$234,917
1	Longevity Pay Differential - 7%	POF		12	$0	$5,180			$0	$4,911		$0	$10,092	
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
	Overtime	POF				$10,000			$0	$145		$0	$10,145	
1.5	Communications Operator, Range B	SAF		12	$6,373	$114,714	$0	0	$0	$77,042	$0	$0	$191,756	$207,786
1.5	Longevity Pay Differential - 7%	SAF		12	$0	$8,030			$0	$5,393		$0	$13,423	
1.5	Night-Shift Pay Differential	SAF		6	$173	$1,560			$0	$1,048		$0	$2,608	
		SAF			$0	$0			$0	$0		$0	$0	
		SAF			$0	$0			$0	$0		$0	$0	
	Overtime	SAF							$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

Fiscal Year: 2023
Index: 4200
PCA: 48000
PRC: 4142

Uniform Benefits	**$93**
Sub Total	**$19,608**
Admin	**$2,355**
Total	**$21,963**

Contract Name: County of Mariposa
Contract No.: 4CA06229
Page No.: 20

Comments

This is a Schedule A - 4142 of the Cooperative Agreement, dated July 1, 2023 between County of Mariposa and The California Department of Forestry and Fire Protection (CAL FIRE)

						1.45%				
Category (Pick from List)	**Details**	**Number**	**Months**	**Rate**	**Sub-Total**	**Uniform Benefits**	**Total**			
UNIFORM ALLOWANCE FOR BU8		3.00	12.00	$178	$ 6,390	$ 93	$ 6,483			
UNIFORM ALLOWANCE FOR COMM OP		1.50	12.00	$104	$ 1,875		$ 1,875			
COMMUNICATIONS		1.50	1.00	$2500	$ 3,750		$ 3,750			
TRAINING		1.00	1.00	$2500	$ 2,500		$ 2,500			
OTHER ITEMS OF EXPENSE		1.00	1.00	$5000	$ 5,000		$ 5,000			

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

Unit: MMU

Agreement Total	$3,914,038

Contract Name: County of Mariposa

Contract No.: 4CA06229

Page No.: 21

Fiscal Year 23/24 (+4%)	
PS 1 Total	$1,219,604
OE 1 Total	$21,963
TOTAL	**$1,241,567**

Fiscal Year 24/25 (+5%)	
PS 1 Total	$1,280,584
OE 1 Total	$23,061
TOTAL	**$1,303,645**

Fiscal Year 25/26 (+5%)	
PS 1 Total	$1,344,613
OE 1 Total	$24,214
TOTAL	**$1,368,827**

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT D, SCHEDULE B

STATE FUNDED RESOURCES

NAME OF LOCAL AGENCY: County of Mariposa

This is Schedule B of Cooperative Agreement originally dated July 1, 2023 by and between CAL FIRE of the State of California and County of Mariposa.

FISCAL YEARS: 2023/2024, 2024/2025, 2025/2026

MADERA-MARIPOSA-MERCED UNIT

Administration:

Unit Chief (1)
Deputy Chief (1)
Division Chief Operations (1)
Division Chief Camp Administrator/ Operations (1)
Division Chief Management Services (1)
Battalion Chief Fire Prevention (1)
Battalion Chief Training (1)
Battalion Chief Safety (1)
Battalion Chief Emergency Command Center (1)
Battalion Chief Operations (4.5)
Forester (1)
Fire Captain Fire Prevention/ Pre-fire Management (4) Fire Captain Emergency Command Center (4)
Forestry Equipment Manager (1)
Heavy Equipment Mechanic (3)
Forestry Logistics Officer (1)
Clerical Positions (5)
WASP0(1)

Fire Control-Year Long:

Fire Captain - Crew (10)
Fire Captain-Stations (24)
Fire Apparatus Engineers (12)
Heavy Fire Equipment Operators (6)

Fire Control-Seasonal.

Fire Captain-Station (3)
Fire Apparatus Engineers (6)
Fire Fighters (85)

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT D, SCHEDULE C

LOCAL FUNDED LOCAL RESOURCES ASSIGNED TO THE CAL FIRE Unit

NAME OF LOCAL AGENCY: County of Mariposa

This is Schedule C of Cooperative Agreement originally dated July 1, 2023 by and between CAL FIRE of the State of California and County of Mariposa.

FISCAL YEAR: 2023/2024, 2024/2025, 2025/2026

Fire stations·

Station 21 - Midpines Station
Station 22 - Mariposa
Station 23- Cathey's Valley
Station 24 - Don Pedro
Station 26 - Coulterville
Station 27 - Mormon Bar Station
28 - Bridgeport
Station 29 - Lushmeadows
Station31- Greeley Hill
Station 32- Ponderosa Basin
Station 33- FishCamp
Station 37 - Bootjack
ROP program - Mariposa H.S.

- 20 – Engines
- 7 – Type I engines
- 3 - Type III engines
- 10 - Type VI 4wd
- 7 - Water Tenders
- various models 2000 - 3000gal,
- 1-Rescue
- 1- Trailers
- 1-Preventiontrailer

Personnel:

2 - Office Support Personnel
1 - Fire Inspector
8 - Extra Help Employees/
Reserves
64 -volunteer members

- Equipment admin and operational

- 1 – Dodge 1500 Pick up 4wd
- 1 – Chevrolet Silverado 4WD
- 5 - Ford 2500 4WD
- 1 - Chevrolet Exquinox

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

Contractor Name: County

Mariposa Contract No:4CA062

Page No.:

EXHIBIT D, SCHEDULE E

This is Schedule E of Cooperative Agreement originally dated July 1, 2023, by and between the CAL FIRE of the State of California and LOCAL AGENCY

NAME OF LOCAL AGENCY:County of Mariposa

The CAL FIRE, State of California and its officers, agents, employees, and servants are included as additional insured for the purposes of this contract. The State shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed in LG1, Page 2.

FISCAL YEAR: **2023/24 to 2025/26**

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR TORT LIABILITY

This is to certify that LOCAL AGENCY has elected to be self-insured under the self-insurance provision provided in Exhibit C, Section 17.

By: _____ _____

Signature Printed Name

_____ _____

Title Date

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR WORKER'S COMPENSATION BENEFITS

This is to certify that LOCAL AGENCY has elected to be self-insured for Workers' Compensation benefits which comply with Labor Code Section 3700 as provided in Exhibit C, Section 18.

By: _____ _____

Signature Printed Name

_____ _____

Title Date

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR LOCAL AGENCY-OWNED VEHICLES

This is to certify that LOCAL AGENCY has elected to be self-insured for local agency-owned vehicles under the self-insurance provision provided in Exhibit D, Schedule D.

By: _____ _____

Signature Printed Name

_____ _____

Title Date

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT E
DESCRIPTION OF OTHER SERVICES (PAGE 1)

NAME OF LOCAL AGENCY: County of Mariposa

This is a description of lead positions within the Schedule A Cooperative Agreement (Amador) originally dated July 1, 2023 by and between CAL FIRE of the State of California and County of Mariposa.

FISCAL YEAR: 2023/2024, 2024/2025, 2025/2026

Administration:

Duties and Responsibilities of the:

Mariposa County Fire Chief:

The Madera-Mariposa-Merced Unit Chief, acts as the Mariposa County Fire Chief in accordance with the California Department of Forestry & Fire Protection (CAL FIRE) Cooperative Fire Protection Agreement and is appointed by the Mariposa County Board of Supervisors to serve in that capacity. The Fire Chief serves at the direction of, and receives overall administrative policy guidance from, the County Administrative Officer. The Fire Chief provides leadership, guidance, and management direction in all Fire Department activities, including personnel and administrative issues. The Fire Chief directs and is responsible for major department programs which include performing and coordinating personnel. management, organizational staffing, financing, equipment management and maintenance, communications and records, fire prevention and suppression methods, assisting in disaster. preparedness, and laws, rules and regulations relating to the fire department and the control and prevention of fires.

The Fire Chief acts as the Fire Official relating to Fire Code Inspection, Prevention and Enforcement Services, for the purposes of fire department business or requirements. The Fire Chief may initiate processes to inspect occupancies accordance with State Fire Marshal regulations and will specifically address buildings identified as Group A Occupancies, where the State Fire Marshal has the authority and responsibility to inspect. The Fire Chief is responsible to work in cooperation with other County Building personnel for review and recommendations to the County Planning Commission and the Board of Supervisors relating to all fire defense system proposals pursuant to County ordinances resolutions, regulations, and policies.

The Fire · Chief provides direction to staff in coordination of the preparation, development, and expenditures of the Schedule A and C budgets, the maintenance, repair, improvement, and replacement of equipment, fire. stations, and other facilities; the inventory and requisitioning of materials, supplies, and equipment; the continuing development and utilization of a fire communications system; and the preparation of records and reports including inspections of the fire company equipment and facilities as necessary.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT E
DESCRIPIDN OF OTHER SERVICES (cont.)

The Fire Chief coordinates and implements all policies and procedures pertaining to volunteer fire companies and support functions within Mariposa County Fire Department as directed by the Mariposa Board of Supervisors. All volunteers remain employees of Mariposa County Fire and any labor relations or human resources issues; including progressive discipline, worker's compensation insurance, and liabilities for loss or damage will remain the responsibility of the County of Mariposa as determined within the policies and procedures of the fire department and county ordinances.

In an effort to improve fire protection, and because cooperative and regional tire protection assists all agencies in reducing costs, improving response times and enhancing staffing levels; the Fire Chief will work with the County Administrative Officer, and seek approval through the Board of Supervisors, in the coordination and facilitation of any Automatic Aid/Mutual Aid Agreements for fire protection between Mariposa County, and the Counties that lie contiguous to Mariposa County.

Division Chief

Under the direction of the Fire Chief, the Mariposa Division Chief provides day interaction with all fire department staff, County Department Heads, the County Administrative Officer, and the Board of Supervisors. The Division Chief supervises the Battalion Chiefs and manages ·routine administration affecting the Division including personnel management for both full-time and volunteer ·staff, equipment management and maintenance, communications, fleet management, fire prevention and suppression, disaster preparedness, and laws, rules and regulations relating to the fire department.

The Division Chief coordinates with the Fire Chief in the preparation of the budgets, equipment, fire stations, and other facility issues, inventory, materials; and supplies. The Division Chief will represent the Fire Chief at public functions, routine county meetings, Department Head meetings, and Board of Supervisor meetings when the Fire Chief is not able to attend, or as necessary.

The Division Chief is responsible for recruitment and retention of volunteer fire fighters and will ensure that adequate training programs are instituted on a regular basis for all volunteer fire fighters.

Battalion Chief-Administrative:

Under the direction of the Mariposa Division Chief, the Administrative Battalion Chief is responsible for relief battalion coverage, response and personnel management, and the coordination and managing of administrative activities within the Division. They provide supervision and direction to the training Captain and the Schedule C County Administrative personnel. The Battalion Chief is responsible for the management and administration of the

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

EXHIBIT E
DESCRIPTION OF OTHER SERVICES
(cont.}

Mariposa County Fire Department Volunteer program including the countywide volunteer recruitment and retention efforts and volunteer training.

The Battalion Chief will function as the fire department liaison for disaster preparedness and will work cooperatively with the Sheriff's office in both Search & Rescue and OES processes. Additional duties include developing and submitting grants for Mariposa County Fire Department. Additional duties include training and overstaff the State Fire Marshal inspection programs to assist the county in becoming compliant with Class A SFM occupancy inspections.

The Battalion Chief will be the administrator of the Mariposa County Fire Department Emergency Medical Services (EMS) program. They will ensure that all paid staff and volunteer firefighters adhere to the EMS policies and procedures as developed by the Fire Chief, with approval of the Board of Supervisors. Specifically, the EMS program will include mass casualty incidents and familiarity with the Regional MCI protocol, adherence to Mountain Valley Emergency Medical Service Agency (MVEMSA) policies and procedures, and Mariposa County Fire Department EMS policies and procedures. The Battalion Chief will be a member of the county Emergency Care Coordination Committee (EMCC) and participate in the Quality Improvement (QI) program, with review of EMS programs in conjunction with the County Health Officer, including Local Quality Improvement Group (LQIG), MVEMSA Quality Liaison Committee (QLC), Mariposa County Fire Advisory Committee and other programs as directed.

Fire Captain - Training:

Under the direction of the Mariposa Administrative Battalion Chief, the Fire Captain of Training will be responsible for coordinating and conducting training for Mariposa County Fire personnel and administering the Volunteer training program. The training program will include all aspects of firefighting, search and rescue, department policy and procedures, hazardous materials, EMS, ICS, and disaster preparedness training The Fire Captain will plan and execute the countywide Volunteer recruitment and retention program as part of the training program and ensure all career staff and volunteers remain current in all training requirements and certifications.

The Fire Captain will be trained in many aspects of fire prevention for the purposes of fire prevention and investigation and will be responsible to respond to incidents as requested, to assist in the. Investigation of cause and origin. Additional fire prevention duties will include training in fire prevention inspection duties to assist with the State Fire Marshal inspections for Group A occupancies.

Attachment: County of Mariposa LG1_23_26 (004) (RES-2023-150 : CALFIRE Command and Control)

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2023-151

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: CALFIRE Amador

A.pprove Agreement 4CA06230 in an Amount Not to Exceed $2,279,793 for Extended Fire Protection Availability (Amador) Services from July 1, 2023 through June 30, 2026; and Authorize the Board of Supervisors Chair to Sign the Agreement

CAL FIRE is respected as one of the best all-hazard response agencies in the world. As a partner to more than 140 California jurisdictions, including Mariposa County, they have extensive experience in all aspects of fire department management and service delivery.

This agreement represents a status quo continuation of Amador services for Mariposa County Fire. The cost of services is increased by approximately five percent (5%) to accommodate inflation and state-negotiated CAL FIRE wage increases. Staff recommends approval of this agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 28, 2016, the Board approved Resolution 16-352, a one-year agreement with CAL FIRE for Extended Fire Service (Amador) at Usona not to exceed $245,445.

On September 12, 2017, the Board approved Resolution 17-596, a one-year agreement with CAL FIRE for an Amador plan station at Usona not to exceed $256,515.

On July 17, 2018, the Board approved Resolution 18-342, a three-year agreement with CAL FIRE for an Amador plan station at Usona not to exceed $857,369.

On September 17, 209, the Board approved Resolution 19-544, a three-year agreement with CAL FIRE in the not-to-exceed amount of $1,944,367 for Amador plan stations in Usona, Mariposa, and Coulterville. This resolution replaced Resolution 18-342, which included only one Amador station.

On April 5, 2022, the Board approved Resolution 22-200, a one-year agreement with CAL FIRE in the not-to-exceed amount of $552,864 for Amador plan services in Usona, Mariposa, and Coulterville.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Delay approval until the budget has been approved. This action may create a gap in services and/or allow for CAL FIRE to reallocate resources elsewhere.

Do not approve agreements. Staff will need additional direction to understand the long-term solution the board would like to pursue.

FINANCIAL IMPACT:
This agreement requires a commitment of up to $2,279,793 for fire services in the next three fiscal years.

ATTACHMENTS:
Mariposa Co Amador 23-26 (1) (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT
LG-1 REV. 1/2023

AGREEMENT NUMBER 4CA06230

REGISTRATION NUMBER:

1. This Agreement is entered into between the State Agency and the Local Agency named below:

STATE AGENCY'S NAME
California Department of Forestry and Fire Protection – (CAL FIRE)

LOCAL AGENCY'S NAME
County of Mariposa (Amador)

2. The term of this Agreement is: July 1, 2023 through June 30, 2026

3. The maximum amount of this Agreement is: $2,279,793.00
Two Million, Two Hundred Seven Ninety Thousand, Seven Hundred Ninety Three Dollars and zero cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work – Includes page 2 (contact page) in count for Exhibit A	4	pages
Exhibit B – Budget Detail and Payment Provisions	2	pages
Exhibit C – General Terms and Conditions	7	pages
Exhibit D – Additional Provisions	8	pages
Exhibit E – Description of Other Services	0	pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

LOCAL AGENCY

LOCAL AGENCY'S NAME
County of Mariposa

BY *(Authorized Signature)* | DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING
Miles Menetrey, Chair, Board of Supervisors

ADDRESS
5100 Bullion Street Mariposa, CA 95338

STATE OF CALIFORNIA

AGENCY NAME
California Department of Forestry and Fire Protection

BY *(Authorized Signature)* | DATE SIGNED *(Do not type)*

PRINTED NAME AND TITLE OF PERSON SIGNING
Matthew Sully, Assistant Deputy Director, Cooperative Fire

ADDRESS P.O. Box 944246, Sacramento, CA 94244-2460

California Department of General Services Use Only

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT A
COOPERATIVE FIRE PROGRAMS
FIRE PROTECTION REIMBURSEMENT AGREEMENT

The project representatives during the term of this agreement will be:

CAL FIRE Unit Chief:	MMU	Local Agency:	County of Mariposa
Name:	Mike van Loben Sels	Name:	Dallin Kimble
Phone:	209-966-3611	Phone:	209-966-3222
Fax:	209-966-2907	Fax:	209-966-5147

All required correspondence shall be sent through U.S. Postal Service by certified mail and directed to:

CAL FIRE Unit Chief:	Mike van Loben Sels	Local Agency:	County of Mariposa
Section/Unit:	Madera-Mariposa-Merced	Section/Unit:	Fire Dept.
Attention:	Mike van Loben Sels	Attention:	Steven Ward
Address:	5366 Highway 49 North Mariposa, CA 95338	Address:	5100 Bullion Street Mariposa, CA 95338
Phone:	559-706-8800	Phone:	209-966-4330
Fax:	209-966-2907	Fax:	209-966-0252

Send an additional copy of all correspondence to:

CAL FIRE
Cooperative Fire Services
P.O. Box 944246
Sacramento, CA 94244-2460

AUTHORIZATION

As used herein, Director shall mean Director of CAL FIRE. This agreement, its terms and conditions are authorized under the Public Resources Code Sections 4141, 4142, 4143 and 4144, as applicable.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT A
SCOPE OF WORK

Under Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and fire suppression forces including the necessary equipment, personnel, and facilities required to prevent and extinguish forest fires.

The purpose of this agreement is to provide mutually advantageous fire and emergency services through an effective consolidated organization, wherein the STATE is primarily financially responsible for protecting natural resources from vegetation fires and the LOCAL AGENCY is primarily financially responsible for protecting life and property from fires and other emergencies. The LOCAL AGENCY shall have sole authority to establish the fire protection organization and structure needed to meet the determined level of service. This level of service may be based on the LOCAL AGENCY governing board's established fiscal parameters and assessment of risks and hazards. LOCAL AGENCY personnel providing services under this agreement may include any one or a combination of the following: regular employees, persons temporarily employed and commonly known as volunteers, paid-call firefighters, or others temporarily employed to perform any emergency work or emergency service including, but not limited to fire prevention, fire suppression and emergency medical response.

To comply with the STATE's mandate for full cost recovery of goods and services provided for others, the LOCAL AGENCY shall be responsible for all STATE costs, both direct and indirect, required to execute the terms of this agreement. These costs shall include, but not be limited to: required training and associated post coverage, employee uniform and Personal Protective Equipment (PPE) costs.

1. FIRE PROTECTION SERVICES TO BE PROVIDED BY THE STATE

STATE provides a modern, full service fire protection and emergency incident management agency that provides comprehensive fire protection and other emergency incident response. STATE designs regional fire protection solutions for urban and rural communities by efficiently utilizing all emergency protection resources. Regional solutions provide the most effective method of protecting the citizens of California at local, county and state levels.

Fire protection services to be provided by STATE under this agreement shall include the following: (check boxes below that apply)

☒ 1) Emergency Fire Protection, Medical and Rescue Response: services include commercial, residential, and wildland fire protection, prevention and investigation; hazardous materials incident response; emergency vehicle extrication; hazardous conditions response (flooding, downed power lines, earthquake, terrorist incident, etc.); emergency medical and rescue response; and public service assistance. Also included are management support services that include fire department administration, training and safety, personnel, finance and logistical support.

☒ 2) Basic Life Support Services: emergency medical technician (EMT) level emergency medical response providing first aid, basic life support (BLS), airway management, administration of oxygen, bleeding control, and life support system stabilization until patients are transported to the nearest emergency care facility.

☐ 3) Advanced Life Support Services: paramedic level emergency medical response providing early advanced airway management, intravenous drug therapy, and life support system stabilization until patients are transported to the nearest emergency care facility.

☐ 4) Dispatch Services: provide fire department 9-1-1 emergency dispatch by CAL FIRE Fire/Emergency Command Center (ECC). CAL FIRE will be responsible for fire/emergency

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

dispatching emergency resource units covered under this agreement. The CAL FIRE ECC is staffed with a Battalion Chief, three or more Fire Captains and Communications Operators to provide 24/7 year-round coverage. There is always an officer of Captain rank or higher to serve as the shift supervisor and command officer. CAL FIRE uses an integrated Computer Aided Dispatch (CAD) system using the latest technology, to direct the closest available resources to all emergency incidents.

☐ 5) Fire Code Inspection, Prevention and Enforcement Services: CAL FIRE has staff Fire Inspectors serving under the direction of the LOCAL AGENCY Fire Marshal to provide services to the area covered by this agreement. Fire Code Enforcement will normally be available five days per week, with emergency or scheduled enforcement inspections available seven days per week. Fire Prevention and Investigation services will be provided by CAL FIRE Prevention Officers trained in arson, commercial, and wildland fire investigation. Officers are available by appointment for site visits and consultations. Officers are trained at CAL FIRE's Peace Officer Standard Training (POST) certified law enforcement training academy and they cooperate effectively with all local, state and federal law enforcement agencies.

☐ 6) Land Use/ Pre-Fire Planning Services – CAL FIRE staff will provide community land use planning, administration of Pre-Fire project work, including community outreach, development of community education programs, project quality control, maintenance of project records and submittal of progress reports, completion of required environmental documentation, acquisition of required permits and completion of other associated administrative duties.

☐ 7) Disaster planning services (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☐ 8) Specific service descriptions and staffing coverage, by station (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☒ 9) Extended Fire Protection Service Availability (Amador)

2. ADMINISTRATION

Under the requirements of California Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and firefighting services as outlined in Exhibit D, Schedule B of this agreement.

A. Director shall select and employ a Region Chief who shall, under the direction of the Director/Chief Deputy Director, manage all aspects of fire prevention and fire protection services and forestry-related programs.

B. Director will select and employ a Unit Chief who shall, under the supervision and direction of Director/Region Chief or a lawful representative, have charge of the organization described in Exhibit D, Schedules A, B and C included hereto and made a part of this agreement.

C. LOCAL AGENCY shall appoint the Unit Chief as the LOCAL AGENCY Fire Chief for all Emergency Fire Protection, Medical and Rescue Response Agreements, pursuant to applicable statutory authority. The Unit Chief may delegate this responsibility to qualified staff.

D. The Unit Chief may dispatch personnel and equipment listed in Exhibit D, Schedules A, B and C from the assigned station or location under guidelines established by LOCAL AGENCY and approved by STATE. Personnel and/or equipment listed in Exhibit D, Schedule B may be dispatched at the sole discretion of STATE.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

E. The Unit Chief shall exercise professional judgment consistent with STATE policy and his or her employment by STATE in authorizing or making any assignments to emergencies and other responses, including assignments made in response to requests for mutual aid.

F. Except as may be otherwise provided for in this agreement, STATE shall not incur any obligation on the part of LOCAL AGENCY to pay for any labor, materials, supplies or services beyond the total set forth in the respective Exhibit D, Schedules A and C, as to the services to be rendered pursuant to each Schedule.

G. Nothing herein shall alter or amend or be construed to alter or amend any Collective Bargaining Agreement or Memorandum of Understanding between the State of California and its employees under the State Employer-Employee Relations Act.

3. SUPPRESSION COST RECOVERY

As provided in Health and Safety Code (H&SC) Section 13009, STATE may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using LOCAL AGENCY equipment and personnel under the terms of this agreement, STATE may, at the request of LOCAL AGENCY, bring such an action for collection of costs incurred by LOCAL AGENCY. In such a case LOCAL AGENCY appoints and designates STATE as its agent in said collection proceedings. In the event of recovery, STATE shall deduct fees and litigation costs in a proportional percentage amount based on verifiable and justifiable suppression costs for the fire at issue. These recovery costs are for services provided which are beyond the scope of those covered by the local government administrative fee.

In all such instances, STATE shall give timely notice of the possible application of H&SC Section 13009 to the representative designated by LOCAL AGENCY.

4. MUTUAL AID

When rendering mutual aid or assistance as authorized in H&SC Sections 13050 and 13054, STATE may, at the request of LOCAL AGENCY, demand payment of charges and seek reimbursement of LOCAL AGENCY costs for personnel, equipment and operating expenses as funded herein, under authority given by H&SC Sections 13051 and 13054. STATE, in seeking said reimbursement pursuant to such request of LOCAL AGENCY, shall represent LOCAL AGENCY by following the procedures set forth in H&SC Section 13052. Any recovery of LOCAL AGENCY costs, less expenses, shall be paid or credited to LOCAL AGENCY, as directed by LOCAL AGENCY.

In all such instances, STATE shall give timely notice of the possible application of H&SC Sections 13051 and 13054 to the officer designated by LOCAL AGENCY.

5. PROPERTY PURCHASE AND ACCOUNTING

LOCAL AGENCY shall be responsible for all costs associated with property required by personnel to carry out this agreement. Employee uniform costs will be assessed to the LOCAL AGENCY through the agreement billing process. Personal Protective Equipment (PPE) costs shall be the responsibility of the LOCAL AGENCY. By mutual agreement, PPE meeting the minimum specifications established by the STATE may be purchased directly by the LOCAL AGENCY. Alternately, the STATE will supply all PPE and the LOCAL AGENCY will be billed for costs incurred.

All property provided by LOCAL AGENCY and by STATE for the purpose of providing fire protection services shall be marked and accounted for by the Unit Chief in such a manner as to conform to the regulations, if any, established by the parties for the segregation, care, and use of the respective properties.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. PAYMENT FOR SERVICES

A. LOCAL AGENCY shall pay STATE actual cost for fire protection services pursuant to this agreement an amount not to exceed that set forth in Exhibit D, Schedule A for each fiscal year. STATE shall prepare an Exhibit D, Schedule A each year, which shall be the basis for payment for the entire fiscal year for which services are provided.

B. Any other funds designated by LOCAL AGENCY to be expended under the supervision of or for use by a Unit Chief for fire protection services shall be set forth in Exhibit D, Schedule C. This clause shall not limit the right of LOCAL AGENCY to make additional expenditures, whether under Exhibit D, Schedule C or otherwise.

C. STATE shall invoice LOCAL AGENCY for the cost of fire protection services on a quarterly basis as follows:

1) For actual services rendered by STATE during the period of July 1 through September 30, by an invoice filed with LOCAL AGENCY on or after December 10.

2) For actual services rendered by STATE during the period October 1 through December 31, by an invoice filed with LOCAL AGENCY on or after December 31.

3) For actual services rendered by STATE during the period January 1 through March 31, by an invoice filed with LOCAL AGENCY on or after March 31.

4) For the estimated cost of services during the period April 1 through June 30, by an invoice filed in advance with LOCAL AGENCY on or after March 1.

5) A final statement shall be filed with LOCAL AGENCY by October 1 following the close of the fiscal year, reconciling the payments made by LOCAL AGENCY with the cost of the actual services rendered by STATE and including any other costs as provided herein, giving credit for all payments made by LOCAL AGENCY and claiming the balance due to STATE, if any, or refunding to LOCAL AGENCY the amount of any overpayment.

6) All payments by LOCAL AGENCY shall be made within thirty (30) days of receipt of invoice from STATE, or within thirty (30) days after the filing dates specified above, whichever is later.

7) The STATE reserves the right to adjust the frequency of billing and payment to a monthly cycle with a thirty (30) day written notice to the LOCAL AGENCY when:

a. The Director predicts a cash flow shortage, or

b. When determined by the Region Chief, after consulting with the Unit Chief and the LOCAL AGENCY Contract Administrator, that the LOCAL AGENCY may not have the financial ability to support the contract at the contract level.

D. Invoices shall include actual or estimated costs as provided herein of salaries and employee benefits for those personnel employed, charges for operating expenses and equipment and the administrative charge in accordance with Exhibit D, Schedule A. When "contractual rates" are indicated, the rate shall be based on an average salary plus all benefits. "Contractual rates" means an all-inclusive rate established in Exhibit D, Schedule A for total costs to STATE, per specified position, for 24-hour fire protection services during the period covered.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

E. STATE shall credit the LOCAL AGENCY, or cover behind at no cost, for the costs of Non-post (e.g. Fire Marshal, Training Officer, etc.) positions and equipment assigned to STATE responsibility fires or other STATE funded emergency incidents. The STATE shall notify the LOCAL AGENCY when this occurs.

2. COST OF OPERATING AND MAINTAINING EQUIPMENT AND PROPERTY

The cost of maintaining, operating, and replacing any and all property and equipment, real or personal, furnished by the parties hereto for fire protection purposes, shall be borne by the party owning or furnishing such property or equipment unless otherwise provided for herein or by separate written agreement.

3. BUDGET CONTINGENCY CLAUSE

A. If the LOCAL AGENCY's governing authority does not appropriate sufficient funds for the current year or any subsequent years covered under this Agreement, which results in an inability to pay the STATE for the services specified in this Agreement, the LOCAL AGENCY shall promptly notify the STATE and this Agreement will terminate pursuant to the notice periods required herein.

B. If funding for any fiscal year is reduced or deleted by the LOCAL AGENCY for purposes of this program, the LOCAL AGENCY shall promptly notify the STATE, and the STATE shall have the option to either cancel this Agreement with no liability occurring to the STATE, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced amount, pursuant to the notice terms herein.

C. If the STATE Budget Act does not appropriate sufficient funds to provide the services for the current year or any subsequent years covered under this Agreement, which results in an inability to provide the services specified in this Agreement to the LOCAL AGENCY, the STATE shall promptly notify the LOCAL AGENCY, and this Agreement will terminate pursuant to the notice periods required herein.

D. If funding for any fiscal year is reduced or deleted by the STATE Budget Act for purposes of this program, the STATE shall promptly notify the LOCAL AGENCY, and the LOCAL AGENCY shall have the option to either cancel this Agreement with no liability occurring to the LOCAL AGENCY, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced services, pursuant to the notice terms herein.

E. Notwithstanding the foregoing provisions in paragraphs A and B above, the LOCAL AGENCY shall remain responsible for payment for all services actually rendered by the STATE under this Agreement regardless of LOCAL AGENCY funding being reduced, deleted or not otherwise appropriated for this program. The LOCAL AGENCY shall promptly notify the STATE in writing of any budgetary changes that would impact this Agreement.

F. LOCAL AGENCY and STATE agree that this Budget Contingency Clause shall not relieve or excuse either party from its obligation(s) to provide timely notice as may be required elsewhere in this Agreement.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT C
GENERAL TERMS AND CONDITIONS

1. **APPROVAL**: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. STATE will not commence performance until such approval has been obtained.

2. **AMENDMENT**: This agreement may be amended by mutual consent of LOCAL AGENCY and STATE. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

   If during the term of this agreement LOCAL AGENCY shall desire a reduction in STATE civil service employees assigned to the organization provided for in Exhibit D, Schedule A, LOCAL AGENCY shall provide 120 days written notice of the requested reduction. Notification shall include the following: (1) The total amount of reduction; (2) The firm effective date of the reduction; and (3) The number of employees, by classification, affected by a reduction. If such notice is not provided, LOCAL AGENCY shall reimburse STATE for relocation costs incurred by STATE as a result of the reduction. Personnel reductions resulting solely from an increase in STATE employee salaries or STATE expenses occurring after signing this agreement and set forth in Exhibit D, Schedule A to this agreement shall not be subject to relocation expense reimbursement by LOCAL AGENCY.

   If during the term of this agreement costs to LOCAL AGENCY set forth in any Exhibit D, Schedule A to this agreement increase and LOCAL AGENCY, in its sole discretion, determines it cannot meet such increase without reducing services provided by STATE, LOCAL AGENCY shall within one hundred twenty (120) days of receipt of such Schedule notify STATE and designate which adjustments shall be made to bring costs to the necessary level. If such designation is not received by STATE within the period specified, STATE shall reduce services in its sole discretion to permit continued operation within available funds.

3. **ASSIGNMENT**: This Agreement is not assignable by the LOCAL AGENCY either in whole or in part, without the consent of the STATE in the form of a formal written amendment.

4. **EXTENSION OF AGREEMENT**:

   A. One year prior to the date of expiration of this agreement, LOCAL AGENCY shall give STATE written notice of whether LOCAL AGENCY will extend or enter into a new agreement with STATE for fire protection services and, if so, whether LOCAL AGENCY intends to change the level of fire protection services from that provided by this agreement. If this agreement is executed with less than one year remaining on the term of the agreement, LOCAL AGENCY shall provide this written notice at the time it signs the agreement and the one year notice requirement shall not apply.

   B. If LOCAL AGENCY fails to provide the notice, as defined above in (A), STATE shall have the option to extend this agreement for a period of up to one year from the original termination date and to continue providing services at the same or reduced level as STATE determines would be appropriate during the extended period of this agreement. Six months prior to the date of expiration of this agreement, or any extension hereof, STATE shall give written notice to LOCAL AGENCY of any extension of this agreement and any change in the level of fire protection services STATE will provide during the extended period of this agreement. Services provided and obligations incurred by STATE during an extended period shall be accepted by LOCAL AGENCY as services and obligations under the terms of this agreement.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

C. The cost of services provided by STATE during the extended period shall be based upon the amounts that would have been charged LOCAL AGENCY during the fiscal year in which the extended period falls had the agreement been extended pursuant hereto. Payment by LOCAL AGENCY for services rendered by STATE during the extended period shall be as provided in Exhibit B, Section 1, B of this agreement.

5. **AUDIT**: STATE, including the Department of General Services and the Bureau of State Audits, and LOCAL AGENCY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto, pertaining to the performance of this agreement. STATE and LOCAL AGENCY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) of the other party access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. STATE and LOCAL AGENCY agree to a similar right to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

6. **INDEMNIFICATION**: Each party, to the extent permitted by law, agrees to indemnify, defend and save harmless the other party, its officers, agents and employees from (1) any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies to that party and (2) from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by that party, in the performance of any activities of that party under this agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to the other party or from acts not within the scope of duties to be performed pursuant to this agreement; and (3) each party shall be responsible for any and all claims that may arise from the behavior and/or performance of its respective employees during and in the course of their employment to this cooperative agreement.

7. **DISPUTES**: LOCAL AGENCY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of LOCAL AGENCY, be available for contract resolution or policy intervention with the STATE's Region Chief when, upon determination by the designated STATE representative, the Unit Chief acting as LOCAL AGENCY's Fire Chief under this agreement faces a situation in which a decision to serve the interest of LOCAL AGENCY has the potential to conflict with STATE interest or policy. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed of within a reasonable period of time by the LOCAL AGENCY and STATE employees normally responsible for the administration of this agreement shall be brought to the attention of the CAL FIRE Director or designee and the Chief Executive Officer (or designated representative) of the LOCAL AGENCY for joint resolution. For purposes of this provision, a "reasonable period of time" shall be ten (10) calendar days or less. STATE and LOCAL AGENCY agree to continue with the responsibilities under this Agreement during any dispute.

8. **TERMINATION FOR CAUSE/CANCELLATION**:

A. If LOCAL AGENCY fails to remit payments in accordance with any part of this agreement, STATE may terminate this agreement and all related services upon 60 days written notice to LOCAL AGENCY. Termination of this agreement does not relieve LOCAL AGENCY from providing STATE full compensation in accordance with terms of this agreement for services actually rendered by STATE pursuant to this agreement.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

B. This agreement may be cancelled at the option of either STATE or LOCAL AGENCY at any time during its term, with or without cause, on giving one year's written notice to the other party. Either LOCAL AGENCY or STATE electing to cancel this agreement shall give one year's written notice to the other party prior to cancellation.

9. **INDEPENDENT CONTRACTOR**: Unless otherwise provided in this agreement LOCAL AGENCY and the agents and employees of LOCAL AGENCY, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the STATE.

10. **NON-DISCRIMINATION CLAUSE:** During the performance of this agreement, LOCAL AGENCY shall be an equal opportunity employer and shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) mental disability, medical condition (e.g.cancer), age (over 40), marital status, denial of family care leave, veteran status, sexual orientation, and sexual identity. LOCAL AGENCY shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. LOCAL AGENCY shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. LOCAL AGENCY shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

    In addition, LOCAL AGENCY acknowledges that it has obligations relating to ethics, Equal Employment Opportunity (EEO), the Fire Fighter's Bill of Rights Act (FFBOR), and the Peace Officer's Bill of Rights Act (POBOR). LOCAL AGENCY shall ensure that its employees comply with all the legal obligations relating to these areas. LOCAL AGENCY shall ensure that its employees are provided appropriate training.

11. **TIMELINESS**: Time is of the essence in the performance of this agreement.

12. **COMPENSATION**: The consideration to be paid STATE, as provided herein, shall be in compensation for all of STATE's expenses incurred in the performance hereof, including travel, per Diem, and taxes, unless otherwise expressly so provided.

13. **GOVERNING LAW**: This agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

14. **CHILD SUPPORT COMPLIANCE ACT**: "For any Agreement in excess of $100,000, the LOCAL AGENCY acknowledges in accordance with Public Contract Code 7110, that:

    A. The LOCAL AGENCY recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

    B. The LOCAL AGENCY, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department."

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

15. **UNENFORCEABLE PROVISION**: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

16. **COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The STATE and LOCAL AGENCY have a responsibility to comply with the provisions of the 1996 Federal Health Insurance Portability and Accountability Act (HIPAA) and the 2001 State Health Insurance Portability and Accountability Implementation Act. HIPAA provisions become applicable once the association and relationships of the health care providers are determined by the LOCAL AGENCY. It is the LOCAL AGENCY'S responsibility to determine their status as a "covered entity" and the relationships of personnel as "health care providers", "health care clearinghouse", "hybrid entities", business associates", or "trading partners". STATE personnel assigned to fill the LOCAL AGENCY'S positions within this Agreement, and their supervisors, may fall under the requirements of HIPAA based on the LOCAL AGENCY'S status. It is the LOCAL AGENCY'S responsibility to identify, notify, train, and provide all necessary policy and procedures to the STATE personnel that fall under HIPAA requirements so that they can comply with the required security and privacy standards of the act.

17. **LIABILITY INSURANCE**

The STATE and LOCAL AGENCY shall each provide proof of insurance in a form acceptable to the other party at no cost one to the other, to cover all services provided and use of local government facilities covered by this agreement. If LOCAL AGENCY is insured and/or self-insured in whole or in part for any losses, LOCAL AGENCY shall provide a completed Certification of Self Insurance (Exhibit D, Schedule E) or certificate of insurance, executed by a duly authorized officer of LOCAL AGENCY. Upon request of LOCAL AGENCY the STATE shall provide a letter from DGS, Office Risk and Insurance Management executed by a duly authorized officer of STATE. If commercially insured in whole or in part, a certificate of such coverage executed by the insurer or its authorized representative shall be provided.

Said commercial insurance or self-insurance coverage of the LOCAL AGENCY shall include the following:

A. Fire protection and emergency services - Any commercial insurance shall provide at least general liability for $5,000,000 combined single limit per occurrence.

B. Dispatch services – Any commercial insurance shall provide at least general liability for $1,000,000 combined single limit per occurrence.

C. The CAL FIRE, State of California, its officers, agents, employees, and servants are included as additional insured's for purposes of this contract.

D. The STATE shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed on page 2 of this agreement.

18. **WORKERS COMPENSATION**: (only applies where local government employees/volunteers are supervised by CAL FIRE, as listed in Exhibit D Schedule C. STATE contract employees' workers compensation is included as part of the contract personnel benefit rate).

A. Workers' Compensation and related benefits for those persons, whose use or employment is contemplated herein, shall be provided in the manner prescribed by California Labor Codes, State Interagency Agreements and other related laws, rules, insurance policies, collective bargaining agreements, and memorandums of understanding.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

B. The STATE Unit Chief administering the organization provided for in this agreement shall not use, dispatch or direct any non STATE employees, on any work which is deemed to be the responsibility of LOCAL AGENCY, unless and until LOCAL AGENCY provides for Workers' Compensation benefits at no cost to STATE. In the event STATE is held liable, in whole or in part, for the payment of any Worker's Compensation claim or award arising from the injury or death of any such worker, LOCAL AGENCY agrees to compensate STATE for the full amount of such liability.

C. The STATE /LOCAL AGENCY shall receive proof of Worker's Compensation coverage and shall be notified of any cancellation and change of coverage at the addresses listed in Section 1.

19. **CONFLICT OF INTEREST**: LOCAL AGENCY needs to be aware of the following provisions regarding current or former state employees. If LOCAL AGENCY has any questions on the status of any person rendering services or involved with the Agreement, the STATE must be contacted immediately for clarification.

    Current State Employees (Public Contract Code §10410):

    1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

    2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

    Former State Employees (Public Contract Code §10411):

    1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

    2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

    If LOCAL AGENCY violates any provisions of above paragraphs, such action by LOCAL AGENCY shall render this Agreement void. (Public Contract Code §10420)

    Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Public Contract Code §10430 (e))

20. **LABOR CODE/WORKERS' COMPENSATION**: LOCAL AGENCY needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and LOCAL AGENCY affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

21. **AMERICANS WITH DISABILITIES ACT**: LOCAL AGENCY assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

22. **LOCAL AGENCY NAME CHANGE**: An amendment is required to change the LOCAL AGENCY'S name as listed on this Agreement. Upon receipt of legal documentation of the name change the STATE will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

23. **RESOLUTION**: A county, city, district, or other local public body must provide the STATE with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

24. **AIR OR WATER POLLUTION VIOLATION**: Under the State laws, the LOCAL AGENCY shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

25. **AFFIRMATIVE ACTION**. STATE certifies its compliance with applicable federal and State hiring requirements for persons with disabilities, and is deemed by LOCAL AGENCY to be in compliance with the provisions of LOCAL AGENCY'S Affirmative Action Program for Vendors.

26. **DRUG AND ALCOHOL-FREE WORKPLACE**. As a material condition of this Agreement, STATE agrees that it and its employees, while performing service for LOCAL AGENCY, on LOCAL AGENCY property, or while using LOCAL AGENCY equipment, shall comply with STATE's Employee Rules of Conduct as they relate to the possession, use, or consumption of drugs and alcohol.

27. **ZERO TOLERANCE FOR FRAUDULENT CONDUCT IN LOCAL AGENCY SERVICES**. STATE shall comply with any applicable "Zero Tolerance for Fraudulent Conduct in LOCAL AGENCY Services." There shall be "Zero Tolerance" for fraud committed by contractors in the administration of LOCAL AGENCY programs and the provision of LOCAL AGENCY services. Upon proven instances of fraud committed by the STATE in connection with performance under the Agreement, the Agreement may be terminated consistent with the termination for cause/cancellation term, Exhibit C, section 8, subsection B, of Cooperative Fire Programs Fire Protection Reimbursement Agreement, LG-1, between the California Department of Forestry and Fire Protection (CAL FIRE) and the LOCAL AGENCY.

28. **CONFIDENTIAL INFORMATION.** "Confidential information" means information designated by CAL FIRE and/or the LOCAL AGENCY disclosure of which is restricted, prohibited or privileged by State and federal law. Confidential Information includes, but is not limited to, information exempt from disclosure under the California Public Records Act (Government Code Sections 6250 et seq.) Confidential Information includes but is not limited to all records as defined in Government Code section 6252 as well as verbal communication of Confidential Information. Any exchange of Confidential Information between parties shall not constitute a "waiver" of any exemption pursuant to Government Code section 6254.5

    CAL FIRE and LOCAL AGENCY personnel allowed access to information designated as Confidential Information shall be limited to those persons with a demonstrable business need for such access. CAL FIRE and LOCAL AGENCY agree to provide a list of authorized personnel in writing as required by Government Code section 6254.5(e). CAL FIRE and the LOCAL

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

AGENCY agree to take all necessary measures to protect Confidential Information and shall impose all the requirements of this Agreement on all of their respective officers, employees and agents with regards to access to the Confidential Information. A Party to this Contract who experiences a security breach involving Confidential Information covered by this Contract, agrees to promptly notify the other Party of such breach

29. **ENTIRE AGREEMENT**: This agreement contains the whole agreement between the Parties. It cancels and supersedes any previous agreement for the same or similar services.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT D
ADDITIONAL PROVISIONS

EXCISE TAX: State of California is exempt from federal excise taxes, and no payment will be made for any taxes levied on employees' wages. STATE will pay any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. The STATE may pay any applicable sales and use tax imposed by another state.

Schedules

The following Schedules are included as part of this agreement (check boxes if they apply):

☒ **A. Fiscal Display, PRC 4142 AND/OR PRC 4144 -** STATE provided LOCAL AGENCY funded fire protection services. STATE-owned vehicles shall be operated and maintained in accordance with policies of STATE at rates listed in Exhibit D, Schedule A.

☒ **B. STATE Funded Resource** - A listing of personnel, crews and major facilities of the STATE overlapping or adjacent to the local agency area that may form a reciprocal part of this agreement.

☐ **C. LOCAL AGENCY Provided Local Funded Resources -** A listing of services, personnel, equipment and expenses, which are paid directly by the local agency, but which are under the supervision of the Unit Chief.

☐ **D. LOCAL AGENCY Owned STATE Maintained Vehicles** - Vehicle information pertaining to maintenance responsibilities and procedures for local agency-owned vehicles that may be a part of the agreement.

LOCAL AGENCY-owned firefighting vehicles shall meet and be maintained to meet minimum safety standards set forth in Title 49, Code of Federal Regulations; and Titles 8 and 13, California Code of Regulations.

LOCAL AGENCY-owned vehicles that are furnished to the STATE shall be maintained and operated in accordance to LOCAL AGENCY policies. In the event LOCAL AGENCY does not have such policies, LOCAL AGENCY-owned vehicles shall be maintained and operated in accordance with STATE policies. The cost of said vehicle maintenance and operation shall be at actual cost or at rates listed in Exhibit D, Schedule D.

Exhibit D, Schedule D is incorporated into this section if LOCAL AGENCY-owned vehicles listed in Exhibit D, Schedule D are to be operated, maintained, and repaired by STATE.

LOCAL AGENCY assumes full responsibility for all liabilities associated therewith in accordance with California Vehicle Code Sections 17000, 17001 et seq. STATE employees operating LOCAL AGENCY-owned vehicles shall be deemed employees of LOCAL AGENCY, as defined in Vehicle Code Section 17000. Except where LOCAL AGENCY would have no duty to indemnify STATE under Exhibit C, Section 6 for all LOCAL AGENCY-owned vehicles operated or used by employees of STATE under this agreement.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

LOCAL AGENCY employees, who are under the supervision of the Unit Chief and operating STATE-owned motor vehicles, as a part of the duties and in connection with fire protection and other emergency services, shall be deemed employees of STATE, as defined in Vehicle Code Section 17000 for acts or omissions in the use of such vehicles. Except where STATE would have no duty to indemnify LOCAL AGENCY under Exhibit C, Section 6.

E. Certification of Insurance - Provider Insurance Certification and/or proof of self-insurance.

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT D, SCHEDULE A

LOCAL FUNDED – STATE RESOURCES

FISCAL DISPLAY

PRC 4144

NAME OF LOCAL AGENCY: County of Mariposa

(Amador) CONTRACT NUMBER:

Index: 4200 PCA: 48001 Fiscal Year: 2023/2024 to 2025/26

This is Schedule A of Cooperative Agreement originally dated July 1, 2023, by and between CAL FIRE of the State of California and LOCAL AGENCY.

(See Attached)

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

Fiscal Year: 2023
Index: 4200 **Unit:** MMU
PCA 48001
PRC: 4144
Comments

Sub Total (+4%)	$626,022
Admin	$75,185
Total	$701,207

Contract Name: County of Mariposa (Amador)
Contract No.: 4CA06230
Page No.: 18

Overtime Total: $10,145

This is a Schedule A - 4142 of the Cooperative Agreement, dated July 1, 2023 between *"Mariposa County* and The California Department of Forestry and Fire Protection (CAL FIRE)

CAL FIRE Unit Chief: Mike van Loben Sels
CAL FIRE Region Chief: Dave Fulcher

Number of Positions	Classification/ad-ons (Pick From List)	RET.	Period	Salary Months	Salary Rate	Total Salary	EDWC Rate	EDWC Periods	Total EDWC	Salary Benefits	FFI UI	EDWC Benefits	Total Salary & EDWC	Total Position Cost
9	Firefighter I	POF		5	$4,461	$200,745	$2,616	5	$117,720	$190,326	$13,671	$69,337	$591,799	$601,944
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
		POF			$0	$0			$0	$0		$0	$0	
	Overtime	POF				$10,000			$0	$145		$0	$10,145	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	
					$0	$0	$0	0	$0	$0	$0	$0	$0	$0
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
					$0	$0			$0	$0		$0	$0	
	Overtime								$0	$0		$0	$0	

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

Fiscal Year: 2023
Index: 4200
PCA: 48001
PRC: 4144

Uniform Benefits	**$23**
Sub Total	**$23,086**
Admin	**$2,773**
Total	**$25,858**

Contract Name: County of Mariposa (Amador)
Contract No.: 4CA06230
Page No.: 19

Comments

This is a Schedule A - 4142 of the Cooperative Agreement, dated July 1, 2023 between Mariposa County and The California Department of Forestry and Fire Protection (CAL FIRE)

						1.45%				
Category (Pick from List)	**Details**	**Number**	**Months**	**Rate**	**Sub-Total**	**Uniform Benefits**	**Total**			
UNIFORM ALLOWANCE FOR BU8		9.00	1.00	$178	$ 1,598	$ 23	$ 1,621			
FACILITIES OPERATIONS		3.00	5.00							
UTILITIES		3.00	5.00							
EQUIPMENT		3.00	5.00	$1431	$ 21,465		$ 21,465			

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

Unit: MMU

Agreement Total	$2,279,793

Contract Name: County of Mariposa (Amador)

Contract No.: 4CA06230

Page No.: 20

Fiscal Year 23/24 (+4%)	
PS 1 Total	$701,207
OE 1 Total	$21,963
TOTAL	**$723,170**

Fiscal Year 24/25 (+5%)	
PS 1 Total	$736,268
OE 1 Total	$23,061
TOTAL	**$759,328**

Fiscal Year 25/26 (+5%)	
PS 1 Total	$773,081
OE 1 Total	$24,214
TOTAL	**$797,295**

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT D, SCHEDULE B

STATE FUNDED RESOURCES

NAME OF LOCAL AGENCY: County of Mariposa

This is Schedule B of Cooperative Agreement originally dated July 1, 2023 by and between CAL FIRE of the State of California and County of Mariposa.

FISCAL YEAR: **2023/2024, 2024/2025, 2025/2026**

MADERA-MARIPOSA-MERCED UNIT

Administration:

Unit Chief (1)
Deputy Chief (1)
Division Chief Operations (1)
Division Chief Camp Administrator/ Operations (1)
Division Chief Management Services (1)
Battalion Chief Fire Prevention (1)
Battalion Chief Training (1)
Battalion Chief Safety (1)
Battalion Chief Emergency Command Center (1)
Battalion Chief Operations (4.5)
Forester (1)
Forester II (1}
Fire Captain Fire Prevention/ Pre-fire Management (4)
Fire Captain Emergency Command Center (4)
Forestry Equipment Manager (1}
Heavy Equipment Mechanic (2)
Forestry Logistics Officer (1)
Clerical Positions (5)
WASPO (1)

Fire Control-Year Long:

Fire Captain - Crew (10)
Fire Captain - Stations (24)
Fire Apparatus Engineers (12)
Heavy Fire Equipment Operators (8)

Fire Control - Seasonal:

Fire Captain - Station (3)
Fire Apparatus Engineers (6)
Fire Fighters (85)

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

EXHIBIT D, SCHEDULE E

This is Schedule E of Cooperative Agreement originally dated July 1, 2023, by and between the CAL FIRE of the State of California and LOCAL AGENCY

NAME OF LOCAL AGENCY:County of Mariposa (Amador)

The CAL FIRE, State of California and its officers, agents, employees, and servants are included as additional insured for the purposes of this contract. The State shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed in LG1, Page 2.

FISCAL YEAR: **2023/24 to 2025/26**

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR TORT LIABILITY

This is to certify that LOCAL AGENCY has elected to be self-insured under the self-insurance provision provided in Exhibit C, Section 17.

By: _____ _____
Signature Printed Name

_____ _____
Title Date

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR WORKER'S COMPENSATION BENEFITS

This is to certify that LOCAL AGENCY has elected to be self-insured for Workers' Compensation benefits which comply with Labor Code Section 3700 as provided in Exhibit C, Section 18.

By: _____ _____
Signature Printed Name

_____ _____
Title Date

SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR LOCAL AGENCY-OWNED VEHICLES

This is to certify that LOCAL AGENCY has elected to be self-insured for local agency-owned vehicles under the self-insurance provision provided in Exhibit D, Schedule D.

By: _____ _____
Signature Printed Name

_____ _____
Title Date

Attachment: Mariposa Co Amador 23-26 (1) (RES-2023-151 : CALFIRE Amador)

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2023-152

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Redwoods Loader MOU

RECOMMENDATION AND JUSTIFICATION:
Ratify the Signature of the Board of Supervisors Chair on the Memorandum of Understanding with the Redwoods for Use of Their Loader for Snow Removal When Not Needed for Their Operations.

Staff pursued this MOU with The Redwoods during the snow emergency to possibly provide another piece of equipment for snow removal in the Wawona area. With gratitude to The Redwoods for their willingness to contribute in this way, staff recommends ratification of this agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
This agreement is not associated with any past actions.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. This equipment may not be available for future incidents.

FINANCIAL IMPACT:
This agreement does not have a financial impact.

ATTACHMENTS:
Redwoods Loader MOU (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13898

D.9.a

AGREEMENT ROUTING SHEET

To: *Tracy Gauthier or Katherine Slenders* **Dept.:** *Clerk of the Board* **Date:** 02/27/2023

From: Lynn Mattos/Dallin Kimble **Agreement with:** The Redwoods

Section 1: TYPE OF PROCESSING REQUESTED: *(Complete all Section 1 fields.)*

1) Is this a digital signature request? **Yes** ☒ **No** ☐ *(If No, please provide two original copies signed by the vendor.)*

2) Is this the standard County Agreement Form? **Yes** ☒ **No** ☐ *If No, please answer the following question:*

a. Has this non-standard agreement been vetted by County Counsel? **Yes** ☐ **No** ☐
(If Yes, provide approval to COB via email. If No, see the instructions below.
Non-standard agreements will NOT be processed without County Counsel's approval.)

3) Is the Certificate of Insurance attached? **Yes** ☐ **No** ☒ *If No, **DO NOT** submit until COI is received and attached.*

Section 2: VENDOR AND AGREEMENT TYPE *(Complete all Section 2 fields.)*

Vendor Signator & Title: Christian Mueller, General Manager
(Name of person signing the agreement and their title)

Vendor Email: christian@redwoodsinyosemite.com
(Email of signee)

For: County utilization of Redwoods loader for Wawona snow removal
(Provide a brief description of the service provided or product purchased, i.e. "Police service dog training," "Annual Senior Health Fair," etc.)

Term: Feb 25 - Jun 30, 2023
(Enter beginning "to" end. 3 years or less for DH or CAO agreements.)

Is this an Amendment to an Agreement? **Yes** ☐ **No** ☒
(If Yes, attach copies of all prior amendments, AS WELL AS THE INITIAL AGREEMENT.)
Total amendments cannot extend the term beyond five years.

Is this an Agreement for goods, supplies, or services? **Yes** ☐ **No** ☒
(If Yes, attach copies of the required competitive solicitations per the Purchasing Policy.)
<$3,000 – No solicitation required; ***$3,000-$9,999*** – Informal solicitation, two quotes; ***$10,000-$60,000 -*** Informal solicitation, three or more quotes
DO NOT submit the agreement without the solicitations attached if required.

Section 3: PURCHASING AUTHORIZATION *(Complete the appropriate Section 3 field.)*

☒ **BOARD ACTION** M/Traq ID # or Res No.: future ratification Scheduled Date: _____

☐ **PURCHASING CODE (CAO or Department Heads - County Code Chapter 3.08):**

☐ $_____ **DEPARTMENT HEADS, <= $20,000 (**MCC Section 3.08.050):
(May not purchase or lease real property or storage space without the Purchasing Agent's approval.)

☐ $_____ **CAO as Purchasing Agent, <= $60,000** (MCC Section 3.08.090):
(Amount limited to what is budgeted.)

☐ **INDEMNIFICATION AGREEMENTS (Res. 05-117 and 04-346)** $_____

The below fall under the Signature Authority Policy and/or the Purchasing Policy

☐ **INTERDEPARTMENTAL AGREEMENTS** $ _____

☒ **MEMORANDUM OF UNDERSTANDING (MOU)** *No Cost* $ _____

☐ **CODE COMPLIANCE AGREEMENT** $ _____

☐ **SOFTWARE AS A SERVICE or OTHER SUBSCRIPTIONS or LICENSES** $ _____

***See next page for submitting instructions**

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

DocuSign Envelope ID: C228B6AF-6097-4065-AE5D-D5A965B959A8

MEMORANDUM OF UNDERSTANDING

The MEMORANDUM OF UNDERSTANDING (MOU) is entered into on the last date written below in the Fiscal Year 2022-2023 and is between the County of Mariposa, a political subdivision of the State of California ("COUNTY"), and The Redwoods ("REDWOODS"), pursuant to the following terms and conditions.

WITNESSETH

WHEREAS, COUNTY is responsible for snow removal in the community of Wawona; and

WHEREAS, REDWOODS is located in the community of Wawona; and

WHEREAS, REDWOODS has a loader that can be used to assist with snow removal in Wawona.

NOW THEREFORE, the parties hereto agree as follows:

1. When not in use for REDWOODS operations, REDWOODS will allow COUNTY to utilize its loader in snow removal efforts in Wawona on an as-needed basis from February 25, 2023 through June 30, 2023.

2. COUNTY will provide all staffing and fuel for snow removal efforts.

3. To the fullest extent permitted by law, COUNTY shall hold harmless, defend at its own expense, and indemnify REDWOODS, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, resulting from all negligent or wrongful acts or omissions of COUNTY or its officers, employees, agents, and volunteers in rendering services under this MOU; excluding however such liability, claims, losses, damages or expenses arising from REDWOODS' sole negligence or wrongful acts.

4. To the fullest extent permitted by law, REDWOODS shall hold harmless, defend at its own expense, and indemnify COUNTY, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, resulting from all negligent or wrongful acts or omissions of REDWOODS or its officers, employees, agents, and volunteers in rendering services under this MOU; excluding however such liability, claims, losses, damages, or expenses arising from COUNTY'S sole negligence or wrongful acts.

5. REDWOODS is an independent organization and is not an officer, employee, agent, or servant of COUNTY.

6. Either party shall have authority to terminate this Agreement at any time by providing a notice in writing that the Agreement is terminated. Said Agreement shall then be deemed terminated and no further work shall be performed.

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date written below.

COUNTY OF MARIPOSA

DocuSigned by:
Miles S Menetrey
B43EC70C19BE446...
2/28/2023 | 8:25 AM PST

Miles Menetrey
Board Chair

Date

THE REDWOODS

DocuSigned by:
Christian Mueller
4D167D7E0D18493...
2/28/2023 | 8:45 AM

Date

APPROVED AS TO LEGAL FORM:

DocuSigned by:
Steve Dahlem
F6A416F06B394BF...
2/27/2023 | 3:59 PM PST

Steven W. Dahlem
County Counsel

Date

APPROVED AS TO LEGAL FORM:

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

DocuSign

Certificate Of Completion

Envelope Id: C228B6AF60974065AE5DD5A965B959A8
Status: Completed
Subject: Mariposa County DocuSign: ADMIN - Redwoods Loader MOU routing 02-27-2023 K...
Source Envelope:
Document Pages: 3
Signatures: 3
Certificate Pages: 5
Initials: 1
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Mariposa Clerk of the Board
5100 Bullion St FL 2
Mariposa, CA 95338
Clerk-bos@mariposacounty.org
IP Address: 64.118.100.36

Record Tracking

Status: Original
2/27/2023 3:36:56 PM
Holder: Mariposa Clerk of the Board
Clerk-bos@mariposacounty.org
Location: DocuSign

Security Appliance Status: Connected
Pool: StateLocal

Storage Appliance Status: Connected
Pool: County of Mariposa
Location: DocuSign

Signer Events	Signature	Timestamp
Steve Dahlem sdahlem@mariposacounty.org Security Level: Email, Account Authentication (None)	DocuSigned by: Steve Dahlem F6A416F06B394BF... Signature Adoption: Pre-selected Style Using IP Address: 76.9.82.222	Sent: 2/27/2023 3:39:50 PM Viewed: 2/27/2023 3:57:02 PM Signed: 2/27/2023 3:59:53 PM
Electronic Record and Signature Disclosure: Accepted: 12/28/2022 3:42:40 PM ID: 168bcdc6-bde7-4f01-885a-c1872fec5bc7		
Miles S Menetrey mmenetrey@mariposacounty.org Security Level: Email, Account Authentication (None)	DocuSigned by: Miles S Menetrey B43EC70C19BE446... Signature Adoption: Pre-selected Style Using IP Address: 64.118.100.36	Sent: 2/27/2023 3:59:56 PM Viewed: 2/28/2023 8:23:38 AM Signed: 2/28/2023 8:25:30 AM
Electronic Record and Signature Disclosure: Accepted: 2/16/2023 5:48:07 PM ID: 190c885b-38bf-47d2-91f4-909adbc5aa30		
Christian Mueller christian@redwoodsinyosemite.com General Manager Security Level: Email, Account Authentication (None)	DocuSigned by: Christian Mueller 4D167D7E0D18493... Signature Adoption: Pre-selected Style Using IP Address: 64.118.100.48	Sent: 2/28/2023 8:25:34 AM Viewed: 2/28/2023 8:44:02 AM Signed: 2/28/2023 8:45:03 AM
Electronic Record and Signature Disclosure: Accepted: 2/28/2023 8:44:02 AM ID: c38b4762-2d45-472e-a56a-121d5ba128dd		
Lynn Mattos lmattos@mariposacounty.org Security Level: Email, Account Authentication (None)	DS LM Signature Adoption: Pre-selected Style Using IP Address: 76.9.69.10	Sent: 2/28/2023 8:45:06 AM Viewed: 2/28/2023 9:32:39 AM Signed: 2/28/2023 9:33:22 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	**Status**	**Timestamp**
Agent Delivery Events	**Status**	**Timestamp**
Intermediary Delivery Events	**Status**	**Timestamp**
Certified Delivery Events	**Status**	**Timestamp**
Carbon Copy Events	**Status**	**Timestamp**
Witness Events	**Signature**	**Timestamp**
Notary Events	**Signature**	**Timestamp**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/27/2023 3:39:50 PM
Certified Delivered	Security Checked	2/28/2023 9:32:39 AM
Signing Complete	Security Checked	2/28/2023 9:33:22 AM
Completed	Security Checked	2/28/2023 9:33:22 AM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Mariposa (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Mariposa:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: jbond@mariposacounty.org

To advise County of Mariposa of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at jbond@mariposacounty.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Mariposa

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to jbond@mariposacounty.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Mariposa

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to jbond@mariposacounty.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Mariposa as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Mariposa during the course of your relationship with County of Mariposa.

Attachment: Redwoods Loader MOU (RES-2023-152 : Redwoods Loader MOU)

MARIPOSA COUNTY

Administration/Community Development · 966-3222

RESOLUTION - ACTION REQUESTED 2023-153

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approval of a Micro Enterprise Grant Application

RECOMMENDATION AND JUSTIFICATION:
Approve a Micro Grant for The Joyful Owl in the Amount of $10,000; and Authorize the Auditor to Submit Payment.

Pursuant to Board discussion and direction given on March 7, 2023, staff is seeking approval of a Micro Enterprise grant application received from The Joyful Owl. The Board directed staff to submit a request for approval of a $10,000 grant.

The Joyful Owl is a new sole proprietorship that has operated under several other local businesses over the last 10 years. The new businesses will offer private home chef services, private dinner parties & catering for a variety of events. The business model is to partner with vacation rental owners, as well as to continue to market to local residents and business owners. The business is asking for a $10,000 grant to support operating capital.

The Joyful Owl was affected by the Oak Fire. The disruption in visitation and the loss of vacation rental directly impacted the business, which receives revenue related to the tourism industry. The decrease in tourism after the Oak Fire affected the business' ability to purchase equipment and delayed opening dates.

Rather than a forgivable loan, The Joyful Owl is requesting a $10,000 grant. The Micro Enterprise Loan Program guidelines, adopted on November 1, 2022, include a provision allowing for $10,000 grants. Per the guidelines, a grant cannot be used in combination with a loan.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
November 8, 2022 - The Board of Supervisors discussed the options for Lemon Drop's loan application and directed staff to submit a request for approval based on the discussed terms and interest rates.

October 11, 2022 - The Board of Supervisors discussed the options for Business Assistance and Micro Enterprise loans and directed staff to proceed on a case-by-case basis.

On May 19, 2020 - The Board of Supervisors adopted Resolution 2022-68 approving the application of a CDBG grant for a business assistance and microenterprise loan

program. The application was awarded on October 21, 2020.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A negative action could result in the business not being able to expand as planned.

FINANCIAL IMPACT:
The County received a $250,000 CDBG grant to fund the micro enterprise loan program. There are sufficient funds within that grant for this proposed action.

ATTACHMENTS:
signed award letter (PDF)
The Joyful Owl Chef Mariposa Bus Assistance Loan 2.10.2023_Redacted (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

DALLIN KIMBLE
County Administrative Officer

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338
209-966-3222
1-800-736-1252
FAX 209-966-5147
dkimble@mariposacounty.org

March 8, 2023

Morissa Rose
The Joyful Owl
5985 Meadow Lane
Mariposa CA 95338

RE: Micro Enterprise Grant Award

Dear Ms. Rose,

Congratulations on your successful micro-enterprise grant application! This award letter confirms that on Tuesday, March 7, 2023, the Mariposa County Board of Supervisors directed staff to prepare the necessary legislative actions to approve a $10,000 micro-enterprise grant to The Joyful Owl.

Mariposa County's micro-enterprise grant program is made possible through the California Department of Housing and Community Development's (HCD's) Community Development Block Grant (CDBG) program. These funds are being used in Mariposa County to support economic recovery for the Oak Fire, which Governor Newsom proclaimed a state of emergency in July 2022.

The County understands that the Oak Fire reduced tourism visitation and delayed the launch of a new business concept for The Joyful Owl, resulting in a loss of expected revenue. It is our pleasure to be able to offer these grant funds to support recovery and assist The Joyful Owl in returning to normal operations.

Upon final approval by the Board of Supervisors, staff will set up an online Supplier Account with Mariposa County. This will allow you to receive your grant funding by direct deposit. For further information, please contact Tara G. Schiff, economic development specialist, at tschiff@mariposacounty.org or (209)742-1214.

On behalf of Mariposa County and the Economic Development Corporation of Mariposa County, thank you for your application. We hope these funds will help your business to survive this difficult time and thrive into the future.

Sincerely,

Dallin Kimble

Attachment: signed award letter (RES-2023-153 : Approval of a Micro Enterprise Grant Application)

Mariposa County Business Assistance Loan Program

Applicant's Information	
Applicant's Name: Morrisa Guerriera DBA: The Joyful Owl Chef	Business Age: months (2020)
Address: [redacted]	Business Legal Structure: Sole Proprietor
County: Mariposa	Business Type: Personal Chef Services
Contact: Morrisa Guerriera	Annual Business Revenue:
Phone: [redacted] Phone (2):	NAICS: 812990
Email: [redacted]	Is the Business Considered Essential: N/A
Website:	U.S. Citizen: Yes
Application Date: 11/03/2022	Has the Business Filed Bankruptcy within the past 3 yrs: No
Dollar Amount of Loan Request	
$10,000	
Use of Funds	
• Purchase Inventory/Materials	$ 1,000
• Purchase business	$ 5,000
• Working Capital	$ 1,000
• Purchase Equipment	$ 3,000

Review of Submitted Documents to Support Loan Request

Business Description:

The Joyful Owl Chef has operated as a home-based private chef – providing chef services to private dinner parties, large gatherings, and catering events. Preparing meals for events was made possible thru the use of kitchens within other local businesses and restaurants. Future chef services arrangements will target local BnB and VRBO's. The applicant would like to expand the business by opening its own kitchen. The applicant has some equipment but will need funding to purchase additional equipment.

Valid business FBN and proof of payment of taxes, including TOT:

Fictitious Business Name (FBN) Statement, dated February 1, 2023 was provided for review. Business licenses are not issued in Mariposa County.

Credit History:

Morrisa Guerriera – [redacted] The credit report showed one account and no past due amounts.

Explain the intended use of the loan that may be provided by Mariposa County:

The loan will assist the applicant in the opening a kitchen to prepare meals for catered events, private parties and contracted meal preparation. A brief description was provided on the uses of fund. Possible equipment that would be purchased include table top oven - $500, Vitamix - $400, misc. kitchen supplies - $500, pop-up table and chairs for farmers market - $150, ice cream cooker - $250, fryer - $140, and paper goods - $500. Plumbing and electrical services - $1,600 will be required to build-out the kitchen. The business will create a website - $750 and develop marketing and printed materials for distribution - $100. No vendor information or quotations were provided for review.

Attachment: The Joyful Owl Chef Mariposa Bus Assistance Loan 2.10.2023_Redacted (RES-2023-153 : Approval of a Micro Enterprise Grant

What is the financial ability to pay payroll obligations and other operating expenses:

Financial information was limited to personal income tax returns. No Schedule C's were provided with the personal tax returns. A 2023 projections was provided. A narrative was provided, describing in general terms, the types of events the business would handle – dinner parties for 2, larger parties, wine & cider parties, dessert bars, personal shopping, B & B shopping, Joyful breakfast, and wedding elopement picnic baskets. Menu options include Sushi/Japanese food, Mediterranean, and Thai. Base fee is $500 chef fee and $100 per person. The business owner would like to book five events per month, generating between $5,000 – 8,000 in revenues. The business owner has established partnerships with Auto Camp, Moonstone Retreat, Scenic Vows, and Sierra Cider as potential clients.

SUMMARY:

Strengths

- Established local small business
- Experienced and knowledgeable
- Good personal credit score – medium risk level

Weaknesses

- Limited financial resources available
- Lack of secondary support and weak collateral
- Start-up business

If funding request approved, the following are suggested conditions (but not limited to):

1, Controlled disbursement, payment to be made directly to vendor(s) with a current invoice or purchase order or like documentation, and

2, Evidence of general business liability insurance.

By: Stanley Tom

Signature: Stanley Tom

Date: February 10, 2023

Attachment: The Joyful Owl Chef Mariposa Bus Assistance Loan 2.10.2023_Redacted (RES-2023-153 : Approval of a Micro Enterprise Grant

MARIPOSA COUNTY

Agricultural Commissioner · (209) 966-2075

RESOLUTION - ACTION REQUESTED 2023-154

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Monica Nielsen, Agricultural Commissioner

RE: 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-SF

RECOMMENDATION AND JUSTIFICATION:
Approve the Pest Detection Trapping Agreement No. 22-1694-003-SF, for FY 2022/2023 with the California Department of Food and Agriculture (CDFA); and authorize the Board of Supervisors Chair to Sign the Agreement.

The exotic pest detection trapping contract is an annual contract that provides State subvention funds for the pest detection trapping program to cover part of the cost of the program. This contract was first instituted after the 1981 Medfly infestation to cover the costs of the increase in trap numbers over the original County trapping commitment. This year the contract is only for FY 2022/2023.

The subvention funding available is $33,811.07 for the FY 2022/2023 agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The FY 2021/2022 and FY 2022/2023 Agreement was approved by Resolution No. 22-142.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Not approving this agreement, subvention funds will not be received for the Pest Detection Trapping program to defray the funds expended for work performed in this program for fiscal year 2022/2023.

FINANCIAL IMPACT:
The subvention amount of $33,811.07 for the Pest Detection Trapping Program Agreement was included in revenue for FY 2022/2023 budget.

ATTACHMENTS:
Mariposa County Pest Detection 22-1694-003-SF (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13931

State of California, Department of Food and Agriculture
AGREEMENT
GAU-03 (Rev.12/2022)

COOPERATIVE AGREEMENT SIGNATURE PAGE

AGREEMENT NUMBER
22-1694-003-SF

1. This Agreement is entered into between the State Agency and the Recipient named below:

STATE AGENCY'S NAME
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)

RECIPIENT'S NAME
COUNTY OF MARIPOSA

2. The Agreement Term is: July 1, 2022 through June 30, 2023

3. The maximum amount of this Agreement is: $33,811.07

4. The parties agree to comply with the terms and conditions of the following exhibits and attachments which are by this reference made a part of the Agreement:

Exhibit A: Prime Award Information Recipient and Project Information	2 Page(s)
Exhibit B: General Terms and Conditions	5 Page(s)
Exhibit C: Payment and Budget Provisions	2 Page(s)
Exhibit D: Federal Terms and Conditions	3 Page(s)

Attachments: Scope of Work and Budget

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

RECIPIENT

RECIPIENT'S NAME *(Organization's Name)*
COUNTY OF MARIPOSA

BY *(Authorized Signature)*	DATE SIGNED
✍	

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS
Post Office Box 905, Mariposa, CA 95338-0905

STATE OF CALIFORNIA

AGENCY NAME
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)

BY *(Authorized Signature)*	DATE SIGNED
✍	

PRINTED NAME AND TITLE OF PERSON SIGNING

ANNABELE CUTAJAR, STAFF SERVICES MANAGER I, OFFICE OF GRANTS ADMINISTRATION

ADDRESS
1220 N STREET, ROOM 120
SACRAMENTO, CA 95814

LB

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

EXHIBIT A

PRIME AWARD INFORMATION

Federal Agency:	USDA-APHIS-PPQ
Federal Award Identification Number:	Pending
Federal Award Date:	Pending
Catalog of Federal Domestic Assistance Number (CFDA) and Name:	10.025 - Plant and Animal Disease, Pest Control, and Animal Care
Amount Awarded to CDFA:	Pending
Effective Dates for CDFA:	January 1, 2023 through December 31, 2023
Federal Award to State Agency is Research & Development (Yes/No)	No

RECIPIENT AND PROJECT INFORMATION

1. CDFA hereby awards an Agreement to the Recipient for the project described herein:
County will perform exotic pest detection trapping to prevent the introduction and spread of an injurious insect that would threaten the economic importance of the agriculture food supply grown in California.

Project Title: Detection Trapping

2.The Managers for this Agreement are:

FOR CDFA:		**FOR RECIPIENT:**	
Name:	Joanna Fisher	Name:	Monica Nielsen
Division/Branch:	Plant Health / Pest Detection, Emergency Projects	Organization:	County of Mariposa
Address:	1220 N Street	Address:	Post Office Box 905
City/State/Zip:	Sacramento, CA 95814	City/State/Zip:	Mariposa, CA 95338-0905
Phone:	916-202-0879	Phone:	209-966-2075
Email Address:	joanna.fisher@cdfa.ca.gov	Email Address:	agcomm@mariposacounty.org

3. The Grant Administrative Contacts for this Agreement are:

FOR CDFA:		**FOR RECIPIENT:**	
Name:	Rudy Martinez	Name:	Monica Nielsen
Division/Branch:	Plant Health / Pest Detection, Emergency Projects	Organization:	County of Mariposa
Address:	1220 N Street	Address:	Post Office Box 905
City/State/Zip:	Sacramento, CA 95814	City/State/Zip:	Mariposa, CA 95338-0905
Phone:	916-584-4082	Phone:	209-966-2075
Email Address:	rudy.martinez@cdfa.ca.gov	Email Address:	mnielsen@mariposacounty.org

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

FISCAL CONTACT FOR RECIPIENT (if different from above):
Name:
Organization:
Address:
City/State/Zip:
Phone:
Email Address:

4. **RECIPIENT: Please check appropriate box below:**
   Research and Development (R&D) means all research activities, both basic and applied, and all development activities that are performed by non-Federal entities. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other R&D activities and where such activities are not included in the instruction function.

   This award ☐ does ☒ does not support R&D.

5. For a detailed description of activities to be performed and duties, see Scope of Work and Budget.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

EXHIBIT B

GENERAL TERMS AND CONDITIONS

1. **Approval**
   This Agreement is of no force or effect until signed by both parties. The Recipient may not invoice for activities performed prior to the commencement date or completed after the termination date of this Agreement.

2. **Agreement Execution**
   Unless otherwise prohibited by state law, regulation, or Department or Recipient policy, the parties agree that an electronic copy of a signed Agreement, or an electronically signed Agreement, has the same force and legal effect as an Agreement executed with an original ink signature. The term "electronic copy of a signed Agreement" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed Agreement in a portable document format. The term "electronically signed Agreement" means an Agreement that is executed by applying an electronic signature using technology approved by all parties.

3. **Assignment**
   This Agreement is not assignable by the Recipient, either in whole or in part, without the prior consent of the CDFA Agreement Manager or designee in the form of a formal written amendment.

4. **Governing Law**
   This Agreement is governed by and will be interpreted in accordance with all applicable State and Federal laws.

5. **State and Federal Law**
   It is the responsibility of the Recipient to know and understand which State, Federal, and local laws, regulations, and ordinances are applicable to this Agreement and the Project, as described in Exhibit A. The Recipient shall be responsible for observing and complying with all applicable State and Federal laws and regulations. Failure to comply may constitute a material breach.

6. **Recipient Commitments**
   The Recipient accepts and agrees to comply with all terms, provisions, conditions and commitments of the Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and statements made by the Recipient in the application, documents, amendments, and communications in support of its request for funding.

7. **Performance and Assurances**
   The Recipient agrees to faithfully and expeditiously perform or cause to be performed all Project work as described in the Scope of Work, and to apply grant funds awarded in this Agreement only to allowable Project costs.

8. **Mutual Liability**
   Parties shall, to the extent allowed by law, each be individually liable for any and all claims, losses, causes of action, judgments, damages, and expenses to the extent directly caused by their officers, agents, or employees.

9. **Unenforceable Provision**
   In the event that any provision of this Agreement is unenforceable or held to be unenforceable, the parties agree that all other provisions of this Agreement shall remain operative and binding.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

10. Contractors/Consultants

The Recipient assumes full responsibility for its obligation to pay its Contractors/Consultants. The Recipient is responsible to ensure that any/all contractors/consultants it engages to carry out activities under this Agreement shall have the proper licenses/certificates required in their respective disciplines. The Recipient's use of contractors/consultants shall not affect the Recipient's responsibilities under this Agreement.

11. Non-Discrimination Clause

The Recipient agrees that during the performance of this Agreement, it will not discriminate, harass, or allow harassment or discrimination against any employee or applicant for employment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The Recipient agrees to require the same of all contractors and consultants retained to carry out the activities under this Agreement.

The Recipient agrees that during the performance of this Agreement, the evaluation and treatment of its employees and applicants for employment are free from discrimination and harassment. The Recipient will comply with the provision*s* of the Fair Employment and Housing Act (Government Code section 12990 *et seq*.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, section 10000 *et seq*.). The applicable regulations of the Fair Employment and Housing Council implementing Government Code section 12990 (a-f), set forth in Division 4.1 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. The Recipient will give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining unit or other Agreement. The Recipient must include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.

The Recipient agrees to require the same of all contractors and consultants retained to carry out activities under this Agreement.

12. Excise Tax

The State of California is exempt from federal excise taxes and no payment will be made for any taxes levied on employees' wages. The CDFA will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this Agreement. California may pay any applicable sales and use tax imposed by another State.

13. Disputes

The Recipient must continue with the responsibilities under this Agreement during any dispute. In the event of a dispute, the Recipient must file a "Notice of Dispute" with the CDFA Agreement Manager, identified in Exhibit A, or designee within ten (10) calendar days of discovery of the problem. The Notice of Dispute must contain the Agreement number. Within ten (10) calendar days of receipt of the Notice of Dispute, the CDFA Agreement Manager or designee must meet with the Recipient for the purpose of resolving the dispute. In the event of a dispute, the language contained within this Agreement prevails.

14. Termination for Convenience

This Agreement may be terminated by either party upon written notice. Notice of termination must be delivered to the other party at least thirty (30) calendar days prior to the intended date of termination. Notice of termination does not nullify obligations already incurred prior to the date of termination. In the event of Termination for Convenience of this Agreement by CDFA, CDFA must pay all responsible costs and non-cancellable obligations incurred by the Recipient as of the date of termination.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

15. Termination for Cause

Either party may terminate this Agreement for cause in the event of a material breach of this Agreement, provided that the non-breaching party provides written notice of the material breach and ten (10) calendar days to cure the breach. If the breach is not cured to the satisfaction of the non-breaching party within ten (10) calendar days of receipt of notice, this Agreement shall automatically terminate and the CDFA shall reimburse the Recipient for all documented costs incurred up to the date of the notice of termination, including all non-cancellable obligations.

16. Acceptable Failure to Perform

The Recipient shall not be liable for any failure to perform as required by this Agreement, to the extent such failure to perform is caused by any of the following: labor disturbances or disputes of any kind, accidents, or the inability to obtain any required government approval to proceed, civil disorders, acts of aggression, acts of God, energy or other conservation measures, failure of utilities, mechanical breakdowns, materials shortages, disease, pandemics, or similar occurrences.

17. Breach

Reimbursement under this Agreement may be suspended, terminated, or both, and the Recipient may be subject to debarment if CDFA determines that the Recipient has breached the terms of this Agreement. A determination of breach may be appealed in writing to the CDFA. The appeal must be post marked within ten (10) calendar days of the date the Recipient received notification and addressed to the CDFA Legal Office of Hearing and Appeals or emailed to CDFA.LegalOffice@cdfa.ca.gov.

California Department of Food and Agriculture
Legal Office of Hearing and Appeals
1220 N Street
Sacramento, CA 95814

18. Non-Material Breach

The Recipient may be in material breach under this Agreement if it fails to comply with any term of this Agreement. In the event of a material breach, CDFA shall provide in writing a Notice of Breach to the Recipient within ten (10) calendar days upon discovery of breach. The Recipient shall have ten (10) calendar days from receipt of the notice to cure the breach. If the Recipient fails to cure the breach within the time prescribed by this Agreement, CDFA may do any of the following:

A. Suspend payments;
B. Demand repayment of all funding;
C. Terminate the Agreement; or
D. Take any other action deemed necessary to recover costs.

If CDFA determines that the Recipient is not in material breach but that the Project is not being implemented in accordance with the provisions of this Agreement, or that the Recipient has failed in any other respect to comply with the provisions of this Agreement, and the Recipient has failed to remedy any such failure in a reasonable and timely manner, CDFA may withhold all or any portion of the grant funding and take any other action that CDFA deems necessary to protect its interests.

Where a portion of the grant funding has been disbursed to the Recipient and CDFA notifies the Recipient of its decision not to release funds that have been withheld pursuant to paragraph 17, the portion that has been disbursed shall thereafter be repaid immediately. CDFA may consider the Recipient's refusal to repay the requested disbursed amount a material breach.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

If CDFA notifies the Recipient of its decision to withhold the entire funding amount from the Recipient pursuant to this paragraph, this Agreement shall terminate upon receipt of such notice by the Recipient and CDFA shall no longer be required to provide funds under this Agreement and the Agreement shall no longer be binding on either party.

In the event CDFA finds it necessary to enforce this provision of this Agreement in the manner provided by law, the Recipient agrees to pay all enforcement costs incurred by CDFA including, if CDFA should prevail in a civil action, reasonable attorneys' fees, legal expenses, and costs related to the action.

19. Publicity and Acknowledgement

The Recipient agrees that it will acknowledge CDFA's support whenever projects funded, in whole or in part, by this Agreement are publicized in any news media, brochures, publications, audiovisuals, presentations or other types of promotional material and in accordance with the Grant Procedures Manual if incorporated by reference and attachment to the Agreement. The Recipients may not use the CDFA logo.

20. News Releases/Public Conferences

The Recipient agrees to notify the CDFA in writing at least two (2) business days before any news releases or public conferences are initiated by the Recipient or its Contractors/Consultants regarding the project described in the Attachments, Scope of Work and Budget and any project results.

21. Scope of Work and Budget Changes

Changes to the Scope of Work, Budget, or the Project term, must be requested in writing to CDFA Grant Administrative Contact no less than thirty (30) days prior to the requested implementation date. Any changes to the Scope of Work and Budget are subject to CDFA approval and, at its discretion, CDFA may choose to accept or deny any changes. If accepted and after negotiations are concluded, the agreed upon changes will be made and become part of this Agreement. CDFA will respond in writing within ten (10) business days as to whether the proposed changes are accepted.

22. Reporting Requirements

The Recipient agrees to comply with all reporting requirements specified in Scope of Work and/or Grant Procedures Manual if incorporated by reference to this Agreement as an attachment.

23. California State Auditor

This Agreement is subject to examination and audit by the California State Auditor for a period of three (3) years after final payment under the Agreement.

24. Equipment

Purchase of equipment not included in the approved Budget requires prior approval. The Recipient must comply with applicable state requirements regarding the use, maintenance, disposition, and reporting of equipment as contained in CCR, Title 3, Division 1, Chapter 5, sections 303, 311, 324.1 and 324.2.

25. Closeout

The Agreement will be closed out after the completion of the Project or project term, receipt and approval of the final invoice and final report, and resolution of any performance or compliance issues.

26. Confidential and Public Records

The Recipient and CDFA understand that each party may come into possession of information and/or data which may be deemed confidential or proprietary by the person or organization furnishing the information or data. Such information or data may be subject to disclosure under the California Public Records Act or the Public Contract Code. CDFA has the sole authority to determine whether the

information is releasable. Each party agrees to maintain such information as confidential and the other party of any requests for release of the information.

27. Amendments

Changes to funding amount or Agreement term require an amendment and must be requested in writing to the CDFA Agreement Manager or designee no later than sixty (60) calendar days prior to the requested implementation date. Amendments are subject to CDFA approval, and, at its discretion, may choose to accept or deny these changes. No amendments are possible if the Agreement is expired.

28. Plant Protection Act Memorandum of Understanding

The Recipient agrees to abide by Articles 3 through 13 of the Memorandum of Understanding (MOU) agreed to between the California Department of Food and Agriculture (CDFA) and the United States Department of Agriculture (USDA), Animal and Plant Health Inspections Services Plant Protection and Quarantine executed on May 6, 2019. The Articles in the MOU provide for cooperation, of the parties involved in plant protection and quarantine programs and activities directed at plant pests and noxious weeds of mutual concern to the USDA and California. The Articles outline authorities, codes and sections under which cooperation will be met, including data sharing responsibilities, limitations and confidentiality under Section 1619 of the Food, Conservation, and Energy Act of 2008 (Section 1619 was codified into law 7 USC §8791).

29. Executive Order N-6-22 Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. “Economic Sanctions” refers to sanctions imposed by the U.S. government in response to Russia’s actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate agreements with, and to refrain from entering any new agreements with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Recipient is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Recipient advance written notice of such termination, allowing Recipient at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

EXHIBIT C

PAYMENT AND BUDGET PROVISIONS

1. Invoicing and Payment

A. For activities satisfactorily rendered and performed according to the attached Scope of Work and Budget, and upon receipt and approval of the invoices, CDFA agrees to reimburse the Recipient for actual allowable expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.

B. Invoices must include the Agreement Number, performance period, type of activities performed in accordance with this Agreement, and when applicable, a breakdown of the costs of parts and materials, labor charges, and any other relevant information required to ensure proper invoices are submitted for payment.

C. Unless stated in the Scope of Work, quarterly invoices must be submitted to the CDFA Administrative Contact, within thirty (30) calendar days after the end of each quarter in which activities under this Agreement were performed.

D. Unless stated in the Scope of Work, a final invoice will be submitted for payment no more than thirty (30) calendar days following the expiration date of this Agreement, or after project is complete, whichever comes first. The final invoice must be clearly marked "Final Invoice" thus indicating that all payment obligations of the CDFA under this Agreement have ceased and that no further payments are due or outstanding.

2. Allowable Expenses and Fiscal Documentation

A. The Recipient must maintain adequate documentation for expenditures of this Agreement to permit the determination of the allowability of expenditures reimbursed by CDFA under this Agreement. If CDFA cannot determine if expenditures are allowable under the terms of this Agreement because records are nonexistent or inadequate according to Generally Accepted Accounting Principles, CDFA may disallow the expenditures.

B. If mileage is a reimbursable expense, using a privately-owned vehicle will be at the standard mileage rate established by the United States (U.S.) Internal Revenue Service (IRS) and in effect at the time of travel. The standard mileage rate in effect at the time of travel can be found on IRS's website regardless of funding source/type.

C. If domestic travel is a reimbursable expense, receipts must be maintained to support the claimed expenditures. The maximum rates allowable for travel within California are those established by the California Department of Human Resources (CalHR). The maximum rates allowable for domestic travel outside of California are those established by the United States General Services Administration (GSA).

D. If foreign travel is a reimbursable expense, receipts must be maintained to support the claimed expenditures. The maximum rates allowable are those established in a per diem supplement to Section 925, Department of State Standardized Regulations.

E. The Recipient will maintain and have available, upon request by CDFA, all financial records and documentation pertaining to this Agreement. These records and documentation will be kept for three (3) years after completion of the Agreement period or until final resolution of any performance/compliance review concerns or litigation claims.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

3. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in, California Government Code Title 1, Division 3.6, Part 3, Chapter 4.5, commencing with Section 927 - The California Prompt Payment Act.

4. Budget Contingency Clause

If funding for any fiscal year is reduced or deleted for purposes of this program, the CDFA has the option to either cancel this Agreement with no liability occurring to the CDFA or offer to amend the Agreement to reflect the reduced amount.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

EXHIBIT D

FEDERAL TERMS AND CONDITIONS

The Recipient and recipients of any subawards under this award, agree to comply with all applicable requirements of all Federal laws, executive orders, regulations, and policies governing this program, including but not limited to 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. For-profit organizations will be subject to 48 CFR Subpart 31. Recipients are responsible for identifying the federal regulations appropriate to their organization, consistently applying cost principles and ensuring contractors or consultants comply with applicable federal regulations.

1. Civil Rights

The Recipient must comply with civil rights and nondiscrimination standards pursuant to the following:

A. Civil Rights Act, 42 USC 2000, as implemented at 28 CFR Part 42;
B. Age Discrimination Act, 42 USC 6101, as implemented at 45 CFR Part 90;
C. Age Discrimination in Employment Act, 29 USC 621, as implemented at 29 CFR Part 1625;
D. Title IX of the Education Amendments of 1972, 20 USC 1681, as implemented at 45 CFR Part 86;
E. Section 504 of the Rehabilitation Act, 29 USC 791, as implemented at 28 CFR Part 41;
F. Executive Order (EO) 11246; and
G. Americans with Disabilities Act, (PL 101-366).

2. Labor Standards

The Recipient must comply with labor standards pursuant to the following:

A. Fair Labor Standards Act, 29 USC 207, as implemented at 29 CFR Part 500-899;
B. Davis-Bacon Act, 40 USC 3141-3148, as implemented at 29 CFR Parts 1, 3, 5, and 7; and
C. Contract Work Hours and Safety Standards Act, 40 USC 3701, as implemented at 29 CFR Part 5.

3. Environmental Standards

The Recipient must comply with environmental standards pursuant to the following:

A. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (PL 91-190) and EO 11514 as implemented at 7 CFR Part 1b;
B. Notification of violating facilities pursuant to EO 11738;
C. Protection of wetlands pursuant to EO 11990;
D. Evaluation of flood hazards in floodplains in accordance with EO 11988;
E. Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 USC §§1451 *et seq.*);
F. Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176 (c) of the Clean Air Act of 1955, as amended (42 USC §§7401 *et seq.*);
G. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (PL 93-523); and,
H. Protection of endangered species under the Endangered Species Act of 1973, as amended (PL 93-205).

4. Drug-Free Environment

The Recipient must comply with drug-free environment standards pursuant to §5151-5610 of the Drug-Free Workplace Act of 1988, as implemented by 2 CFR 421.

5. Restrictions on Lobbying and Political Activities

The Recipient must comply with lobbying restriction standards pursuant to the Limitations on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions, 31 USC 1352, as implemented at 2 CFR 418.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

6. Officials Not to Benefit

The Recipient must ensure that no member of Congress be admitted to any share or part of this Agreement or to any benefit arising from it, in accordance with 41 USC 22.

7. Trafficking in Persons

The Recipient must comply with the provisions in 2 CFR Part 175, prohibiting trafficking in persons.

8. Intergovernmental Review

The Recipient must comply with intergovernmental review standards pursuant to the following:

A. Executive Order 12372, as implemented at 2 CFR 415; and
B. The Intergovernmental Cooperation Act of 1968, 31 USC 6501.

9. Confidentiality

The Recipient must comply with confidentiality standards pursuant to the following:

A. Freedom of Information Act, 5 USC 552, as implemented at 7 CFR Part 1; and
B. Privacy Act, 5 USC 552 (a).

10. Conservation in Procurement

The Recipient must comply with procurement standards pursuant to the Resource Conservation and Recovery Act, 42 USC 6962 and EO 12873, as implemented at 40 CFR Part 247.

11. Debarment, Suspension, Criminal or Civil Convictions

The Recipient and its principals must comply with debarment and suspension standards pursuant to the EO 12549, as implemented at 2 CFR 180 and 2 CFR 417.

The Recipient must provide immediate written notice to CDFA if at any time it learns that this certification was erroneous when made or has become erroneous by reason of changed circumstances and must require recipients of lower-tier covered transactions under this Agreement to similarly certify pursuant to EO 12549, as implemented by 2 CFR 180 and 2 CFR 417.

See www.sam.gov to determine debarment and suspension status.

12. Crimes and Prohibited Activities

The Recipient must comply with crimes and prohibited activities standards pursuant to the following:

A. Anti-Kickback (Copeland) Act, as implemented at 29 CFR Part 3.1;
B. False Claims Act, 31 USC 3729; and
C. Program Fraud Civil Remedies Act, 31 USC 3801-3812.

13. Biosafety in Laboratories

The Recipient must comply with laboratory biosafety standards pursuant to the following the *Biosafety in Microbiological and Biomedical Laboratories*, published jointly by the Centers for Disease Control and the National Institutes of Health.

14. Conflicts of Interest

The Recipient must comply with the conflict of interest standards pursuant to 2 CFR 400.2.

15. Inventions, Patents, Copyrights and Project Results

A. The Recipient must comply with invention and patent standards pursuant to the following:
   1. Patent Rights in Inventions Made with Federal Assistance, 35 USC 202-204, as implemented at 37 CFR Part 401 (Bayh-Dole Act and the Technology Transfer Commercialization Act of 2000) to ensure that inventions made are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery.
   2. The Plant Variety Protection Act, 7 USC 2321 *et seq*.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

B. The Recipient may retain title to any invention conceived of or first actually reduced to practice using Federal funds provided Recipient does the following:
   1. Reports all subject inventions to CDFA;
   2. Makes efforts to commercialize the subject invention through patent or licensing;
   3. Formally acknowledges the Federal government's support in all patents that arise from the subject invention; and
   4. Formally grants the Federal government and CDFA a limited use license to the subject invention.

C. The Recipient may copyright any publications, data, or other copyrightable works developed using Federal funds provided it provides the Federal government and CDFA a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use the material, and agrees that the Federal government and CDFA may do so in cooperation with other public agencies.

D. The Recipient agrees that the results of this project may be published by the Federal government, CDFA or appropriate contractors or cooperators as mutually agreed.

16. Care and Use of Laboratory Animals

The Recipient must comply with the care and use of laboratory animal standards pursuant to the following:

A. Animal Welfare Act, 7 USC 2131, as implemented at 9 CFR, Sub Chapter A, Parts 1-4; and
B. Marine Mammal Protection Act, 16 USC 1361-1407.

17. Fly America Act

The Recipient must comply with the Fly America Act (49 USC 40118) as implemented at 41 CFR 301-10.131 to 301-10.143.

18. Motor Vehicle Safety

The Recipient must comply with seat belt use standards pursuant to the following:

A. Highway Safety Act of 1966 as amended (23 USC 402-403);
B. Occupational Safety and Health Act of 1970 as amended (29 USC 668);
C. Federal Property and Administrative Services Act of 1949 as amended (40 USC §101 *et seq*.)
D. Increasing Seat Belt Use in the United States (EO 13043).
E. Federal Leadership on Reducing Text Messaging While Driving (EO 13513).

19. Records Retention and Accessibility

The Recipient and its contractors must comply with the procedures and requirements regarding record retention and accessibility as contained in 2 CFR 200.333 – 200.337.

20. All Other Federal Laws

The Recipient must comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

SCOPE OF WORK

AGREEMENT SPECIFICATIONS FOR STATE-COUNTY INSECT PEST DETECTION TRAPPING

Fiscal Year 2022 – 2023

Effective Agreement Period: July 1, 2022 through June 30, 2023

Pest Detection County Agreement Attachments Index:

1. Attachment A - Financial Plans
2. Attachment B – Pest Detection Trapping Guidelines
3. Attachment C – Commitment Form 60-221
4. Attachment D – Quality Control Plant Protocols
5. Attachment E – PEIR Management Practices and Mitigation Measures for Trapping
6. Attachment F – Tiering Strategy Checklist
7. Attachment G – Budget and Survey Quick Guide
8. Attachment H – Invoice Template

I. The California Department of Food and Agriculture (CDFA) shall:

A. Provide the attachments for the financial plans, Commitment Form 60-221, Quality Control Plant Protocols, PEIR Management Practices and Mitigation Measures for Trapping, Tiering Strategy Checklist, Budget and Survey Quick Guide, and Invoice templates following CDFA form instructions.

B. Provide all fruit fly, spongy moth, and Japanese beetle traps, trap parts and lures.

C. Provide technical assistance and training to county agricultural commissioner personnel on the use of traps and detection procedures.

D. Assist with and review the county's trapping programs annually for the purpose of establishing and approving the Commitment Form 60-221 (Attachment C).

E. Provide county trappers with trapping guidelines.
- Provide the Insect Trapping Guide (ITG) at: www.cdfa.ca.gov/go/ITG.
- Provide county specific pest detection trapping guidelines (Attachment B), expanding on the ITG in this pest detection agreement.
- For additional activity guidelines, see: https://phpps.cdfa.ca.gov/PDEP/PDF/Detection2020-22/AdditionalCountySurveyTargets2022Final.pdf

F. Provide annual training programs for county trapping supervisors and trappers as needed.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

G. Provide quality control (QC) of the county trapping program via inspections and QC plants. The CDFA will use the current county Quality Control Planting (QCP) protocol (Attachment D) to conduct inspections on county trapping programs. The QCP protocol is also available from the CDFA District Entomologist.

H. Provide as a contractual obligation for the disposal of Dibrom® treated wicks according to California Environmental Protection Agency (CalEPA) guidelines.

I. Provide training on management practices as they relate to the CDFA's Statewide Pest Prevention Program Final Programmatic Environmental Impact Report (PEIR) at least one week prior to any covered activity occurring.

J. Provide training in the use of CalTrap.

K. Provide reimbursement for CalTrap data conversion, iPads and accessories, data plans, and insurance.

L. Provide reimbursement of allowable expenses listed on the executed county cooperative agreement financial plans.

M. Provide guidance and clarification on the use of Report 1 from the online County Monthly Reporting (CMR) system.

II. The County Agricultural Commissioner shall:

A. Complete and submit financial plans (Attachment A), Commitment Form 60-221 (Attachment C), and Tiering Strategy Checklist (Attachment F), following the CDFA form instructions.

B. Ensure the full county costs of the programs are provided on the financial plans. This is 100% of the county costs to complete the requested activities of this agreement. Please note that the full county costs will not necessarily be fully reimbursable by the CDFA. The total reimbursable cost by the CDFA is notated on the financial plans when submitted for execution. This information will also be provided to the counties for their records.

C. Hire and train county personnel as needed.

D. Provide and maintain county trapping vehicles.

E. Ensure that county supervisors and trapping personnel attend training provided by the CDFA District Entomologists.

F. Ensure that all trapping activities conform to the current version of the ITG.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

1. Ensure that a copy of the current version of the ITG is kept in each county trapper's vehicle for reference.

2. Should there be a discrepancy between the Scope of Work or the enclosed Pest Detection Trapping Guidelines (Attachment B) and the ITG, the Scope of Work and Pest Detection Trapping Guidelines must supersede the ITG.

G. Place and service the specified number of each trap type as indicated on the Trapping Hours Worksheet and Commitment Form 60-221 (Attachment C).

H. Ensure that all traps are properly identified with a unique trap number and accurately reflect servicing, baiting, and rebaiting dates. The unique trap numbering system is based upon the Statewide Trapping Grid, referenced here http://maps.cdfa.ca.gov/TrapBooks/MapBookHelp.pdf for software needs, links to the Map Books and GIS layers, and contacts for assistance.

1. The naming convention for the grid system is alphanumeric. Columns are Alpha (A – UW) and rows are Numeric (001 – 656). The grid name is the combination of column and row names. Naming starts in the northwest corner of the state and runs through the southeast. The remainder of the trap number consists of the quint or subgrid, trap type, and an intra-quint or intra-subgrid designation if more than one trap of that type is present or it is otherwise needed to track a trap that moves between quints. For example, trap EV241-S-OF1 is in grid EV241, south quint, trap type is oriental fruit fly, and it is designated as number “1” OF trap within that quint.

2. Ensure that the unique trap number is placed properly on all traps, along with accurate placement, servicing, baiting, and rebaiting dates, as appropriate. Requirements for the various trap types are as follows.

   a. Jackson trap – full trap number and servicing and rebaiting dates on outside.
   b. Jackson trap insert – full trap number, placement date, and trapper’s initials on non-sticky side.
   c. Delta trap – full trap number, servicing and rebaiting dates, and trapper’s initials on outside.
   d. Japanese beetle trap – full trap number and servicing and rebaiting dates on calendar card in cup of trap.
   e. ChamP™ trap – full trap number, servicing dates, and trapper’s initials on the top fold.
   f. Yellow panel trap – full trap number, placement date, and trapper’s initials on white backside when placing; note servicing dates on outside non-sticky margins.
   g. McPhail trap – full trap number and servicing dates on calendar card.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

I. Ensure that all sticky traps (i.e., Jackson, ChamP™, yellow panel, and SM) inspected and removed from the field shall be screened for suspects a second time at the trapping office by a supervisor or other qualified staff before disposal. This should occur daily, but in any event must be done within a week of removal from the field.

J. Ensure that all suspect sterilized fruit flies (non-QC plants) from areas where such flies are not being released are brought to the attention of the CDFA District Entomologist and sent to the Plant Pest Diagnostic Center (PPDC) in Sacramento with an accompanying Pest and Damage Record (PDR). The PPDC is located at:

CDFA – Plant Pest Diagnostic Center
3294 Meadowview Road
Sacramento, CA 95832

K. Ensure that all county commitment traps are placed, serviced, maintained, and removed following the state trapping guides and that all data collected from these traps also follows the state trapping guides.

L. Ensure that all activities are performed following the CDFA's management practices and any necessary mitigation measures as required and consistent with the CDFA's PEIR Management Practices and Mitigation Measures (Attachment E). A summarized list of pertinent practices and measures is attached. Complete the Tiering Strategy Checklist (Attachment F) prior to conducting trapping activities and mark any management practices and mitigation measures as required for each specific activity. The checklist, descriptions of the CDFA's management practices, and mitigation measures are found in PEIR Appendix C (PEIR, Appendix C, at http://www.cdfa.ca.gov/plant/peir/docs/final/Volume-3_Appendices_B-G.pdf), Mitigation Reporting Program at http://www.cdfa.ca.gov/plant/peir/docs/final/Volume-4_Appendices_H-P.pdf, and Findings of Fact at http://www.cdfa.ca.gov/plant/peir/docs/final/Findings-of-Fact-and-Overriding-Considerations.pdf. Complete the enclosed Tiering Strategy checklist templates for trapping for the core program by inserting Project Leader and County name where indicated by quote marks, and by inserting County number and name where indicated in the electronic file name. Submit each completed checklist along with the agreement. When the agreement ends, the County dates and signs a copy of each Tiering Strategy Checklist and sends that copy to the Invoice Team at cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov.

M. Maintain a Daily Trapping Summary (DTS) Form 60-210 for each trapper. This form must be completed daily, signed by the individual who performed the work and submitted to the trapping supervisor. The current DTS (i.e., the DTS completed the day prior to a QC inspection) must be available for immediate review by the CDFA District Entomologist or designee conducting the QC inspection. All DTS forms must be kept on file by the county for the CDFA Audits Office for three years. This form is available from the District Entomologist.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

N. Complete a monthly Report 1 through the online CMR, documenting all traps deployed, added, removed, and serviced during the month. A servicing is an inspection of the trap for the presence of the target pest. Relocations are considered trap servicings. Do not count trap relocations as “removed” and then “added.” The form must be filled out and submitted online prior to submitting the monthly invoice. The Report 1 is found at: http://phpps.cdfa.ca.gov/countyReports/ReportOne.aspx.

O. Provide one set of trapping records for all traps. This set must be in the form of either the "Trap Book” or electronic records, shall indicate the exact trap location using a site map and all information regarding trap placement, servicing, baiting, relocation and removal.

P. Attend trainings on the use of the CDFA’s CalTrap system. Participate in Data Conversion in one of three ways: 1) Manual data entry into the CalTrap system (login information will be provided upon confirmation that the county will be performing the data conversion); or 2) Bulk upload – enter data into an Excel spreadsheet; or 3) the CDFA will enter the data. Reference the CalTrap website at www.caltrap-info.com for additional information about the project.

    a. Participate in implementation of CalTrap when it becomes operational for your county. Counties that have completed the data conversion should plan for using CalTrap in Fiscal Year 2022-2023.

Q. Maintain an inventory of known host sites either in the trap book or electronic records. The inventory shall be organized by square mile, contain the addresses of host properties traceable to the nearest cross street, and indicate all known hosts on that property. The inventory shall be updated yearly. The multiple trap card system will suffice for this inventory. This inventory must be available for the trapper to use in the field daily.

R. Allow the CDFA personnel and/or federal officers to perform QC inspections on all county trap lines, including any county commitment trap lines. Also, follow any recommendations to address problems revealed through quality control inspections.

S. Allow the CDFA personnel and/or federal officers to accompany trappers and/or supervisors in the field. This will be credited as field training for county personnel.

T. Submit an electronic invoice (Attachment H) monthly to the Invoice Team at cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov. The counties must use the provided invoice.

    1. Submit monthly invoices 30 days after the last date the work was completed.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

2. Reimbursement of the monthly invoice will not occur unless the Report 1 is completed and submitted.

3. All invoice charges for reimbursement must match expenses listed on the executed county Financial Plans. All expenses listed on a monthly invoice, must be itemized, and kept for three years in county records in the event of an audit (federal or state). Any expense that is not listed in the Financial Plan is considered unauthorized and will not be reimbursed by the CDFA. A Budget and Survey Quick Guide (Attachment G) shows the total reimbursement cost CDFA must pay. Any cost over CDFA's reimbursable cost will not be paid. The Budget and Survey Quick Guide (Attachment G) can be used to assist in monthly invoicing.

4. The Invoice Template provided with the county cooperative agreement must be used and must contain the following:

   i. County name
   ii. Remit to address
   iii. Date of submittal
   iv. Invoice number
   v. Agreement name
   vi. Agreement number
   vii. Billing period
   viii. If revised, date revised invoice was submitted
   ix. The number of hours worked claimed on the invoice must match those documented on the Report 1.
   x. Invoices file names must follow the standard naming convention detailed below:

      County Name, Month of Service (ex: JUN, NOV, APR, FEB, etc.), Year of Service (last two digits 2022=22), Program Activity (ex: PD, ADD, CT, PD/ADD, PD/DELIM), Full Agreement #.

      Example: TulareJUN22PD20-1034-000-SF

5. Invoice amendments should be named using the same invoice naming convention, with the incorporation of 'REV' at the end. Amendments include invoice revisions due to adding/removing funds, adjusting any information in the invoice.

   Example: TulareJUN22PD20-1034-000-SF REV

6. All invoices, including invoice amendments, must be received within 120 days following the expiration date of the agreement. Invoices received more than 120 days after expiration of the agreement will not be paid.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

7. Please submit the invoice as a PDF file, making sure the file does not have dark highlights. A low-resolution PDF file or dark highlights may make the numbers illegible and the invoice unacceptable to the CDFA Financial Services Branch. The invoice will be returned to the county for an updated invoice.

8. Payment will be made monthly, in arrears, upon receipt of the Report 1 and approval of the invoice.

9. Please note that the CDFA cannot reimburse for more than the total executed agreement amount. If funds have been exhausted, it is recommended to continue sending monthly invoices as this can be useful information for future county budget needs and cost allocations.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Fruit Fly Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

A. Personnel Services - Fruit Fly (FF)		
		Billable Hours
Detection Trapping *(Total hours pulled from the Personnel Work Sheet)*		**501.50**
Non-Detection Trapping Hours *(Total hours pulled from Personnel Cost Work Sheet)*		**81.00**
	Total Hours:	**582.50**
	Subtotal Personnel Cost:	**$15,188.61**
	Overhead: 25%	**$3,797.15**
	Total Personnel Cost:	**$18,985.76**
B. Supplies *(Itemized such as trapping poles, office & field supplies, etc.)*		
Water		**$25.00**
Trapping Poles		**$20.00**
Office Supplies		**$25.00**
	Total Operating Expense Cost:	**$70.00**
D. Other Items of Expense *(Communications, IT Services, Subcontractor, etc.)*		
Item 1		**$0.00**
	Total Operating Expense Cost:	**$0.00**

E. Mileage

	# of Vehicles	Est. Miles	Mileage Rates *	Total Mileage Cost
County Vehicles	1.0	4,000.0	0.625	**$2,500.00**
State Vehicles	0.0	0.0	0.000	**$0.00**
Rental Vehicles	0.0	0.0	0.000	**$0.00**
			Total Mileage Cost:	**$2,500.00**

****Total FF "Actual" Cost:**	**$21,555.76**
*****Total Agreement Amount CDFA will reimburse for Core "FF":**	**$15,577.22**

* Current Mileage Rates subject to change and should reflect accurately on monthly invoices.

** "Total FF 'Actual' Cost" is the full cost the county requests to fully fund their FF activities.

*** "Total Agreement Amount CDFA will reimburse for Core FF" is the total cost CDFA will reimburse the counties for their CORE activities. CDFA cannot reimburse more than the total amount listed here.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Fruit Fly Personnel Work Sheet
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

Personnel Costs - Fruit Fly (FF)					
Position Title	**Hourly Wage**	**Hourly Benefit Amount**	**Total Hourly Rate**	**Total Billable Hours to be Worked**	**Total Cost**
Detection Positions					
Agricultral Field Assistant	$17.40	$1.57	$18.97	223.00	$4,230.31
Agricultral Field Assistant	$17.92	$1.61	$19.53	200.50	$3,915.77
Agricultural & Standards Inspector I	$28.99	$13.92	$42.91	24.00	$1,029.84
Agricultural & Standards Inspector I	$31.79	$15.26	$47.05	18.00	$846.90
Agricultural & Standards Inspector I	$27.61	$13.25	$40.86	18.00	$735.48
Agricultural & Standards Inspector I	$28.78	$13.81	$42.59	18.00	$766.62
			*** Detection Total:**	**501.50**	**$11,524.92**
			THWS	**501.27**	
Non-Detection Positions					
Agricltural Commissioner/Sealer	$56.87	$18.77	$75.64	10.00	$756.40
Agricltural Commissioner/Sealer	$58.64	$19.35	$77.99	7.00	$545.93
Agricultral Field Assistant	$17.40	$1.57	$18.97	4.00	$75.88
Agricultral Field Assistant	$17.92	$1.61	$19.53	4.00	$78.12
Agricultural & Standards Inspector I	$28.99	$13.92	$42.91	12.00	$514.92
Agricultural & Standards Inspector I	$31.79	$15.26	$47.05	10.00	$470.50
Agricultural & Standards Inspector I	$27.61	$13.25	$40.86	12.00	$490.32
Agricultural & Standards Inspector I	$28.78	$13.81	$42.59	10.00	$425.90
Account Clerk II	$18.89	$6.23	$25.12	8.00	$200.96
Account Clerk II	$19.69	$6.50	$26.19	4.00	$104.76
			Non-Detection Total:	**81.00**	**$3,663.69**
				Total FF Personnel Cost:	**$15,188.61**

* The "Detection Total" hours must not exceed the total Hours/Year on the Trapping Hours/Year Work Sheet (THWS). Salary rates subject to change due to changes in labor contracts program modifications, cost-of-living adjustments, step increases, classification series, fringe benefits, etc.

COMMENT: Non-Detection staff time spent processing specimens, second review of all traps, support, conference calls, meetings, public relations, etc. General management & clerical type duties, training, quality control, time keeping, invoicing, etc. Time alloted for data entry, traking gps coordinates, and weekly reporting.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Spongy Moth Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

A. Personnel Services - Spongy Moth (SM)

	Billable Hours
Detection Trapping *(Total hours pulled from the Personnel Work Sheet)*	477.40
Non-Detection Trapping Hours *(Total hours pulled from Personnel Cost Work Sheet)*	51.00
Total Hours:	528.40
Subtotal Personnel Cost:	$14,005.18
Overhead: 0%	$0.00
Total Personnel Cost:	$14,005.18

B. Supplies *(Itemized such as trapping poles, office & field supplies, etc.)*

Item 1	$0.00
Total Operating Expense Cost:	$0.00

D. Other Items of Expense *(Communications, IT Services, Subcontractor, etc.)*

Item 1	$0.00
Total Operating Expense Cost:	$0.00

E. Mileage

	# of Vehicles	Est. Miles	Mileage Rates *	Total Mileage Cost
County Vehicles	1.0	3,700.0	0.625	$2,312.50
State Vehicles	0.0	0.0	0.000	$0.00
Rental Vehicles	0.0	0.0	0.000	$0.00
			Total Mileage Cost:	$2,312.50

****Total SM "Actual" Cost:**	$16,318.00
*****Total Agreement Amount CDFA will reimburse for Core "SM":**	$11,792.16

* Current Mileage Rates subject to change and should reflect accurately on monthly invoices.

** "Total SM 'Actual' Cost" is the full cost the county requests to fully fund their SM activities.

*** "Total Agreement Amount CDFA will reimburse for Core SM" is the total cost CDFA will reimburse the counties for their CORE activities. CDFA cannot reimburse more than the total amount listed here.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Spongy Moth Personnel Work Sheet
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

Personnel Costs - Spongy Moth (SM)					
Position Title	**Hourly Wage**	**Hourly Benefit Amount**	**Total Hourly Rate**	**Total Billable Hours to be Worked**	**Total Cost**
Detection Positions					
Agricultral Field Assistant	$17.40	$1.57	$18.97	144.00	$2,731.68
Agricultral Field Assistant	$17.92	$1.61	$19.53	241.40	$4,714.54
Agricultural & Standards Inspector I	$28.99	$14.50	$43.49	24.00	$1,043.76
Agricultural & Standards Inspector I	$31.79	$15.90	$47.69	20.00	$953.80
Agricultural & Standards Inspector I	$27.61	$13.81	$41.42	24.00	$994.08
Agricultural & Standards Inspector I	$28.78	$14.39	$43.17	24.00	$1,036.08
			*** Detection Total:**	**477.40**	**$11,473.94**
			THWS	**477.40**	
Non-Detection Positions					
Agricltural Commissioner/Sealer	$56.87	$18.77	$75.64	10.00	$756.40
Agricltural Commissioner/Sealer	$58.64	$19.35	$77.99	6.00	$467.94
Agricultral Field Assistant	$17.40	$1.57	$18.97	2.00	$37.94
Agricultral Field Assistant	$17.92	$1.61	$19.53	1.00	$19.53
Agricultural & Standards Inspector I	$28.99	$13.92	$42.91	5.00	$214.55
Agricultural & Standards Inspector I	$31.79	$15.26	$47.05	7.00	$329.35
Agricultural & Standards Inspector I	$27.61	$13.25	$40.86	5.00	$204.30
Agricultural & Standards Inspector I	$28.78	$13.81	$42.59	7.00	$298.13
Account Clerk II	$18.89	$6.23	$25.12	6.00	$150.72
Account Clerk II	$19.69	$6.50	$26.19	2.00	$52.38
			Non-Detection Total:	**51.00**	**$2,531.24**
				Total SM Personnel Cost:	**$14,005.18**

* The "Detection Total" hours must not exceed the total Hours/Year on the Trapping Hours/Year Work Sheet (THWS).

Salary rates subject to change due to changes in labor contracts program modifications, cost-of-living adjustments, step increases, classification series, fringe benefits, etc.

COMMENT: Non-Detection staff time spent processing specimens, second review of all traps, support, conference calls, meetings, public relations, etc. General management & clerical type duties, training, quality control, time keeping, invoicing, etc. Time alloted for data entry, traking gps coordinates, and weekly reporting.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Japanese Beetle Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

A. Personnel Services - Japanese Beetle (JB)

	Billable Hours
Detection Trapping *(Total hours pulled from the Personnel Work Sheet)*	**38.19**
Non-Detection Trapping Hours *(Total hours pulled from Personnel Cost Work Sheet)*	**20.00**
Total Hours:	**58.19**
Subtotal Personnel Cost:	**$1,763.97**
Overhead: 0%	**$0.00**
Total Personnel Cost:	**$1,763.97**

B. Supplies *(Itemized such as trapping poles, office & field supplies, etc.)*

Item 1	**$0.00**
Total Operating Expense Cost:	**$0.00**

D. Other Items of Expense *(Communications, IT Services, Subcontractor, etc.)*

Item 1	**$0.00**
Total Operating Expense Cost:	**$0.00**

E. Mileage

	# of Vehicles	Est. Miles	Mileage Rates *	Total Mileage Cost
County Vehicles	1.0	540.0	0.625	**$337.50**
State Vehicles	0.0	0.0	0.000	**$0.00**
Rental Vehicles	0.0	0.0	0.000	**$0.00**
			Total Mileage Cost:	**$337.50**

****Total JB "Actual" Cost:**	**$2,101.47**
*****Total Agreement Amount CDFA will reimburse for Core "JB":**	**$1,518.62**

* Current Mileage Rates subject to change and should reflect accurately on monthly invoices.

** "Total JB 'Actual' Cost" is the full cost the county requests to fully fund their JB activities.

*** "Total Agreement Amount CDFA will reimburse for Core JB" is the total cost CDFA will reimburse the counties for their CORE activities. CDFA cannot reimburse more than the total amount listed here.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Core Japanese Beetle Personnel Work Sheet
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

Personnel Costs - Japanese Beetle (JB)					
Position Title	**Hourly Wage**	**Hourly Benefit Amount**	**Total Hourly Rate**	**Total Billable Hours to be Worked**	**Total Cost**
Detection Positions					
Agricultral Field Assistant	$17.40	$1.57	$18.97	21.00	$398.37
Agricultral Field Assistant	$17.92	$1.61	$19.53	11.19	$218.54
Agricultural & Standards Inspector I	$28.99	$14.50	$43.49	1.50	$65.24
Agricultural & Standards Inspector I	$31.79	$15.90	$47.69	1.50	$71.54
Agricultural & Standards Inspector I	$27.61	$13.81	$41.42	1.50	$62.13
Agricultural & Standards Inspector I	$28.78	$14.39	$43.17	1.50	$64.76
			*** Detection Total:**	**38.19**	**$880.57**
			THWS	**38.19**	
Non-Detection Positions					
Agricltural Commissioner/Sealer	$56.87	$18.77	$75.64	3.00	$226.92
Agricltural Commissioner/Sealer	$58.64	$19.35	$77.99	2.00	$155.98
Agricultral Field Assistant	$17.40	$1.57	$18.97	2.00	$37.94
Agricultral Field Assistant	$17.92	$1.61	$19.53	1.00	$19.53
Agricultural & Standards Inspector I	$28.99	$13.92	$42.91	3.00	$128.73
Agricultural & Standards Inspector I	$31.79	$15.26	$47.05	1.00	$47.05
Agricultural & Standards Inspector I	$27.61	$13.25	$40.86	3.00	$122.58
Agricultural & Standards Inspector I	$28.78	$13.81	$42.59	1.00	$42.59
Account Clerk II	$18.89	$6.23	$25.12	2.50	$62.80
Account Clerk II	$19.69	$6.50	$26.19	1.50	$39.29
			Non-Detection Total:	**20.00**	**$883.41**
				Total JB Personnel Cost:	**$1,763.97**

* The "Detection Total" hours must not exceed the total Hours/Year on the Trapping Hours/Year Work Sheet (THWS).

Salary rates subject to change due to changes in labor contracts program modifications, cost-of-living adjustments, step increases, classification series, fringe benefits, etc.

COMMENT: Non-Detection staff time spent processing specimens, second review of all traps, support, conference calls, meetings, public relations, etc. General management & clerical type duties, training, quality control, time keeping, invoicing, etc. Time alloted for data entry, traking gps coordinates, and weekly reporting.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

State of California
Pest Detection County Agreements
Trapping Hours/Year Worksheet

County: **Mariposa**

Fiscal Year: **2022-2023**

TRAPPING HOURS/YEAR WORKSHEET

TRAPPING SEASON for CORE PROGRAM

Trap Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF					2	2	2	2	2	2		
MP												
OF												
ML												
CP garden												
CP rural												
CP rural res.												
SM						2	2	2	2			
JB						2	2	2	2			
	4	weekly servicings			2	biweekly servicings			1	monthly servicings		

Trap Type	# of traps	x	serv/year	=	serv/year/trap
MF	35.00	x	13.02	=	455.70
MP		x		=	0.00
OF		x		=	0.00
ML		x		=	0.00
CP garden		x		=	0.00
CP rural		x		=	0.00
CP rural res.		x		=	0.00
SM	200.00	x	8.68	=	1,736.00
JB	16.00	x	8.68	=	138.88
				Total:	2,330.58

		Servicings/year/trap		Avg traps serve/hr		Hours/year		Hours/year plus 10%
FF	TOTAL:	455.70	÷	1.00	=	455.70	x1.1(10%)	501.27
		(A)		(B)		(C)		(D)
SM	TOTAL:	1,736.00	÷	4.00	=	434.00	x1.1(10%)	477.40
		(A)		(B)		(C)		(D)
JB	TOTAL:	138.88	÷	4.00	=	34.72	x1.1(10%)	38.19
		(A)		(B)		(C)		(D)

B = Average # of traps serviced per hour - figure entered by person completing work sheet.
C = Hours/year - calculated electronically.
D = Hours/year plus 10% - calculated electronically. "D" represents the billable hours for the trapper(s) in the field and is applied to the work plan in the "Detection" section. In addition to the detection trapper hours, the financial plans also cover non-detection (supervisor, administrative, etc.) hours.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
CalTrap Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

FY 2022-2023 CalTrap Financial Plan

Personnel Services

	Billable Hours
Personnel Training Hours	21.00
Personnel Data Conversion Hours *(if not billing for manual or bulk entry)*	0.00
Total Hours:	895.05
Subtotal Personnel Cost:	$895.05
Overhead: 0%	$0.00
Total Personnel Cost:	$895.05

Data Conversion Costs *(if not Billing Personnel Hours)*

	NO. OF SITES	COST PER SITE	COST
Data Conversion Manual Entry	0	$1.40000	$0.00
Data Conversion Bulk Upload	0	$0.6323	$0.00
Total Data Conversion Cost:			$0.00

Operating Expenses

	NO. OF ITEMS	COST PER ITEM	COST
Additional iPad(s)	0	$0.00	$0.00
Additional iPad Accessories	1	$50.00	$50.00

	COST PER MONTH	NO. OF USAGE MONTHS	NO. OF DEVICES	COST
Data Plan	$50.00	6	1	$300.00
Insurance/Warranty (Optional)	$0.00	0	0	$0.00
Total Operating Expense Cost:				$350.00

***Total CalTrap Cost:**	$1,245.05
****Total Agreement Amount CDFA will reimburse for CalTrap:**	$1,245.05

* "Total CalTrap 'Actual' Cost" is the full cost the county requests to fully fund their CalTrap activities.

** "Total Agreement Amount CDFA will reimburse for CalTrap" is the total cost CDFA will reimburse the counties for their CalTrap activities. CDFA cannot reimburse more than the total amount listed here.

*COMMENT: Staff time spent receiving training, providing training, attending meetings, conference calls related to CalTrap training. Time allocated for data entry and data conversion if not billed by site or bulk upload.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
CalTrap Personnel Work Sheet
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

Personnel Traingin and Personnel Data Conversion Costs					
Position Title	**Hourly Wage**	**Hourly Benefit Amount**	**Total Hourly Rate**	**Total Billable Hours to be Worked**	**Total Cost**
Positions Training					
Agricltural Commissioner/Sealer	$58.64	$17.59	$76.23	3.00	$228.69
Agricultral Field Assistant	$18.36	$1.84	$20.20	6.00	$121.20
Agricultural & Standards Inspector I	$31.79	$15.90	$47.69	6.00	$286.14
Agricultural & Standards Inspector I	$28.78	$14.39	$43.17	6.00	$259.02
			Training Total:	**21**	**$895.05**
Positions Converting Data to CalTrap					
Agricultral Field Assistant	$18.36	$1.84	$20.20	0.00	$0.00
Agricultural & Standards Inspector I	$31.79	$15.90	$47.69	0.00	$0.00
Agricultural & Standards Inspector I	$28.78	$14.39	$43.17	0.00	$0.00
			Data Conversion Total:	**0**	**$0.00**
				Total CalTrap Personnel Cost:	**$895.05**

COMMENTS: Salary rates subject to change due to changes in labor contracts program modifications, cost-of-living adjustments, step increases, classification series, fringe benefits, etc.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Additional Khapra Beetle Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

A. Personnel Services - Additional Khapra Beetle

	Billable Hours
Detection Trapping *(Total hours pulled from the Personnel Work Sheet)*	39.0
Non-Detection Trapping Hours *(Total hours pulled from Personnel Cost Work Sheet)*	22.0
Total Hours:	61.0
Subtotal Personnel Cost:	$2,904.9
Overhead: 25%	$726.2
Total Personnel Cost:	$3,631.1

B. Supplies *(Itemized such as trapping poles, office & field supplies, etc.)*

	$0.0
Total Operating Expense Cost:	$0.0

D. Other Items of Expense *(Communications, IT Services, Subcontractor, etc.)*

Item 1	$0.0
Total Operating Expense Cost:	$0.0

E. Mileage

	# of Vehicles	Est. Miles	Mileage Rates *	Total Mileage Cost
County Vehicles	1.0	75.0	0.625	$46.8
State Vehicles	0.0	0.0	0.000	$0.0
Rental Vehicles	0.0	0.0	0.000	$0.0
Total Mileage Cost:				$46.8

****Total Additional KB Cost:**	$3,678.0
*****Total Agreement Amount CDFA will reimburse for Additional KB Surveys:**	$3,678.0

* Current Mileage Rates subject to change and should reflect accurately on monthly invoices.

** "Total Additional KB Cost" is the full cost the county requests to fully fund their Additional KB activities.

*** "Total Agreement Amount CDFA will reimburse for Additional KB" is the total cost CDFA will reimburse the counties for their Additional activities. CDFA cannot reimburse more than the total amount listed here.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Additional Khapra Beetle Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

Personnel Costs - Additional Khapra Beetle					
Position Title	**Hourly Wage**	**Hourly Benefit Amount**	**Total Hourly Rate**	**Total Billable Hours to be Worked**	**Total Cost**
Detection Positions					
Agricultural & Standards Inspector I	$28.99	$14.50	$43.49	19.00	$826.31
Agricultural & Standards Inspector I	$31.79	$15.90	$47.69	20.00	$953.80
			*** Detection Total:**	**39.00**	**$1,780.11**
			THWS	39.60	
Non-Detection Positions					
Agricltural Commissioner/Sealer	$56.25	$16.88	$73.13	3.00	$219.39
Agricltural Commissioner/Sealer	$58.64	$17.59	$76.23	3.00	$228.69
Agricultural & Standards Inspector I Training	$27.61	$13.81	$41.42	8.00	$331.36
Agricultural & Standards Inspector I	$28.78	$14.39	$43.17	8.00	$345.36
			Non-Detection Total:	**22.00**	**$1,124.80**
				Total Additional KB Personnel Cost:	**$2,904.91**

* The "Detection Total" hours must not exceed the total Hours/Year on the Trapping Hours/Year Work Sheet (THWS).

Salary rates subject to change due to changes in labor contracts program modifications, cost-of-living adjustments, step increases, classification series, fringe benefits, etc.

COMMENT: Non-Detection staff time spent processing specimens, second review of all traps, support, conference calls, meetings, public relations, etc. General management & clerical type duties, training, quality control, time keeping, invoicing, etc. Time alloted for data entry, traking gps coordinates, and weekly reporting.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

California Department of Food and Agriculture
Pest Detection County Agreements
Additional Khapra Beetle Financial Plan
FY 2022/2023
July 1, 2022 - June 30, 2023
Mariposa County

State of California
Pest Detection County Agreements
Trapping Hours/Year Worksheet

County: **Mariposa**

Fiscal Year: **2022-2023**

TRAPPING HOURS/YEAR WORKSHEET

TRAPPING & SURVEY SEASON for ADDITIONAL ACTIVITIES

Survey Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
KB					1	1	1	1	1	1		
	4	weekly servicings			2	biweekly servicings			1	monthly servicings		

Survey Type	serv/ month*	x	months trapping	x	serv/ year	x	# of traps/month	=	serv/year /trap
KB	1.00	x	6.00	=	6	x	3.00	=	18.00
								Total:	18.00

		Servicings/year /trap		Avg traps serve/hr		Hours/year		Hours/year plus 10%
KB	TOTAL:	18 (A)	÷	0.50 (B)	=	36.00 (C)	x1.1(10%	39.60 (D)

B = Average # of traps serviced per hour - figure entered by person completing work sheet.
C = Hours/year - calculated electronically.
D = Hours/year plus 10% - calculated electronically. "D" represents the billable hours for the trapper(s) in the field and is applied to the work plan in the "Detection" section. In addition to the detection trapper hours, the financial plans also cover non-detection (supervisor, administrative, etc.) hours.

10/25/21 Form 66-223

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Attachment B

PEST DETECTION TRAPPING GUIDELINES (#2)

No McPhail, North District, 6 months

Fiscal Year 2022-23

1. Place all traps, except spongy moth (SM) and Japanese beetle (JB) (see below), beginning on the season start date (versus two weeks prior to the season start date). Remove traps at the last servicing for the season so that all traps have been removed at the end of the season (versus the two weeks after the season).

2. Place SM and JB traps beginning on or prior to the season start date (normally June 1). Remove all SM and JB traps after August 31, unless a different time period has been agreed upon with the District Entomologist.

3. Ensure that Jackson Mediterranean fruit fly (Medfly) traps, baited with trimedlure, are serviced every 14 days from July 1 through October 31, 2022, and from date of placement in 2023 (May 1 or later) through June 30.

4. Ensure that ChamP™ or yellow panel traps, baited with ammonium bicarbonate or ammonium carbonate, respectively, in rural areas are serviced once each month and relocated at each service from July 1 through October 31, 2022, and from date of placement in 2023 (May 1 or later) through June 30.

5. Ensure that Jackson oriental fruit fly traps, baited with methyl eugenol, are serviced every 14 days from July 1 through October 31, 2022, and from date of placement in 2023 (May 1 or later) through June 30.

6. Ensure that Jackson melon fly traps, baited with cue-lure, are serviced every 14 days from July 1 through October 31, 2022, and from date of placement in 2023 (May 1 or later) through June 30.

7. Ensure that SM and JB traps are serviced every 14 days from July 1 through August 31, 2022, and from June 15 through June 30, 2023, unless determined otherwise by the CDFA District Entomologist and noted on the Trapping Hours Worksheet (THWS) and Commitment Form (60-221).

8. Place and service any other traps or conduct any surveys as included on the THWS and Commitment Form. Follow additional activity guidelines posted at: https://phpps.cdfa.ca.gov/PDEP/PDF/Detection2020-22/AdditionalCountySurveyTargets2022Final.pdf unless other arrangements are agreed upon with PD/EP.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

State of California
Department of Food and Agriculture
Plant Health and Pest Prevention Services

Attachment C

PEST DETECTION/EMERGENCY PROJECTS FY 2022 / 2023 COMMITMENT FORM

AGRICULTURAL COMMISSIONER	
Monica Nielsen	Mariposa
DETECTION SPECIALIST	
Bret Wise	10/18/2022

TRAPPING		Other COMMITMENT	Core and Additional COMMITMENT CORE	/	ADDITIONAL	TOTAL COMMITMENT
JACKSON TRAP - MEDFLY	MF	0	35	/	0	35
McPHAIL TRAP	MP	0	0	/	0	0
JACKSON TRAP - ORIENTAL FRUIT FLY	OF	0	0	/	0	0
JACKSON TRAP - MELON FLY	ML	0	0	/	0	0
CHAMP TRAP - Garden	CP	0	0	/	0	0
CHAMP TRAP - Rural	CP	0	0	/	0	0
CHAMP TRAP - Rural Residential	CP	0	0	/	0	0
SPONGY MOTH	SM	0	200	/	0	200
JAPANESE BEETLE	JB	0	16	/	0	16
OTHER ADDITIONAL	KB	0	0	/	3	3
		0	0	/	0	0
		0	0	/	0	0
		0	0	/	0	0
		0	0	/	0	0
		0	0	/	0	0
		0	0	/	0	0

SPECIAL TRAPPING CONSIDERATIONS:

60-221 (REV 5/22)

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
PEST DETECTION/EMERGENCY PROJECTS

PROTOCOL FOR CONDUCTING QUALITY CONTROL PLANTING OF DETECTION TRAPPING PROGRAMS

January 2020

Quality control planting (QCP) is a tool used by the California Department of Food and Agriculture (CDFA) to determine the trapper's ability to identify specific target insects that are placed inside traps in an actual trapping environment and to monitor compliance with protocols as outlined in the CDFA Insect Trapping Guide (ITG, https://www.cdfa.ca.gov/plant/PDEP/Insect_Trapping_Guide/index.html).

These guidelines may be revised. Should any revisions occur, County staff will be notified and provided revised guidelines prior to any changes taking effect.

Types of Plants

There are two types of plants: Training and General. Training plants are used to evaluate new trappers, and no more than two should occur per trapper for the duration of their employment. If two Training plants are given to the same trapper, the target pests and traps should be of different types (e.g., Medfly and Mexican fruit fly, Jackson and McPhail). All other plants are considered General plants, and are subject to the Missed Plant recommendations below.

Frequency

Frequent planting will ensure that all trappers have a variety of target insects planted in their traps over the course of the season. Planting may occur as often as monthly, especially for counties with five or more trappers. New trappers will be planted as soon as possible after they have started servicing traps, in order to identify and correct any issues as early as possible. All trappers in a program will be planted as equally as possible over the course of the season, so as not to unduly substantially bias planting towards one or more trappers.

Preparation

1. Seven target species are used in routine planting of detection and delimitation trap lines: Mediterranean fruit fly (MF), melon fly (ML), Mexican fruit fly (MX), oriental fruit fly (OF), spongy moth (SM), Japanese beetle (JB), and European grapevine moth (EGVM). Additional species may be used for specific projects.

2. Planting specimens are pre-marked as follows:

    a. Fruit flies are fluorescent-dyed at the rearing facilities, and have the right wing clipped at the tip under the direction of the District Entomologist. These flies have also been irradiated, so their reproductive organs will show signs of sterility.
    b. SMs and EGVMs display a red abdomen internally as the result of a red rearing diet.
    c. JBs have a mounting-pin hole through the sternum.

3. Trap type – QCP species correlation:

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

	TRAP	QCP
a.	McPhail, Multillure or ChamP	Any one of the target fly species: MF, ML, MX, OF
b.	Trimedlure Jackson	MF
c.	Cue-lure Jackson	ML
d.	Methyl eugenol Jackson	OF
e.	SM	SM
f.	JB	JB
g.	EGVM	EGVM

4. Only one specimen per trap will be planted.

5. Specimens which are the same species as that being released as part of a sterile release project will not be planted into traps either within the release area or within a one-mile buffer surrounding the release area.

6. All planting specimens will be in good condition, clearly showing distinguishing body parts.

7. Specimens are available to District Entomologists through the CDFA Statewide Trapping QC Coordinator or designee.

7. Upon receipt, the District Entomologist is responsible for their specimens' distribution, condition, proper reporting, and follow-up to any identified problems.

8. All specimens are stored in alcohol, with the exception of EGVM and SM, which are stored dry in a freezer.

9. Specimens are kept secured by being stored in locked cabinets, boxes, etc.

Planting Procedure

1. The District Entomologist, or designee, will notify the county trapping supervisor that planting will occur within a general timeframe. All involved parties shall maintain the confidential nature of this process and must not inform trappers that planting will be performed during that timeframe. Trapping supervisors and District Entomologists should promote the concepts that planting can be performed at any time during the trapping season and that trappers should always be on the alert for targeted insects, not only when they think planting is occurring.

2. Traps to be planted will be those scheduled to be serviced within three to four working days of the planting. This will reduce the possibility of plants being destroyed while in the traps.

3. Trap address will be verified and all other identifying descriptions of that trap will be checked for accuracy.

4. The planter shall carefully place the planted insect within the trap in a manner that will not damage the insect and that will allow for accurate identification by the trapper. Flies placed on sticky traps will be placed so that one wing adheres to the adhesive on the insert, and one or both wings should be in full view. SM and EGVM will be placed so that the tops of the wings are visible, and SM may be placed under the trap lip to ensure that

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

the entire trap is examined. Plants on dry traps will be placed on the sticky surface in full view, and not partially covered by debris or other larger insects. Plants will not be placed in traps which are compromised and not fully functional, such as sticky traps covered by debris or other larger insects, dried out McPhails, etc.

5. Immediately after placing an insect within a trap, the planter will complete the QC Plant Form (QCPF) at the location of the planting, double-checking to make sure that all relevant information is accurate. It is recommended that photos be taken of the trap and of the QC plant as documentation.

6. Sticky traps are required to be double-checked by someone other than the trapper prior to being discarded. Therefore, it is acceptable for QC plants to be placed onto sticky traps removed from the field for discard to determine the effectiveness of the second checker when double-checking those inserts. This procedure will only be performed by the District Entomologist or designee in the presence of the trapping supervisor. If the trapping supervisor serves as the second checker, the trapping supervisor's supervisor must be notified and participate, per the above procedure. For this type of plant, the QCPF is completed with the appropriate notations and "Discard" written in the Address column.

Reporting

At the end of each planting day, the planter will provide (via email, fax or in person) the completed QCPF to the county Agricultural Commissioner (or designee), the Statewide Trapping QC Coordinator, the QCP contact at PD/EP Headquarters, and the District Entomologist (if not the planter). The naming convention to be used for the report is: county number or state office initial as designated in the PDR system (e.g., Shasta County is 45, San Marcos PD/EP office is SM) - date [year (last 2 numbers) - month (2 numbers) - day) - planter's initials (e.g., rl for Ray Leclerc) – qcp (Quality Control Plant). As an example, 45200618rlqcp would be the QCP report for Shasta County on June 18, 2020 as performed by Ray Leclerc. For those counties, such as San Diego, which are partially trapped by the county and partially by one or more state offices, the county number will be used for county routes and the state office initial used for state routes.

Within two working days of the last date that planted insects should have been discovered and submitted, the trapping supervisor shall send a copy of the QCPF with the final status for each of the planted traps indicated to the District Entomologist. The District Entomologist will forward the QCPF to the Statewide Trapping QC Coordinator and to the QCP contact at PDEP Headquarters.

If any of the plants were missed, the Missed QC Plant Report shall be submitted by the trapping supervisor to the District Entomologist as soon as possible. The District Entomologist will send the information to the Statewide QC Coordinator and the QCP contact at PD/EP Headquarters within two working days of receiving all of the relevant information.

Statewide Trapping QC Coordinator:
Ana Nistor
AnaMaria.Nistor@cdfa.ca.gov

QCP contact at PD/EP Headquarters:
Ana Nistor

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

AnaMaria.Nistor@cdfa.ca.gov

Sample Submission

Routine QCP recoveries should not be sent to the CDFA Plant Pest Diagnostics Center (PPDC), provided that the trapping supervisor can confirm the presence of identifying QCP markings on the specimen (e.g., clipped wing, fluorescent dye, pin hole through the sternum, etc.) and the trap information matches that on the QCPF. Such recovered plants should be returned to the District Entomologist or designee, who will destroy them. It is critical that all recovered plants are returned for disposal.

In the event that the identity of the sample as a QCP is not 100% assured as outlined above, the trapping program will send the sample to the PPDC at the address below, accompanied by an electronic Pest and Damage Record (ePDR). Examples of less-than-100% assurance can include the presence of two specimens on one insert when the QCPF shows only one, the inability to confirm identifying QCP markings as described above, or discrepancy in the trap information. Such specimens shall be considered a possible wild suspect and should be submitted as a RUSH wild A-rated suspect would be submitted (see ITG). In addition, in the "Remarks" section of the ePDR, state the following: "Questionable QC Planted Insect". Include the reason for the uncertainty in this section (e.g., "Two specimens on insert, one specimen known to be a plant." or "possible plant but lacking any marked features – no clipped wing", etc.). Report any such specimens to the District Entomologist immediately.

Send suspects to: Entomology Lab
CDFA Plant Pest Diagnostics Center
3294 Meadowview Road
Sacramento, CA 95832-1448
Phone: 916-262-1100

Missed Plant

Any missed plants will require the trapping supervisor to visit the subject trap location as soon as possible to determine if the plant is still in the trap and if it is in recognizable condition. A trapper who misses a plant shall be immediately retrained in target pest identification by the trapping supervisor, and will be re-planted within two weeks of the retraining session. The re-plant of a missed training plant is considered a general plant; i.e., it is not a second training plant.

In the event that the missed plant is determined by the District Entomologist to not be the fault of the trapper (e.g., plant missing from trap or plant damaged beyond recognition), this situation will be noted on the QCPF as "MNFT" (Missed Not Fault of Trapper) in the "Status" column. MNFT specimens will not be reported on the Missed QC Plant Report and do not count towards employee evaluations.

Trappers will be recommended for removal from the trapping program if they miss non-training planted insects in the following numbers during a 12-month period, starting on the date of the first miss.

1. **Fruit Flies or EGVM: Three (in any combination)**
2. **SM or JB: Two, or one plus any other insect (in any combination)**

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Consequences of missing plants from a sticky trap that was double-checked will be reviewed and evaluated on an individual basis.

Missed training plants and MNFTs will not be counted against a program's overall percent-recovered rating.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

PEIR Management Practices (MP) and Mitigation Measures (MM)
For Trapping

January 2022

MP-SPRAY-2: Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities.

- Use dedicated specific equipment for specific products when appropriate.
- Ensure equipment is cleaned properly per the manufacturer's specifications and any pesticide label directions.

MP-SPRAY-3: Follow pesticide application laws and regulations, and label directions.

- Comply with Pesticide label.
- Be aware of any regulations or internal procedures before application.
- Use appropriate application methods and rates.
- Mix and load chemicals in areas where spills can be contained. Limit mixing and loading in the field.

MP-SPRAY-6: Clean equipment and dispose of rinse water per label directions.

- Rinse equipment according to manufacturer's label instructions.
- Discharge rinse water only in areas that are part of the application site or at a certified waste treatment facility.
- Dispose of surplus chemicals and containers according to label instructions.

MP-SPRAY-7: Follow appropriate product storage procedures.

- Ensure proper storage of all pesticides per label instructions.
- Ensure all pesticides removed from their original container are properly sealed for use within a service container.
- Seal all service containers within a tool box.
- Lock tool boxes when unattended.

MP-GROUND-3: Train personnel in proper use of pesticides.

- Conduct training for personnel in the safe and proper mixing, loading, and application of pesticides, in compliance with both federal and State pesticide regulations and the product label.

MP-HAZ-1: Implement a Spill Contingency Plan.

- Contain spill immediately to minimize the risk of further pesticide exposure to people, animals, and the environment.
- Be prepared to respond to pesticide spills.
- Provide clean-up of small spills (50 gallons or less) and properly dispose of residual materials.For larger spills notify the Chemical Transportation Emergency Center at 800-424-9300.
- Follow instructions for First Aid Measures as listed on the Material Safety Data Sheet.
- Call an ambulance in the event of a spill involving severe personal injury.
- Remove anyone exposed to pesticides to a safe location. If applicable, remove their clothing and wash contaminated skin with soap and water.
- Do not move a seriously injured person unless it is absolutely essential because of the risk of further injury.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

- Do not leave injured or incapacitated persons until proper medical assistance arrives.
- Provide a pesticide label and/or material safety data sheet for medical personnel.
- For any spill incident, contact the California State Warning Center / Governor's Office of Emergency Services at 916-845-8911 or warning.center@oes.ca.gov.
- Call the fire department and notify department personnel of the presence of pesticides for a spill involving fire, if a fire hazard exists. Eliminate all sources of ignition (electric motors, gasoline engines, or smoking) to prevent fire or explosion.
- Contact the California Highway Patrol by calling 911 for a spill occurring on a highway.
- Call local police or the county sheriff for a spill occurring off-road.
- For minor spills of 50 gallons or less:
  - Wear rubber boots, coveralls, rubber gloves, and eye protection.
  - Confine the leak or spill to the smallest area possible by using natural terrain, soil, or absorbent material.
  - Shovel contaminated material into a leak-proof container.
  - Do not hose down the area.
  - Work carefully and safely; do not hurry.
  - Dispose contaminated material in the same manner as for excess pesticides or hazardous wastes.
- For major spills of 50 gallons or more:
  - Follow the steps listed for all above and include the additional number below.
  - If the spill is too big, or uncertainty exists as to the appropriate action, notify the Chemical Transportation Emergency Center at 800-424-9300.

MP-HAZ-2: Use a safety and cleanup materials checklist.

- Follow a checklist for safety and cleanup materials to accompany mixing-loading vehicles during treatment activities, which should include the following:
  - For Safety: a first-aid kit; a fire extinguisher (516, type A-B-C), and goggles.
  - For Clean-up: one shovel, large heavy-duty plastic bags, rubber boots, disposable coveralls, water, rubber gloves, a broom and dust pan, liquid detergent, several bags of "kitty litter" or other absorbent materials.

MP-HAZ-3: Implement decontamination.

- Decontaminate paved surfaces per site specific protocols and Accidental Release Measures on the Material Safety Data Sheet.
- Shovel contaminated material into a leak-proof metal drum for final disposal.

MP-HAZ-4: Follow appropriate disposal procedures.

- Dispose all materials that have been contaminated by spillage or exposed to large volumes of pesticides, including cloth, soil, and wood that cannot be decontaminated, in the same manner as done for excess pesticides.
- Store contaminated absorbent material and materials that cannot be

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

decontaminated in a leak-proof container and dispose the container at a Class I landfill.

Mitigation Measure HAZ-GEN-4a: Determine Potential for Hazardous Materials Exposure.

- Before conducting any activities under the Proposed Program, CDFA staff (or the entity conducting the activity) shall determine whether the potential exists for the activity, based on its characteristics and location, to result in exposure to existing sites of hazardous materials contamination.

Mitigation Measure HAZ-GEN-4b: Conduct a Hazardous Materials Records Search before Beginning Proposed Program Activities at a Given Site.

- If exposure to hazardous materials contamination is determined to be a possibility, before conducting the activity under the Proposed Program, CDFA staff (or the entity conducting the activity) shall search the EnviroStor database to identify any area that may be on sites containing known hazardous materials. If hazardous sites are encountered, CDFA shall coordinate with the property owners and/or site managers, and regulatory agencies with jurisdiction over these sites for proper protocols to follow to protect worker health and safety. At a minimum, these protocols shall ensure that workers are not subjected to unacceptable health risk or hazards, as determined by existing regulations and standards that have been developed to protect human health.

Mitigation Measure HAZ-GEN-4c: Stop work and implement hazardous materials investigations/ remediation for contamination health risks.

- In the event that during the activity, previously unknown hazardous materials not related to the Proposed Program are encountered that may pose a health risk to those implementing Proposed Program activities, all activities will stop and CDFA (or the entity conducting the activity) shall consult the landowner and appropriate agencies to determine the extent of the hazardous material and determine what safety protocols need to be implemented to continue Proposed Program activities. At a minimum, these protocols will ensure that workers are not subjected to unacceptable health risk or hazards, as determined by existing regulations and standards that have been developed to protect human health.

Mitigation Measure HAZ-CHEM-1a: Conduct Public Information Sessions Regarding Pesticide Safety Practices.

- CDFA shall continue to work with CDPR and CACs to conduct public information sessions in the local communities where Proposed Program chemical management activities are proposed to be conducted. The focus will be on educating residents whose properties are being treated or who live in proximity to areas being treated on MPs for pesticide applications, including an emphasis on notification, signage, re-entry periods, potential adverse health effects, and how to seek proper help if an accident is suspected. As necessary, sessions will be conducted or translated in a language understood by the target audience, such as Spanish.

Mitigation Measure HAZ-CHEM-1b: Conduct Training Sessions and Prepare Educational Materials Regarding Safe Handling and Application of Pesticides.

- CDFA shall continue training sessions for its staff and contractors

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

regarding safe pesticide handling and application.

- In addition, for quarantine areas, CDFA shall include materials in its compliance agreements with regulated entities (e.g., growers) with information for pesticide applicators and agricultural workers regarding MPs for pesticide applications, including an emphasis on notification, signage, re-entry periods, potential adverse health effects, and how to seek proper help if an accident is suspected. A regulated entity is defined as someone who has to comply with the quarantine requirements in order to move their products outside of the regulated area. This may include but not be limited to growers, nurseries, and commodity shippers. The compliance agreements will require that regulated entities distribute these materials to applicators and workers.
- As necessary, all materials will be presented in a language understood by the target audience, such as Spanish.

Mitigation Measure HAZ-CHEM-3: Require Compliance with the Proposed Program's Authorized Chemical Application Scenarios.

- CDFA shall require Proposed Program staff and contractors to conduct chemical applications in a manner consistent with the Proposed Program's authorized chemical application scenarios, resulting in acceptable human health risk as described in Chapter 2, Proposed Program Description and the HHRA (Appendix B). Deviations from the authorized chemical application scenarios may be allowed if:
  - An evaluation is conducted pursuant to the CEQA Tiering Strategy (Appendix C), which concludes that the alternative scenario will not exceed the level of concern for any receptor; or
  - A certified industrial hygienist concludes that the alternative scenario will not result in risk exceeding the level of concern for any potential receptor, and the scenario is implemented by a licensed or certified applicator. This conclusion may be based on site-specific factors that minimize potential for exposure, absence of a particular receptor, use of additional or different PPE, or monitoring of the exposure, such as regular blood tests to ensure blood concentrations in the exposed individuals are below the risk threshold.
  - The results of the evaluation or hygienist's conclusions will be documented, along with any monitoring results.
  - CDFA will conduct training for its staff and contractors on these approaches. CDFA also will require adherence to these scenarios by including requirements in contractual agreements, such as compliance agreements (for quarantines), permits (e.g., for movement of certain materials outside quarantine areas), contracts (e.g., with CDFA contractors), or other similar means.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Attachment 1 - Tiering Strategy Checklist

Start Date:	July 1, 2022
Project Leader:	Monica Nielsen
Description of Activity:	Jackson traps (contain trimedlure, methyl eugenol and dibrom, or cue-lure and dibrom), McPhail traps (contain torula yeast), and ChamP or yellow panel traps (contain ammonium bicarbonate or carbonate) hung in or near host plants during the prescribed trapping season. Residents notified at time of placement.
Activity Surroundings (Residential, agriculture, mixed use, other regulated entities):	Exotic fruit fly trapping conducted within the whole of Mariposa County. Property types are various (residential, agriculture, mixed use, undeveloped) and have fruit fly host plants on or near them.

Part A

	Response	Justification/Rationale
Is the proposed activity under CDFA's discretion?	Yes	Detect exotic fruit flies.
Is the activity described in the PEIR?	Yes	(If the Response is "Partially" or "No" skip to Part C) PEIR section 3.4.16

Part B

	Check Applicable Requirements
General Requirements	
Conduct activity as described in Chapters 2 and 3 of PEIR	✓
Include applicable PEIR requirements in Compliance Agreements with regulated entities, based on the activities the regulated entities may conduct in response to quarantine	

Activity Site Specific Review		
Database	**Date Reviewed**	**Mitigation If Any**
California Natural Diversity Database	N/A	
303(d) List of Impaired Waters	N/A	
EnviroStor Hazardous Site	N/A	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

	Check Applicable Requirements
Management Practices	
MP-SPRAY-1: Conduct a Site Assessment	
MP-SPRAY-2: Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities	✓
MP-SPRAY-3: Follow pesticide application laws and regulations, and label directions	✓
MP-SPRAY-4: Apply chemicals only under favorable weather conditions	
MP-SPRAY-5: Follow integrated pest management and drift reduction techniques	
MP-SPRAY-6: Clean equipment and dispose of rinse water per label directions	✓
MP-SPRAY-7: Follow appropriate product storage procedures	✓
MP-AERIAL-1: Use appropriate aerial spray treatment procedures	
MP-GROUND-1: Follow appropriate ground-rig foliar treatment procedures	
MP-GROUND-2: Follow appropriate low-pressure backpack treatment procedures	
MP-GROUND-3: Train personnel in proper use of pesticides	✓
MP-GROUND-4: Enforce runoff and drift prevention	
MP-HAZ-1: Implement a Spill Contingency Plan	✓
MP-HAZ-2: Use safety and cleanup materials checklist	✓
MP-HAZ-3: Implement decontamination	✓
MP-HAZ-4: Follow appropriate disposal procedures	✓
Mitigation Measures	
Mitigation Measure BIO-CHEM-2: CDFA will obtain technical assistance from USFWS, CDFW and NMFS to identify site-specific buffers and other measures to protect habitats utilized by special-status species	
Mitigation Measure HAZ-GEN-4a: Determine Potential for Hazardous Materials Exposure	✓
Mitigation Measure HAZ-GEN-4b: Conduct a Hazardous Materials Records Search before Beginning Proposed Program Activities at a Given Site	✓
Mitigation Measure HAZ-GEN-4c: Stop work and implement hazardous materials investigations/ remediation for contamination health risks	✓
Mitigation Measure HAZ-CHEM-1a: Conduct Public Information Sessions Regarding Pesticide Safety Practices	✓
Mitigation Measure HAZ-CHEM-1b: Conduct Training Sessions and Prepare Educational Materials Regarding Safe Handling and Application of Pesticides	✓
Mitigation Measure HAZ-CHEM-3: Require Compliance with the Proposed Program's Authorized Chemical Application Scenarios	✓
Mitigation Measure NOISE-PHYS-1: Conduct Activities during the Daytime	
Mitigation Measure WQ-CHEM-2: Track Emerging Water Quality Standards and Implement Additional Mitigation as Appropriate	
Mitigation Measure WQ-CHEM-5: Require Implementation of Proposed Program MPs as Part of Compliance Agreements	
Mitigation Measure WQ-CUM-1: Identify whether Proposed Program Pesticide Applications May Occur in Proximity to Impaired Waterbodies, and Implement Appropriate MPs	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Part C

	Y/N	Justification/Rationale
Step 1		
Is the Activity substantially similar to that considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a management practice that was not included in the PEIR is being considered, would it be equivalent or more effective to the management practice originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a mitigation measure that was not included in the PEIR is being considered, would it be equivalent or more effective to the mitigation measure originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
Would the activity result in potentially significant impacts which were not considered in the PEIR, not considered to be significant in the PEIR, or would be substantially more significant than disclosed in the PEIR?		(If yes go to Step 3, if no go to Step 2)
Step 2	Attach supporting documentation for determination, and CEQA Addendum, as applicable	
Step 3	Attach tiered CEQA document, and identify additional requirements from that document	

Confirmation of Implementation (following completion of activity)	
Project Leader Name:	Monica Nielsen
Signature*:	
End Date:	06/30/2023

*This signature confirms that all applicable requirements identified on this checklist and related documentation has been properly implemented.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Attachment 1 - Tiering Strategy Checklist

Start Date:	July 1, 2022
Project Leader:	Monica Nielsen
Description of Activity:	Spongy moth traps (contain disparlure) hung in or near host plants during the prescribed trapping season. Residents notified at time of placement.
Activity Surroundings (Residential, agriculture, mixed use, other regulated entities):	Spongy moth trapping conducted within the whole of Mariposa County. Property types are various (residential, agriculture, mixed use, undeveloped) and have spongy moth host plants on or near them.

Part A

	Response	Justification/Rationale
Is the proposed activity under CDFA's discretion?	Yes	Detect spongy moth.
Is the activity described in the PEIR?	Yes	(If the Response is "Partially" or "No" skip to Part C) PEIR section 3.4.19

Part B

	Check Applicable Requirements
General Requirements	
Conduct activity as described in Chapters 2 and 3 of PEIR	✓
Include applicable PEIR requirements in Compliance Agreements with regulated entities, based on the activities the regulated entities may conduct in response to quarantine	
Activity Site Specific Review	

Database	Date Reviewed	Mitigation If Any
California Natural Diversity Database	N/A	
303(d) List of Impaired Waters	N/A	
EnviroStor Hazardous Site	N/A	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

	Check Applicable Requirements
Management Practices	
MP-SPRAY-1: Conduct a Site Assessment	
MP-SPRAY-2: Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities	✓
MP-SPRAY-3: Follow pesticide application laws and regulations, and label directions	✓
MP-SPRAY-4: Apply chemicals only under favorable weather conditions	
MP-SPRAY-5: Follow integrated pest management and drift reduction techniques	
MP-SPRAY-6: Clean equipment and dispose of rinse water per label directions	✓
MP-SPRAY-7: Follow appropriate product storage procedures	✓
MP-AERIAL-1: Use appropriate aerial spray treatment procedures	
MP-GROUND-1: Follow appropriate ground-rig foliar treatment procedures	
MP-GROUND-2: Follow appropriate low-pressure backpack treatment procedures	
MP-GROUND-3: Train personnel in proper use of pesticides	✓
MP-GROUND-4: Enforce runoff and drift prevention	
MP-HAZ-1: Implement a Spill Contingency Plan	✓
MP-HAZ-2: Use safety and cleanup materials checklist	✓
MP-HAZ-3: Implement decontamination	✓
MP-HAZ-4: Follow appropriate disposal procedures	✓
Mitigation Measures	
Mitigation Measure BIO-CHEM-2: CDFA will obtain technical assistance from USFWS, CDFW and NMFS to identify site-specific buffers and other measures to protect habitats utilized by special-status species	
Mitigation Measure HAZ-GEN-4a: Determine Potential for Hazardous Materials Exposure	✓
Mitigation Measure HAZ-GEN-4b: Conduct a Hazardous Materials Records Search before Beginning Proposed Program Activities at a Given Site	✓
Mitigation Measure HAZ-GEN-4c: Stop work and implement hazardous materials investigations/ remediation for contamination health risks	✓
Mitigation Measure HAZ-CHEM-1a: Conduct Public Information Sessions Regarding Pesticide Safety Practices	✓
Mitigation Measure HAZ-CHEM-1b: Conduct Training Sessions and Prepare Educational Materials Regarding Safe Handling and Application of Pesticides	✓
Mitigation Measure HAZ-CHEM-3: Require Compliance with the Proposed Program's Authorized Chemical Application Scenarios	✓
Mitigation Measure NOISE-PHYS-1: Conduct Activities during the Daytime	
Mitigation Measure WQ-CHEM-2: Track Emerging Water Quality Standards and Implement Additional Mitigation as Appropriate	
Mitigation Measure WQ-CHEM-5: Require Implementation of Proposed Program MPs as Part of Compliance Agreements	
Mitigation Measure WQ-CUM-1: Identify whether Proposed Program Pesticide Applications May Occur in Proximity to Impaired Waterbodies, and Implement Appropriate MPs	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Part C

	Y/N	Justification/Rationale
Step 1		
Is the Activity substantially similar to that considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a management practice that was not included in the PEIR is being considered, would it be equivalent or more effective to the management practice originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a mitigation measure that was not included in the PEIR is being considered, would it be equivalent or more effective to the mitigation measure originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
Would the activity result in potentially significant impacts which were not considered in the PEIR, not considered to be significant in the PEIR, or would be substantially more significant than disclosed in the PEIR?		(If yes go to Step 3, if no go to Step 2)
Step 2	Attach supporting documentation for determination, and CEQA Addendum, as applicable	
Step 3	Attach tiered CEQA document, and identify additional requirements from that document	

Confirmation of Implementation (following completion of activity)	
Project Leader Name:	Monica Nielsen
Signature*:	
End Date:	06/30/2023

*This signature confirms that all applicable requirements identified on this checklist and related documentation has been properly implemented.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Attachment 1 - Tiering Strategy Checklist

Start Date:	July 1, 2022
Project Leader:	Monica Nielsen
Description of Activity:	Japanese beetle traps (contain Japonilure, phenethyl propionate, eugenol, and geraniol) hung in or near host plants during the prescribed trapping season. Residents notified at time of placement.
Activity Surroundings (Residential, agriculture, mixed use, other regulated entities):	Japanese beetle trapping conducted within the whole of Mariposa County. Property types are various (residential, agriculture, mixed use, undeveloped) and have Japanese beetle host plants on or near them.

Part A

	Response	Justification/Rationale
Is the proposed activity under CDFA's discretion?	Yes	Detect Japanese beetle.
Is the activity described in the PEIR?	Yes	(If the Response is "Partially" or "No" skip to Part C) PEIR section 3.4.20

Part B

	Check Applicable Requirements
General Requirements	
Conduct activity as described in Chapters 2 and 3 of PEIR	✓
Include applicable PEIR requirements in Compliance Agreements with regulated entities, based on the activities the regulated entities may conduct in response to quarantine	
Activity Site Specific Review	

Database	Date Reviewed	Mitigation If Any
California Natural Diversity Database	N/A	
303(d) List of Impaired Waters	N/A	
EnviroStor Hazardous Site	N/A	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

	Check Applicable Requirements
Management Practices	
MP-SPRAY-1: Conduct a Site Assessment	
MP-SPRAY-2: Properly clean and calibrate all equipment to apply chemicals uniformly and in the correct quantities	✓
MP-SPRAY-3: Follow pesticide application laws and regulations, and label directions	✓
MP-SPRAY-4: Apply chemicals only under favorable weather conditions	
MP-SPRAY-5: Follow integrated pest management and drift reduction techniques	
MP-SPRAY-6: Clean equipment and dispose of rinse water per label directions	✓
MP-SPRAY-7: Follow appropriate product storage procedures	✓
MP-AERIAL-1: Use appropriate aerial spray treatment procedures	
MP-GROUND-1: Follow appropriate ground-rig foliar treatment procedures	
MP-GROUND-2: Follow appropriate low-pressure backpack treatment procedures	
MP-GROUND-3: Train personnel in proper use of pesticides	✓
MP-GROUND-4: Enforce runoff and drift prevention	
MP-HAZ-1: Implement a Spill Contingency Plan	✓
MP-HAZ-2: Use safety and cleanup materials checklist	✓
MP-HAZ-3: Implement decontamination	✓
MP-HAZ-4: Follow appropriate disposal procedures	✓
Mitigation Measures	
Mitigation Measure BIO-CHEM-2: CDFA will obtain technical assistance from USFWS, CDFW and NMFS to identify site-specific buffers and other measures to protect habitats utilized by special-status species	
Mitigation Measure HAZ-GEN-4a: Determine Potential for Hazardous Materials Exposure	✓
Mitigation Measure HAZ-GEN-4b: Conduct a Hazardous Materials Records Search before Beginning Proposed Program Activities at a Given Site	✓
Mitigation Measure HAZ-GEN-4c: Stop work and implement hazardous materials investigations/ remediation for contamination health risks	✓
Mitigation Measure HAZ-CHEM-1a: Conduct Public Information Sessions Regarding Pesticide Safety Practices	✓
Mitigation Measure HAZ-CHEM-1b: Conduct Training Sessions and Prepare Educational Materials Regarding Safe Handling and Application of Pesticides	✓
Mitigation Measure HAZ-CHEM-3: Require Compliance with the Proposed Program's Authorized Chemical Application Scenarios	✓
Mitigation Measure NOISE-PHYS-1: Conduct Activities during the Daytime	
Mitigation Measure WQ-CHEM-2: Track Emerging Water Quality Standards and Implement Additional Mitigation as Appropriate	
Mitigation Measure WQ-CHEM-5: Require Implementation of Proposed Program MPs as Part of Compliance Agreements	
Mitigation Measure WQ-CUM-1: Identify whether Proposed Program Pesticide Applications May Occur in Proximity to Impaired Waterbodies, and Implement Appropriate MPs	

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Part C

	Y/N	Justification/Rationale
Step 1		
Is the Activity substantially similar to that considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a management practice that was not included in the PEIR is being considered, would it be equivalent or more effective to the management practice originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
If a mitigation measure that was not included in the PEIR is being considered, would it be equivalent or more effective to the mitigation measure originally considered in the PEIR?		(If yes go to Step 2, if no move to the next question)
Would the activity result in potentially significant impacts which were not considered in the PEIR, not considered to be significant in the PEIR, or would be substantially more significant than disclosed in the PEIR?		(If yes go to Step 3, if no go to Step 2)
Step 2	Attach supporting documentation for determination, and CEQA Addendum, as applicable	
Step 3	Attach tiered CEQA document, and identify additional requirements from that document	

Confirmation of Implementation (following completion of activity)	
Project Leader Name:	Monica Nielsen
Signature*:	
End Date:	06/30/2023

*This signature confirms that all applicable requirements identified on this checklist and related documentation has been properly implemented.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Budget and Survey Quick Guide

Pest Detection County Agreements

Budget summary guide of the fund source breakdown.

County: Mariposa
FY: 22/23

Total Agreement Amount CDFA will reimburse $ 33,811.07

Funding Sources	CORE Costs			Additional Costs	CalTrap Costs
	Fruit Fly	Spongy Moth	Japanese Beetle		
Federal Funds	$ 7,788.61				
State Funds	$ 7,788.61				
Unclaimed Gas Tax				$ 3,678.02	$ 1,245.05
PD/EP Branch general funds		$ 11,792.16	$ 1,518.62		
CDFA Emergency Funds					

The **Total Aggreement Amount CDFA will reimburse** for is the total cost CDFA may reimburse the counties. Any costs exceeding this total will not be paid.

The **Funding sources** give a summary of the funding costs CDFA uses to charge county monthly billing. Each fund source listed comes from separate pots of money. Once each fund source is exhausted, no more funds can be reimbursed through that specific fund source. Counties must not exceed the total individual costs listed above for each activity and fund source.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-SF)

Quick Guide for Use in Billing and Invoicing:
PEST DETECTION /EMERGENCY PROJECTS
Survey Summary Guide: This form is to aid in billing and invoicing

County: Mariposa
FY: 2022/2023

Disclaimer: Refer to contract for full survey details. Does not include EFF Additional Extended Season Traps

Survey type	MF	MP	OF	ML	CP gard	CP rural	CP rural res.	Total EFF	SM	JB	KB				
Core	35							**35**	**200**	**16**					
Additional								**0**			3				
Other								**0**							
Total trap/site surveyed/Mo	35	0	0	0	0	0	0	35	200	16	3	0	0	0	0
Servicing/trap/Mo	2.17								**2.17**	**2.17**	1				
Servicings/Mo	76	0	0	0	0	0	0	75.95	434	34.7	3	0	0	0	0

TRAPPING SEASON for CORE PROGRAM

Trap Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF					2	2	2	2	2	2		
MP												
OF												
ML												
CP garden												
CP rural												
CP rural res.												
SM						2	2	2	2			
JB						2	2	2	2			

TRAPPING SEASON for ADDITIONAL ACTIVITIES

Survey Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
KB					1	1	1	1	1	1		

4 weekly servicings | 2 biweekly servicings | 1 monthly servicings

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

Invoice Month/Year: _____

SUBMIT MONTHLY TO: cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PLANT HEALTH AND PEST PREVENTION SERVICES
Pest Detection Emergency Projects Branch
1220 N STREET
SACRAMENTO CA 95814

REMIT PAYMENT TO: (County Address)

Accounting use only:

Agreement/Program Name:	
Agreement Number:	
Agreement Amount:	

For State Use Only

Accounting use only:

Date:		
County:		
Amount Billed to Date:		
Invoice #		
Revision Date:		
Billing Period:	**From:**	**To:**

CORE Costs

	Total Hours	Total Costs
Personnel Expenses		
Detection Activities	0.00	$ -
Non-Detection Activities	0.00	$ -
Indirect Rate	25%	$ -
Operating Expenses		$ -
Sub-Contracting Expenses		$ -
Mileage Expenses		$ -
Grand Total	**0.00**	**$ -**

PDEP County Agreements Required

Trap Activity	%	Cost
Core Cost		
Fruit Flies	0.000%	$0.00
GM	0.000%	$0.00
JB	0.000%	$0.00
Total	**0.000%**	**$0.00**

Mileage Expense Breakout	Total Miles	Rate	Total Cost
County Vehicles	0.00	0.000	$0.00
State Vehicles	0.00	0.000	$0.00
Rental Vehicles	0.00	0.000	$0.00
	Total Mileage Expenses:		**$0.00**

COMMENTS:

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection

Invoice Month/Year: _____

SUBMIT MONTHLY TO: cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PLANT HEALTH AND PEST PREVENTION SERVICES
Pest Detection Emergency Projects Branch
1220 N STREET
SACRAMENTO CA 95814

Agreement/Program Name:	
Agreement Number:	
Agreement Amount:	

Date:	
County:	
Amount Billed to Date:	
Invoice #	
Revision Date:	
Billing Period:	**From:** **To:**

REMIT PAYMENT TO: (County Address)

For State Use Only

Accounting use only:

Accounting use only:

Additional Costs

	Total Hours	Total Costs
Personnel Expenses		
Detection Activities	0.00	$ -
Non-Detection Activities	0.00	$ -
Indirect Rate	25%	$ -
Operating Expenses		$ -
Sub-Contracting Expenses		$ -
Mileage Expenses		$ -
Grand Total	**0.00**	**$ -**

Mileage Expense Breakout	**Total Miles**	**Rate**	**Total Cost**
County Vehicles	0.00	0.000	$0.00
State Vehicles	0.00	0.000	$0.00
Rental Vehicles	0.00	0.000	$0.00
	Total Mileage Expenses:		**$0.00**

PDEP County Invoice Breakdown

Trap Activity	%	Cost
Additional Cost		
Fruit Flies	0.000%	$0.00
GM	0.000%	$0.00
JB	0.000%	$0.00
	0.000%	$0.00
	0.000%	$0.00
	0.000%	$0.00
	0.000%	$0.00
Total	**0.000%**	**$0.00**

COMMENTS:

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection

COUNTY LETTERHEAD

Attachment H

Invoice Month/Year: _____

SUBMIT MONTHLY TO: cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
PLANT HEALTH AND PEST PREVENTION SERVICE
Pest Detection Emergency Projects Branch
1220 N STREET
SACRAMENTO CA 95814

Accounting use only:

Accounting use only:

Agreement/Program Name:	
Agreement Number:	
Agreement Amount:	

Date:	
County:	
Amount Billed to Date:	
Invoice #	
Revision Date:	
Billing Period:	**From:** **To:**

REMIT PAYMENT TO: (County Address)

CalTrap Costs

	Total Hours	Total Costs
Personnel Expenses		
Training Hours	0	$ -
Data Entry Hours	0	$ -
Indirect Rate	25%	$ -
Grand Total	**0**	**$ -**

For State Use Only

CALTRAP EXPENSES

	No. of Sites	Cost Per Site	Cost
Data Conversion - Manual Entry	0.00	$1.4000	$0.00
Data Conversion - Bulk Upload	0.00	$0.6323	$0.00
	No. of Devices	**Cost Per Devise**	**Cost**
iPad	0.00	$0.00	$0.00
iPad Accessories	0.00	$0.00	$0.00
Data Plan	0.00	$0.00	$0.00
Insurance/Warranty (optional)	0.00	$0.00	$0.00
		CalTrap Cost:	**$0.00**

COMMENTS:

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

"COUNTY LETTERHEAD" **INVOICE** Attachment H

California Department of Food and Agriculture
Pest Detection Program
Budget Period FY 2022/2023
Email invoices to: cdfa.phpps_pdepb_county_invoices@cdfa.ca.gov

Date:
County:
Agreement No:
Invoice No:
Billing Period:
Revision Date:

Trap Activity	Percentage	Amount
Core Cost		
Fruit Flies	0%	$0.00
GM	0%	$0.00
JB	0%	$0.00
Additional Cost		
Fruit Flies	0%	$0.00
GM	0%	$0.00
JB	0%	$0.00
Other traps	0%	$0.00
Totals	**0%**	**$0.00**

CDFA USE ONLY

A. Personnel

Detection Trappers

	Employee Name	Title	Hours	Hourly Rate *	Total
1			0.00	$0.00	$0.00
2			0.00	$0.00	$0.00
3			0.00	$0.00	$0.00
4			0.00	$0.00	$0.00
5			0.00	$0.00	$0.00
6			0.00	$0.00	$0.00
7			0.00	$0.00	$0.00
8			0.00	$0.00	$0.00
9			0.00	$0.00	$0.00
10			0.00	$0.00	$0.00
11			0.00	$0.00	$0.00
12			0.00	$0.00	$0.00
13			0.00	$0.00	$0.00
14			0.00	$0.00	$0.00
15			0.00	$0.00	$0.00
16			0.00	$0.00	$0.00
17			0.00	$0.00	$0.00
18			0.00	$0.00	$0.00
19			0.00	$0.00	$0.00
20			0.00	$0.00	$0.00
21			0.00	$0.00	$0.00
22			0.00	$0.00	$0.00
23			0.00	$0.00	$0.00
24			0.00	$0.00	$0.00
25			0.00	$0.00	$0.00
				Detection Salary Subtotal:	**$0.00**

Non-Detection Trappers

	Employee Name	Title	Hours	Hourly Rate *	Total
1			0.00	$0.00	$0.00
2			0.00	$0.00	$0.00
3			0.00	$0.00	$0.00
4			0.00	$0.00	$0.00
5			0.00	$0.00	$0.00
6			0.00	$0.00	$0.00
7			0.00	$0.00	$0.00
8			0.00	$0.00	$0.00
9			0.00	$0.00	$0.00
10			0.00	$0.00	$0.00
11			0.00	$0.00	$0.00
12			0.00	$0.00	$0.00
13			0.00	$0.00	$0.00
14			0.00	$0.00	$0.00
15			0.00	$0.00	$0.00
				Non-Detection Salary Subotal:	**$0.00**

* The Hourly Rate must include Hourly Wage and Benefit Rate

** Overhead percent is editable, must not exceed 25%

Personnel Subtotal:		**$0.00**
Overhead**	0%	**$0.00**
Personnel Total:		**$0.00**

B. Supplies (Itemized such as: trapping poles, office & field supplies, etc.)

		Total
1		$0.00
2		$0.00
3		$0.00
4		$0.00
	Supplies Total:	**$0.00**

C. Subcontractor

	Subcontractor	Title/Description	Hours	Hourly Rate	Total
1					$0.00
2					$0.00
3					$0.00
4					$0.00
				Subcontractor Total:	**$0.00**

D. Vehicle Operations

		Mileage	Rate ***	Total
1	State	0.00	$0.000	$0.00
2	County	0.00	$0.000	$0.00
3	Rental Vehicles	0.00	$0.000	$0.00
4	Other	0.00	$0.000	$0.00
			Vehicle Total:	**$0.00**

*** **Mileage rates: Must not exceed the Federal Mileage Rate**

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

E.	Other Items of Expense (e.g., communications, IT services, Travel)	Total
1		$0.00
2		$0.00
3		$0.00
4		$0.00
	Other Total:	**$0.00**

Remit payment to:

Contact Person	
Mailing Address	
Contact Phone No	
Contact Email	

Invoice Total Cost: $0.00

COMMENTS:

	Green = Fillable cells to be completed by the County.
	Purple = Subtotals and totals. These contain formulas - **DO NOT MODIFY!**
	Orange = Instructions.

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

"COUNTY NAME" COUNTY DEPARTMENT OF AGRICULTURE
FY 2020 - 22 Pest Detection CalTrap

INVOICE

1/25/22

Green = fillable cells to be completed by the County.
Purple = subtotals and totals. These contain formulas - **DO NOT MODIFY!**
Orange = instructions.

Date:
County:
Agreement No:
Invoice No:
Billing Period:
Revision Date:

Approval Stamp: CDFA USE ONLY

A. PERSONNEL

SALARY - Training

	Employee Name	Title	HOURS	HOURLY RATE w/o BENEFITS	COS
1			0.00	$0.00	$0.
2			0.00	$0.00	$0.
3			0.00	$0.00	$0.
4			0.00	$0.00	$0.
5			0.00	$0.00	$0.
6			0.00	$0.00	$0.
7			0.00	$0.00	$0.
8			0.00	$0.00	$0.
9			0.00	$0.00	$0.
10			0.00	$0.00	$0.
11			0.00	$0.00	$0.
12			0.00	$0.00	$0.
13			0.00	$0.00	$0.
14			0.00	$0.00	$0.
15			0.00	$0.00	$0.
16			0.00	$0.00	$0.
17			0.00	$0.00	$0.
18			0.00	$0.00	$0.
19			0.00	$0.00	$0.
20			0.00	$0.00	$0.
21			0.00	$0.00	$0.
22			0.00	$0.00	$0.
23			0.00	$0.00	$0.
24			0.00	$0.00	$0.
25			0.00	$0.00	$0.
				SALARY SUBTOTAL:	$0.0

	BENEFITS	BENEFIT RATE %	SALARY	BENEFIT COST
1		0.0000%	$0.00	$0.0
2		0.0000%	$0.00	$0.0
3		0.0000%	$0.00	$0.0
4		0.0000%	$0.00	$0.0
5		0.0000%	$0.00	$0.0
6		0.0000%	$0.00	$0.0
7		0.0000%	$0.00	$0.0
8		0.0000%	$0.00	$0.0
9		0.0000%	$0.00	$0.0
10		0.0000%	$0.00	$0.0
11		0.0000%	$0.00	$0.0
12		0.0000%	$0.00	$0.0
13		0.0000%	$0.00	$0.0
114		0.0000%	$0.00	$0.0
15		0.0000%	$0.00	$0.0
16		0.0000%	$0.00	$0.0
17		0.0000%	$0.00	$0.0
18		0.0000%	$0.00	$0.0
19		0.0000%	$0.00	$0.0
20		0.0000%	$0.00	$0.0
21		0.0000%	$0.00	$0.0

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

22	0.0000%	$0.00	$0.00
23	0.0000%	$0.00	$0.0
24	0.0000%	$0.00	$0.0
25	0.0000%	$0.00	$0.0
		BENEFIT SUBTOTAL:	$0.0

SALARY - Data Conversion Personell Costs

	Employee Name	Title	HOURS	HOURLY RATE w/o BENEFITS	COS
1			0.00	$0.00	$0.
2			0.00	$0.00	$0.
3			0.00	$0.00	$0.
4			0.00	$0.00	$0.
5			0.00	$0.00	$0.
6			0.00	$0.00	$0.
7			0.00	$0.00	$0.
8			0.00	$0.00	$0.
9			0.00	$0.00	$0.
10			0.00	$0.00	$0.
11			0.00	$0.00	$0.
12			0.00	$0.00	$0.
13			0.00	$0.00	$0.
14			0.00	$0.00	$0.
15			0.00	$0.00	$0.
				SALARY SUBTOTAL:	$0.0

	BENEFITS	BENEFIT RATE %	SALARY	BENEFIT COST
1		0.0000%	$0.00	$0.0
2		0.0000%	$0.00	$0.0
3		0.0000%	$0.00	$0.0
4		0.0000%	$0.00	$0.0
5		0.0000%	$0.00	$0.0
6		0.0000%	$0.00	$0.0
7		0.0000%	$0.00	$0.0
8		0.0000%	$0.00	$0.0
9		0.0000%	$0.00	$0.0
10		0.0000%	$0.00	$0.0
11		0.0000%	$0.00	$0.0
12		0.0000%	$0.00	$0.0
13		0.0000%	$0.00	$0.0
14		0.0000%	$0.00	$0.0
15		0.0000%	$0.00	$0.0
			BENEFIT SUBTOTAL:	$0.0

0 % Overhead (Not to exceed 25%)	SALARIES	BENEFITS	OVERHEA COST*
	$0.00	$0.00	$0.
		TOTAL PERSONNEL COST:	$0.0

B. Data Conversion Costs (Manual and Bulk) and Operating Expenses

Item	NO. OF SITES*	COST PER SITE	COS
Data Conversion - Manual Entry	0.00	$1.4000	$0.
Data Conversion - Bulk Upload	0.00	$0.6323	$0.

	NO. OF DEVICES	COST PER DEVICE	COS
iPad	0.00	$0.00	$0.
iPad Accessories	0.00	$0.00	$0.
Data Plan	0.00	$0.00	$0.
Insurance/Warranty (optional)	0.00	$0.00	$0.
		TOTAL SECTION B COSTS:	$0.0

***This is the number of sites successfully uploaded to CalTrap with confirmation from the database administrator.**

TOTAL MONTHLY INVOICE:	$0.0

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

COMMENTS:

Remit payment to:
Contact Person
Mailing Address
Contact Phone No
Contact Email

Attachment: Mariposa County Pest Detection 22-1694-003-SF (RES-2023-154 : 2022/2023 Pest Detection Trapping Agreement No. 22-1694-003-

MARIPOSA COUNTY

County Counsel · (209) 966-3222

RESOLUTION - ACTION REQUESTED 2023-155

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Approve a Legal Services Agreement with Dannis Woliver Kelley Attorneys at Law

---

RECOMMENDATION AND JUSTIFICATION:
Approve an Agreement with Dannis Woliver Kelley Attorneys at Law to Provide Construction Related Legal Services for a Term Beginning March 3, 2023 Through June 30, 2024; and Authorize the Board of Supervisors Chair to Sign the Agreement.

In 2016, County Counsel engaged the professional services of attorney Stephen Cali to develop construction agreement templates for use across county projects. County Counsel wants to engage the services of Mr. Cali again to review and revise construction agreement templates to bring them current with legal standards.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has authorized County Counsel to retain outside services as it has been necessary and prudent to do so.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve Agreement with Dannis Woliver Kelley.

FINANCIAL IMPACT:
Budgeted in Professional Services - Not to Exceed $20,000

ATTACHMENTS:
Legal Services Agt-Dannis Woliver Kelley (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13925

DANNIS WOLIVER KELLEY
Attorneys at Law

STEPHEN L CALI
Attorney at Law
scali@DWKesq.com

Berkeley

SAN FRANCISCO
200 California Street
Suite 400
San Francisco, CA 94111
TEL 415.543.4111
FAX 415.543.4384

LONG BEACH
444 W. Ocean Blvd.
Suite 1070
Long Beach, CA 90802
TEL 562.366.8500
FAX 562.366.8505

SAN DIEGO
750 B Street
Suite 2600
San Diego, CA 92101
TEL 619.595.0202
FAX 619.702.6202

CHICO
2485 Notre Dame Blvd.
Suite 370-A
Chico, CA 95928
TEL 530.343.3334
FAX 530.924.4784

SACRAMENTO
555 Capitol Mall
Suite 645
Sacramento, CA 95814
TEL 916.978.4040
FAX 916.978.4039

BERKELEY
2087 Addison Street
2nd Floor
Berkeley, CA 94704
TEL 510.345.6000
FAX 510.345.6100

FRESNO
7170 N. Financial Drive
Suite 135
Fresno, CA 93720
TEL 559.388.5802
FAX 559.388.5803

www.DWKesq.com

March 3, 2023

VIA EMAIL

Kevin B. Briggs
Assistant County Counsel
County of Mariposa
5100 Bullion Street, 2nd Floor
Mariposa, CA 95338
Email: kbriggs@mariposacounty.org

Re: 2022-2024 Agreement for Professional Services – Dannis Woliver Kelley

Dear Mr. Briggs:

Dannis Woliver Kelley is pleased to provide construction related legal services on behalf of the County of Mariposa. For your review and consideration, we attach the Firm's Agreement for Professional Services, which covers the two year calendar period for the 2022-2023 and 2023-2024.

We look forward to assisting the County as needed. Please let us know if you have any questions regarding the legal services agreement. If acceptable, please sign the attached Agreement, insert the date of Board approval, and return to the undersigned via email.

Sincerely,

Dannis Woliver Kelley

Stephen L Cali

Attachment

SLC:clb

Attachment: Legal Services Agt-Dannis Woliver Kelley (RES-2023-155 : Approve a Legal Services Agreement with Dannis Woliver Kelley

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into on March 3, 2023, by and between the County of Mariposa, hereinafter referred to as Client, and Dannis Woliver Kelley, a professional corporation, hereinafter referred to as Attorney.

In consideration of the promises and the mutual agreements hereinafter contained, Client and Attorney agree as follows:

SCOPE OF SERVICES. Client appoints Attorney to represent, advise, and counsel it regarding general construction matters from March 3, 2023, through and including June 30, 2024, and continuing thereafter as approved. Any services performed during the period between the above commencement date and the date of Board action approving this Agreement are hereby ratified by said Board approval. Attorney agrees to keep current and in force at all times a policy covering incidents of legal malpractice. Attorney's initial budget authority is an amount not to exceed twenty thousand dollars ($20,000), which amount may be adjusted as may be requested.

CLIENT DUTIES. Client shall be truthful with Attorney, cooperate with Attorney, keep Attorney informed of developments, ensure access for Attorney to communicate with the Client's governing board as appropriate, perform the obligations it has agreed to perform under this Agreement and pay Attorney bills in a timely manner.

FEES AND BILLING PRACTICES. Except as hereinafter provided, Client agrees to pay Attorney two hundred sixty-five dollars ($265) to three hundred seventy-five dollars ($375) per hour for Shareholders and Of Counsel; two hundred forty-five dollars ($245) to three hundred dollars ($300) for Special Counsel; one hundred ninety-five dollars ($195) to two hundred sixty-five dollars ($265) per hour for Associates; and one hundred thirty dollars ($130) to one hundred ninety-five dollars ($195) per hour for Paralegals and Law Clerks. The rate range for Shareholder Emeritus shall be three hundred ninety-five dollars ($395) to four hundred fifty dollars ($450) per hour. Rates for individual attorneys may vary within the above ranges depending on the level of experience and qualifications and the nature of the legal services provided. Gregory Dannis' hourly rate shall be $450. Agreements for legal fees at other than the hourly rate set forth above may be made by mutual agreement for special projects, particular scopes of work, or for attorneys with specialized skills. The rates specified in this Agreement are subject to change at any time by Attorney following written notice to Client and shall apply to all services rendered after such notice is given. Time is billed in minimum increments of one-tenth (.1) of an hour, except the first communication (e.g., by telephone, voice-mail, e-mail, text) of any day containing substantive advice which is charged a minimum of three-tenths (.3) of an hour. Actual travel time and time spent attending in-person or remote meetings is charged at the rates listed above. In the course of travel for, or attending meetings with or for Client, it may be necessary for Attorney to work for and bill other clients. If, during the course of representation of Client, an insurance or other entity assumes responsibility for payment of all or partial fees of Attorney on a particular case or matter, Client shall remain responsible for the difference between fees paid by the other entity and Attorney's hourly rates as specified in this Agreement unless otherwise agreed by the parties.

OTHER CHARGES. Client further agrees to reimburse Attorney for actual and necessary expenses and costs with respect to providing the above services, including support services such as copying charges (charged at $0.10 per page), postage (only charged if in excess of $1.00), and computerized legal research and electronic record review platforms (i.e., Westlaw, e-discovery). Any discount received on such services is passed along to Client by Attorney. Client agrees that such actual and necessary expenses may vary according to special circumstances necessitated by request of Client or emergency conditions which occasionally arise. Such expenses shall be provided at cost unless otherwise specified.

Attachment: Legal Services Agt-Dannis Woliver Kelley (RES-2023-155 : Approve a Legal Services Agreement with Dannis Woliver Kelley

Client further agrees to pay third parties, directly or indirectly through Attorney, for major costs and expenses including, but not limited to, costs of serving pleadings, filing fees and other charges assessed by courts and other public agencies, arbitrators' fees, court reporters' fees, jury fees, witness fees, investigation expenses, consultants' fees, and expert witness fees. Upon mutual consent of Client and Attorney, Client may either advance or reimburse Attorney for such costs and expenses.

Occasionally Attorney may provide Client officials and/or employees with food or meals at Attorney-sponsored trainings or when working with Client officials and/or employees. Attorney may provide such food or meals without additional charge in exchange for the consideration provided by the Client under this Agreement.

BILLING STATEMENT. Attorney shall send Client a statement for fees and costs incurred every calendar month. Attorney's statements shall clearly state the basis thereof, including the amount, rate and basis for calculations or other methods of determination of Attorney's fees. Upon Client office's request for additional statement information, Attorney shall provide a bill to Client no later than ten (10) days following the request. Client is entitled to make subsequent requests for bills at intervals of no less than thirty (30) days following the initial request. Client shall pay Attorney's statements within thirty (30) days after each statement's date.

INDEPENDENT CONTRACTOR. It is expressly understood and agreed to by both parties that Attorney, while carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and is not an employee of the Client. Attorney further agrees to comply with applicable, prevailing state vaccine or testing requirements.

CONSENT TO USE OF E-MAIL AND CLOUD SERVICES. In order to provide Client with efficient and convenient legal services, Attorney will communicate and transmit documents using e-mail. Because e-mail continues to evolve, there may be risks communicating in this manner, including risks related to confidentiality and security. By entering into this Agreement, Client is consenting to such e-mail transmissions with Client and Client's representatives and agents. In addition, Attorney uses cloud computing services with servers located in a facility other than Attorney's office. Most of Attorney's electronic data, including emails and documents, are stored in this manner. By entering into this Agreement, Client understands and consents to having communications, documents and information pertinent to the Client's matters stored through such cloud-based services.

CONFLICT OF INTEREST. In some situations, where Attorney has relationships with other entities, the Rules of Professional Conduct and Business & Professions Code may require Attorney to provide disclosure or to obtain informed written consent before it can provide legal services for a client. Attorney represents many school and community college district clients, county offices of education, joint powers authorities, Special Education Local Plan Areas (SELPAs) and other entities throughout California. This includes several entities within the jurisdiction served by the Client. The statutory and regulatory structure of the provision of education services Attorney provides results in many ways in which these entities interact that could result in a conflict between the interests of more than one of Attorney's clients. If Attorney becomes aware of a specific conflict of interest involving Client, Attorney will comply with the legal and ethical requirements to fulfill its duties of loyalty and confidentiality to Client. If Client has any question about whether Attorney has a conflict of interest in its representation of Client in any matter, it may contact Attorney or other legal counsel for clarification. In the event that there is a conflict pursuant to the California Rules of Professional Conduct between Client and another client of Attorney within Client's jurisdiction that is not resolvable by waiver(s), Client understands that Attorney may withdraw from providing legal services to Client and in that circumstance, Client does not object to Attorney continuing to represent the other client in the matter that created the conflict.

Attachment: Legal Services Agt-Dannis Woliver Kelley (RES-2023-155 : Approve a Legal Services Agreement with Dannis Woliver Kelley

TERMINATION OF CONTRACT. Client or Attorney may terminate this Agreement by giving reasonable written notice of termination to the other party.

COUNTERPARTS. This Agreement may be executed in duplicate originals, including facsimiles, each of which shall fully bind each party as if all had signed the same copy. Electronic copies of signatures shall be treated as originals for all purposes.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement for Professional Services.

COUNTY OF MARIPOSA

_____ _____

Miles Menetrey — Date
Chair, Board of Supervisors, County of Mariposa

DANNIS WOLIVER KELLEY

_____ March 3, 2023

Stephen L Cali — Date
Attorney at Law

At its public meeting of_____, 2023, the Board approved this Agreement and authorized County Counsel or Designee to execute this Agreement.

Attachment: Legal Services Agt-Dannis Woliver Kelley (RES-2023-155 : Approve a Legal Services Agreement with Dannis Woliver Kelley

MARIPOSA COUNTY

County Counsel · (209) 966-3222

RESOLUTION - ACTION REQUESTED 2023-156

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Approve Agreement for Self-Publishing Software Services for County Code On-Line

---

RECOMMENDATION AND JUSTIFICATION:
Approve Agreement with CivicPlus for Self-Publishing Software Services for a three-year term with two one-year extensions as an option; and Authorize the Board of Supervisors Chair to Sign the Amendment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
This software has allowed the County Code to become more searchable to all users while also meeting the Americans with Disabilities Act recommendations and requirements.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:
$2,500/year for five years.

ATTACHMENTS:
CivicPlus Self-Publishing Software Svs. Agt (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13894

CivicPlus
302 South 4th St. Suite 500
Manhattan, KS 66502 US

Client: Mariposa County, CA

Bill To: Mariposa County, CA
Mariposa County, CA - Statement of Work

QTY	Product Description	PRODUCT TYPE
1	Self-Publishing Software	Renewable

Annual Recurring Services	USD $2,500.00

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at https://www.civicplus.com/master-services-agreement ("MSA"), to which this SOW is hereby attached as the Statement of Work (collectively, the "Agreement"). By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW. The Parties agree the terms of the Agreement shall supersede and replace all prior agreements between the Parties with respect to the Services herein.

2. This SOW shall remain in effect for an initial term equal to three years from April 3, 2023 ("Initial Term"). Upon written consent of both Parties, this SOW may be renewed for two additional one-year terms ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".

3. Annual Recurring Services shall be invoiced on the first day of the Initial Term and annually on that date throughout the Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase starting in the second year of service. Client will pay all invoices within 30 days of the date of such invoice

Signature Page to Follow.

Attachment: CivicPlus Self-Publishing Software Svs. Agt (RES-2023-156 : Approve Agreement for Self-Publishing Software Services for County

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: https://www.civicplus.com/master-services-agreement.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client	CivicPlus
By:	By:
Name: Miles Menetrey	Name: Amy Vikander
Title: Chair, Mariposa County Board of Supervisors	Title: Senior Vice-President of Customer Service
Date:	Date:

Attachment: CivicPlus Self-Publishing Software Svs. Agt (RES-2023-156 : Approve Agreement for Self-Publishing Software Services for County

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization County of Mariposa		URL mariposacounty.org
Street Address 5100 Bullion Street		
Address 2 P.O. Box 189		
City Mariposa	State CA	Postal Code 95338
CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates. Rhonda Scherf (209) 742-1233		
Emergency Contact & Mobile Phone Claire Scherf (209) 742-1252		
Emergency Contact & Mobile Phone Danielle Bondshu (209) 742-1249		
Emergency Contact & Mobile Phone		
Billing Contact Rhonda Scherf		E-Mail rscherf@mariposacounty.org
Phone (209) 742-1233	Ext.	Fax
Billing Address P.O. Box 189		
Address 2		
City Mariposa	State CA	Postal Code 95338
Tax ID # 94-6000880		Sales Tax Exempt #
Billing Terms Net 30 days		Account Rep Sylvana Satterfield
Info Required on Invoice (PO or Job #) N/A		
Contract Contact Rhonda Scherf		Email rscherf@mariposacounty.org
Phone (209) 742-1233	Ext.	Fax
Project Contact N/A		Email
Phone N/A	Ext.	Fax

Attachment: CivicPlus Self-Publishing Software Svs. Agt (RES-2023-156 : Approve Agreement for Self-Publishing Software Services for County

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: Proclamation - " Social Work Month"

RECOMMENDATION AND JUSTIFICATION:

Proclaim the Month of March 2023, as "Social Work Month"

Mariposa County Health & Human Services is helping celebrate this year's Social Work Month in March with the theme "Breaking Barriers" to highlight how social workers have enriched our society for more than a century and how their services continue to be needed today. Social workers continue to work on the frontlines throughout the pandemic, helping clients get the health care they need and helping loved ones overcome grief and loss. Social workers will continue to play a key role in helping the people in our community, and in providing a safe environment to encourage healing.

Each day, social workers empower millions of Americans so they can live life to their fullest potential. Social workers also work in communities to improve living conditions for all. During Social Work Month we urge you to learn more about this amazing profession, thank the social workers in your lives, and help support the profession.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved similar proclamations in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Miss the opportunity to recognize the contributions that social workers make to the county.

ATTACHMENTS:
Social Work Proc. (DOCX)

Agenda Item - No Resolution Requested 2023-30

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

The Mariposa County Board of Supervisors
Proclaims

The Month of March 2023
as
"Social Work Month"

WHEREAS this year's theme, "Breaking Barriers" embodies how social workers help empower individuals, families, communities, and our society to overcome hurdles that prevent them from achieving better well-being; and

WHEREAS social workers are the largest group of mental health care providers in the United States, working daily to help thousands of Americans overcome mental illnesses such as depression and anxiety; and

WHEREAS, social workers are on the frontlines of the nation's opioid addiction crisis, helping people get the treatment they need and prevail over substance use disorders; and

WHEREAS social workers have helped people cope with death and grief and helped people and communities recover from natural disasters that are increasingly fueled by our warming climate, including hurricanes, drought, and flooding; and

WHEREAS social workers have helped this nation live up to its values by advocating for equal rights for all, including people of color, people who are indigenous, or people who follow various faiths; and

WHEREAS social workers have continued to push for changes that have made our society a better place to live, including a livable wage, improved workplace safety, and social safety net programs that help ameliorate poverty, hunger, and homelessness; and

WHEREAS social workers endeavor to work throughout our society to meet people where they are and help empower people and our society to reach goals they wish to attain.

NOW, THEREFORE, BE IT KNOWN that the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby proclaims the month of March 2023 as "Social Work Month" and calls upon all citizens to celebrate and support the Social Work Profession.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 21st day of March 2023, by unanimous vote.

_____
Rosemarie Smallcombe, District I Supervisor

_____
Wayne Forsythe, District IV Supervisor

_____
Shannon Poe, District II Supervisor

_____
Miles Menetrey, District V Supervisor

_____
Danette Toso, District III Supervisor

Attachment: Social Work Proc. (2023-30 : Proclamation - " Social Work Month")

MARIPOSA COUNTY

HHS/Behavioral Health & Recovery Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2023-157

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: First Amendment - Davis Guest Home Agreement to Provide Residential Services for BH

RECOMMENDATION AND JUSTIFICATION:
Approve First Amendment to Agreement with Davis Guest Home to provide community residential treatment services for clients referred by Mariposa County Behavioral Health Increasing the amount by $100,000 for a new amount to not exceed $120,000; and authorize the Board of Supervisors Chair to sign the Amendment.

The County does not operate community residential facilities. This Agreement will allow Mariposa County Behavioral Health to utilize the services of Davis Guest Home at their Modesto area residential locations in order to serve persons in need. Behavioral Health wishes to engage the services of this provider because of the benefits of the nearby location and the reasonable costs. Davis Guest home has served Stanislaus and other counties for over 25 years. The service level for this agreement has been greater than anticipated, resulting in a request for additional funding through this amendment.

Funding Source:
This item is funded through Program Realignment funds. The rates for this contract are below rates for psychiatric emergency hospital beds or other serious levels of care, and there are significant staff time and travel cost savings for such placements during follow up visits because of the nearby location.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Board of Supervisors approved an agreement with Davis Guest Home on March 23, 2017 through Resolution 2017-316.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If this amendment is not approved, Behavioral Health will be hindered in providing appropriate care to persons in need of residential facility services. When a crisis arises, costs for serving these persons may be higher by not having a contract in place.

FINANCIAL IMPACT:
This contract will be paid within the Behavioral Health budget unit. There will be no impact to the County General Fund.

ATTACHMENTS:

REF ID# 13877

Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (PDF)
First Amendment - DGH Agreement 2023 (1) (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

AGREEMENT ROUTING SHEET

To: *Danielle Bondshu or Tracy Gauthier* **Dept.:** *Clerk of the Board* **Date:** October 25, 2022

From: Beth Alexander **Agreement with:** Davis Guest Home

Section 1: TYPE OF PROCESSING REQUESTED: *(Complete all Section 1. fields.)*

1) Is this a digital signature request? **Yes** ☒ **No** ☐ *(If No, please provide two original copies signed by vendor.)*

2) Is this the standard County Agreement Form? **Yes** ☒ **No** ☐ *If No, please answer the following question:*

a. Has this non-standard agreement been vetted by County Counsel (if NOT going to the Board)?

Yes ☐ **No** ☐

(If Yes, provide approval to COB via email. If No, see instructions below. **Non-standard agreements will NOT be processed without County Counsel's approval.**)

Section 2: VENDOR AND AGREEMENT TYPE *(Complete all Section 2. fields.)*

Vendor Signator & Title: Lonny Davis, Owner
(Name of person signing the agreement, and their title)

Vendor Email: unclonny2003@yahoo.com
(Email of signee)

For: Residential Care Service
*(Provide a brief description of the service provided or product purchased, i.e. **or** "Police service dog training", "Annual Senior Health Fair", etc.)*

Term: 7/1/2022 - 6/30/2023
*(Enter beginning "to" end. **Must be 5 years less for DH or CAO agreements**.*

Is this an Amendment to an Agreement? **Yes** ☐ **No** ☒

(If Yes, attach copies of all prior amendments, *AS WELL* as the initial agreement.)

Section 3: PURCHASING AUTHORIZATION *(Complete the appropriate Section 3. field.)*

☐ **BOARD ACTION** M/Traq ID # or Res No.: _____ Scheduled Date: _____

☒ **PURCHASING CODE (CAO or Department Heads - County Code Chapter 3.08.):**

☒ $ 20,000 **DEPARTMENT HEADS, Under $20,000 (**MCC Section 3.08.050 and Res. 22-462):
(Purchasing Agent's approval required to purchase or lease real property or storage space.)

☐ $_____ **CAO as Purchasing Agent, Under $60,000** (MCC Section 3.08.090 and Res. 22-462):

Section 4: OTHER AUTHORIZATION *(Complete the appropriate Section 4. field.)*

☐ **CODE COMPLIANCE AGREEMENTS (Signature Authority Policy (SAP) 5.2.1.3)** $_____

☐ **SOFTWARE AS A SERVICE or OTHER SUBSCRIPTIONS or LICENSES (SAP 5.2.1.4)** $_____

☐ **INDEMNIFICATION AGREEMENTS (Res. 05-117 and 04-346)** $_____

☐ **INTRA-AGENCY AGREEMENTS & MOUs w/ No Cost) (SAP 5.2.1.2 and Res. 22-462)** $ _____

DIGITAL SIGNATURE INSTRUCTIONS

A. DH/CAO Approvals:

- **If using the UNCHANGED County agreement template, proceed with routing to Clerk of the Board.**
- **If using vendor supplied agreements, or MODIFIED County Agreement template:**

1) Email to County Counsel's Office for vetting first (without routing slip.)
2) After approval by County Counsel, submit to Clerk of the Board's Office WITH email or other verification of County Counsel's approval, and a completed routing sheet.

B. BOARD Items:

- **Email a digital version of the agreement** *(indicating the pages needing to be signed)* **and this routing sheet to the Clerk of the Board's Office.**

ROUTING

- **HARD COPIES:** Route agreements and routing sheet via interoffice mail to Tracy or Danielle in the COB's Office.
- **DIGITAL COPIES:** Combine agreement and new routing slip into one PDF document and email to Danielle (dbondshu@mariposacounty.org) and Tracy (tgauthier@mariposacounty.org) in the COB's Office for procurement of signatures.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

AGREEMENT FOR PERSONALIZED RESIDENTIAL CARE

THIS AGREEMENT ("Agreement") is made and entered into this 25th day of October, 2022, by and between the County of Mariposa, a political subdivision of the State of California, ("County"), and Davis Guest Home ("Contractor"), pursuant to the following terms and conditions.

W I T N E S S E T H:

1. TERM

The term of this Agreement shall commence on July 1, 2022 and terminate on June 30, 2023 unless extended as provided by this Agreement.

2. SERVICES

Contractor shall perform personalized residential care as described in Exhibit A, "Scope of Work," which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform the Scope of Work.

3. COMPENSATION

Contractor shall be compensated for services performed in an amount not to exceed $20,000 as set forth in Exhibit B, "Cost Proposal," which is attached hereto and incorporated herein by reference. County shall pay Contractor within thirty (30) of receipt of an approved invoice.

4. INSURANCE

Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

(3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.

If Contractor maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status: County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

(2) Primary Coverage: For any claims related to this Agreement, Contractor's insurance coverage shall be primary insurance with respect to Contractor's negligent performance of the services as respects County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with at least thirty (30) calendar days' notice to County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by County. County may require Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to County.

(7) Verification of Coverage: Contractor shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

coverage required by this clause. All certificates and endorsements are to be received and approved by County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

5. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify County, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all negligent or willful acts or omissions of Contractor or its officers, agents, or employees in rendering services under this Agreement; excluding however such liability, claims, losses, damages, or expenses arising from County's sole negligence or willful acts.

6. INDEPENDENT CONTRACTOR

It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

a. County will not withhold FICA (Social Security) from Contractor's payments;
b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c. County will not withhold state or federal income tax from payment to Contractor;
d. County will not make disability insurance contributions on behalf of Contractor;
e. County will not obtain workers' compensation insurance on behalf of Contractor.

9. AUDITS AND INSPECTIONS

Contractor shall at any time during business hours, and as often as County may deem necessary, make available to County for examination all of its records and data with respect to the matters covered by this Agreement. Contractor shall, upon the request of County, permit County to audit and inspect all of such records and data necessary to ensure Contractor's compliance with the terms of this Agreement. If compensation to be paid by County under this Agreement exceeds Ten Thousand Dollars ($10,000), Contractor shall be subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three (3) years after final payment under this Agreement. This section survives the termination of this Agreement.

10. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of Contractor under this Agreement will be permitted only with the express written consent of County.

11. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

CONTRACTOR:
Davis Guest Home, Inc.
1878 E. Hatch Rd.
Modesto, CA 95331

COUNTY:
County of Mariposa
5362 Lemee Lane
P.O. Box 99
Mariposa, CA 95338
Fax: (209) 742-0996

12. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinances and regulations applicable to Contractor's performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person's race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

13. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act. To the extent that County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

14. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

15. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

16. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination as set forth in Exhibit B.

B. Either party may terminate this Agreement for convenience upon 30 calendar days' written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit B.

C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

17. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

18. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with this Agreement, the prevailing party in any such action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney's fees.

It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

19. CAPTIONS

The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

20. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

21. MANDATORY AND PERMISSIVE

"Shall" is mandatory. "May" is permissive.

22. SUCCESSORS AND ASSIGNS

All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

23. COUNTERPARTS/ELECTRONIC, FACSIMILE, AND PDF SIGNATURES

This agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA"), Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA, as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

24. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

25. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

26. AUTHORITY

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to this Agreement shall comply with all requirements of law, including capacity and authority to amend or modify this Agreement.

27. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

28. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other

29. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

30. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal year covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, County shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an amendment to this Agreement to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

COUNTY OF MARIPOSA

80EB2882DA5
ZorroSign

Joe Lynch, Director
Health and Human Services Agency

CONTRACTOR

80EB2882DAF
ZorroSign

Lonny Davis
Davis Guest Home

APPROVED AS TO LEGAL FORM:

80EB2882D9B
Steven W. Dahlem
ZorroSign

Steven W. Dahlem
County Counsel

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

Exhibit A
SCOPE OF WORK

A. DESCRIPTION OF SERVICES AND PROGRAM DESIGN

1. History of Organization

Davis Guest Home Inc. has operated Residential Care Facilities since 1962. Davis Guest home has long enjoyed a reputation of providing quality care and services for individuals who require a level of care not generally provided by residential care homes.

2. Mission Statement

Davis Guest Home is designed as a residential care facility offering a broad range of services to residents requiring a structured environment due to mental health challenges. Our structured environment within a non-restrictive, supervised program, focuses on each resident's specific needs and interests. Davis Guest Home is unique among the larger facilities in Central California in that it has maintained a home-like environment that has developed over the years. This has been accomplished by carefully selecting personnel who genuinely care for the residents and by maintaining on ongoing training program for all levels of staff.

An environment of respect, encouragement, and appreciation is provided for each of our residents. Residents are encouraged and given support in discovering and acquiring independent living skills and self-help management skills. Residents are also encouraged to participate in many out-of-home activities that are provided in an effort to normalize lifestyles and allow social training opportunities within the community. These objectives support our desire to help each resident reach and maintain his/her highest possible quality of life. It is our expectation at Davis Guest Home that each resident will achieve individualized goals that will result in their being re-integrated into the community as soon as possible.

Davis Guest Home views our relationship with residents as a continuum of mental health services. We are committed to the team concept in assisting the client. This team includes the facility, our case management team, OUI' local emergency acute inpatient hospitals, the conservator, the psychiatrist, the resident's family, case manager, and the resident. We are dedicated to facilitating communication between all of the individuals and agencies that participate in the treatment strategies affecting residents.

3. Goals and Outcomes

Davis Guest Home instructs and encourages clients to participate in tasks that promote independent living skills. As a result of residing at Davis Guest Home and participating in our full range of activities we expect each individual will experience an enrichment of life. This may be evidenced in many different ways:

1. An ability to interact in the community in a socially acceptable manner.
2. An increased awareness of resources within the community that are available for the resident's information, recreation, transportation, etc.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

3. The development of personal hygiene, grooming, dressing, and household living skills.
4. The development and discipline of social interaction skills with family members, staff and other residents.

4. Current Programs and Services Offered

Davis Guest Home is dedicated to discovering each resident's interest and goals and to assist our residents in achieving these with training opportunities, education and counseling. Each day Davis Guest Home provides opportunities for residents to participate in activities or educational opportunities in the following areas:

Educational:

Money Management/Budgeting Training
Public Transportation Access/Utilization
Interpersonal/Dyadic Communications Skills
Family and Peer Relational Processes
Nutritional/Menu Planning and Food Preparation
Responsibility Orientation, Cause/Effect Sequences
Chemical Dependency/Substance Abuse Awareness

Socialization/Group Interactions:

Current Events/Cultural Relativity
Problem Solving/Life challenge-bridge
Self-Disclosure/Transparency Therapy
Healthy Responses to relational Pain/Trust Development
Self Acceptance Support Group

Entertainment/Recreational

Annual trips to Disneyland
Concerts, Community Events
Holiday Celebrations
Movies, Games, and Sports.
Bingo Bonanza
Talent Shows/Competition
Pizza/Ice Cream Socials
Shopping Trips
Birthday Celebrations
Live Bands/Dances

Davis Guest Home develops a schedule each month outlining daily routines, training opportunities, client council meetings, orientation time, and daily social/recreational opportunities. In constructing social/recreational and other schedules we attempt to coordinate events and situations to coincide with the Individual Program Plans that are developed for each client in our facility. The client council meetings provide opportunity for clients to influence the

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

choices and types of activities and events that are sponsored or attended by residents.

The following is a partial list of behaviors/symptoms that Davis Guest Home is prepared to address:

1. Serious, psychotic impairment: difficulty self-care in bathing dressing, grooming, toileting, eating; persistently intrusive behavior requiring significant redirection: serious regression which impedes or prevents program participation.
2. Sub-acute danger to self, including suicidal ideation
3. Gross inactivity
4. Basic difficulties in sharing, working out, co-existing in a room with another person.
5. Exaggerated, loud outbursts in response to perceived injustices.
6. Problem smoking unauthorized areas.
7. Borrowing, begging or stealing or inappropriate handling of money or property.
8. Medication Compliance.
9. Paranoid perception - which goes unvoiced and sometimes leads to the person acting out of place in the community.
10. Reversed sleep patterns - up all night. sleeping in the day.
11. Sexual acting out.
12. Excessive dependency.

Davis Guest Home is staffed with individuals that have bi-lingual capabilities: two of our administrative staff are fluent in sign language. We stress a multi-cultural approach that is reflected in both our staffing and programming. Staff members regularly receive training in defusing assaultive situations, and utilize early intervention techniques that serve to help prevent hospitalizations in most instances. Resident's personal and incidental funds are placed in trust and may be withdrawn by the client at regular intervals as determined by the resident's service plan, payee, and case management contracts. Davis Guest Home provides transportation to day programs, community events, recreational activities, doctor and medical appointments, and other transportation requirements.

5. Quality Assurance Procedures

At Davis Guest Home, qualified personnel distribute medication as directed by psychiatrist or physician at prescribed intervals. Davis Guest Home requires all staff documenting or distributing medication to complete in-service training pertaining to medications.

Davis Guest Home services, facility, programs and records are evaluated annually by the following agencies: State of California Community Care Licensing, Valley Mountain Regional Center, Stanislaus County Ombudsman Program, and Patients Rights Consumer Review Task Force, Stanislaus County.

6. Description of the Facility and Community

Davis Guest Home has served Stanislaus and other counties for over 25 years. Davis Guest Home Located at 1878 E. Hatch Road in Modesto is situated close to shopping centers,

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

restaurants, and recreational opportunities. Davis Guest Home is located on over two acres of beautifully landscaped, spacious park-like grounds that provide a relaxed setting for enjoying a country BBQ, outdoor activities or just lounging in the shade. Our second site is located on several acres at 1628 Nadine Avenue two blocks from the main facility. The facility on Nadine has 8 beds and offers a unique home-like atmosphere. In addition, Davis Guest Home has added another 8-bed facility, located on Mauna Loa County, in the Modesto suburb of Ceres. Our newest facility is a 33-bed adult facility located on the corner of Ohio Avenue and Waverly Drive. Davis Guest Home on Ohio has a unique county atmosphere and offers a very quiet and serene setting with an in-ground swimming pool and lots of other outdoor recreational opportunities. A11 of our facilities are situated near public transportation. Altogether, Davis Guest Homes provide services to almost 150 clients from a variety of agencies throughout the state of California.

7. Staff Qualifications and Training

We believe that Davis Guest Home is unique among residential care facilities in Central California with respect to its dedication to providing well-trained, high caliber personnel to serve our residents.

Davis Guest Homes are staff operated facilities. Lonny Davis. Owner/Administrator is involved in the daily operations of the facility. Mr. Davis has been responsible for the administration of Davis Guest Home for over twenty years. His qualifications include Social Science, BA, History, MA, completion of Valley Mountain Regional Center Provider Training Courses, American College of community Care Education Residential Provider Certification. and related training seminars offered by California Association of Residential Care Homes: Stanislaus County: and various other agencies.

All Davis Guest Home staff members are fingerprinted and attend courses in CPR, First Aid, and bimonthly in-service training programs. In-service training's provide a forum, which allows discussion and interaction among staff concerning residents, IPP's (Individual Program Plans), residents' day programs, and general progress. Motivation techniques such as recognition and praise, cash bonuses, restaurant gift certificates, etc. are used to award staff demonstrating qualities of personal initiative, diligence and concern for clients' welfare, which we are attempting to promote.

8. Designated Psychiatrist

Davis Guest Home residents are provided psychiatric services by local psychiatrists who are contracted with Davis Guest Home. Psychiatrists visit residents on-site regularly and are on call continuously for emergency consultation.

The psychiatrist that Davis Guest Homes contracts with will bill each counties Department of Mental Health the standard Medi-Cal reimbursement rates for the initial consult/new patient assessment, and the regular/subsequent medication refill appointments.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

9. Clients to be Served

Davis Guest Home is unique in that it successfully provides a secure environment for individuals who are placed from a variety of programs reflecting diverse needs and aptitudes. We have been successful in working with individuals who are behaviorally inappropriate in such areas as: non-compliance, defiance, non-assaultive aggressiveness, psychotic ideations, hygiene deficiencies, medication resistance, and substance abuse histories.

Davis Guest Home is licensed for adult population both ambulatory and non-ambulatory.

10. Placement Procedures

A member of our management team personally evaluates potential residents of Davis Guest Home. Davis Guest Home reserves the right to deny placement to any client we feel would not fit into our population or does not meet our placement criteria.

All potential residents will complete an interview process that will entail an examination of records, personal history, medical review, Individual Program Plan, and the pre-placement appraisal form.

11. Emergency Services

Emergency services are provided by "Stanislaus Behavioral Health Center". Placing counties and agencies may also choose to transfer an individual back to the county of origin for in-patient acute care. Davis Guest Home has transportation services available on a case-by-case basis. To check on availability and cost to specific destinations, contact our office.

13. Program Expenses

Each resident is evaluated on an individual basis respecting behavioral and social history, ambulatory status, medical status, special services requested or required, and number of staff hours required to successfully maintaining the resident. A current copy of the "Davis Guest Home Rate Quote Sheet" is enclosed with this informational packet.

14. Terminating Placement

COUNTY will give CONTRACTOR a written two-week notice upon terminating a resident's placement at CONTRACTOR'S facility. Residents that are moved from CONTRACTOR'S facility without providing a two-week written notice, or before the date indicated on the notice, COUNTY will be responsible for payment of the term indicated in the termination notice.

15. HIPAA Compliance

CONTRACTOR agrees to the extent required by 42 U.S.C. 1171 et seq., Health Insurance Portability and Accountability Act of 1996 (HIPAA), to comply with applicable requirements of law and subsequent amendments relating to protected health information, as well as any task or

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

activity contractor performs on behalf of COUNTY, to the extent COUNTY would be required to comply with such requirements.

B. POLICIES REGARDING BED HOLD, CONSERVATORSHIP and LEAVE OF ABSENCES

COUNTY agrees that in the event individuals placed with CONTRACTOR are no longer conserved by COUNTY, CONTRACTOR will be notified as to the change of Conservator status.

COUNTY agrees to continue case management responsibility for any client whose MARIPOSA COUNTY conservatorship terminates while at CONTRACTOR's facility. COUNTY further agrees to work towards avoiding a non-conserved client leaving CONTRACTOR's facility and becoming a Stanislaus permanent resident. All efforts will be made to relocate such a client to MARIPOSA COUNTY for placement.

COUNTY shall pay the daily rate for clients participating in the program when a client is absent for a short time which is defined as not more than (7) days of non-medical leave and not more than (10) days of medical leave upon prior notification by CONTRACTOR.

COUNTY will give CONTRACTOR a written two-week notice upon terminating a resident's placement at CONTRACTOR's facility. Residents that are moved from CONTRACTOR's facility without providing a two-week written notice, or before the date indicated on the notice, COUNTY will be responsible for payment of the term indicated in the termination notice.

CONTRACTOR will hold a resident's bed for a total of ten days for in-patient hospitalizations (Medical and or Psychiatric) per occurrence and seven days per month for overnight passes. Upon written requests, exceptions can be accepted with COUNTY approval. Hospital days and passes require payment to CONTRACTOR within time framed indicated above, extensions may be secured with written notice to CONTRACTOR.

COUNTY shall pay CONTRACTOR with (30) days of receipt of an approved invoice.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

Exhibit B
COST PROPOSAL
Transitional Rate Program/Services:

$ 1,211.77 SSI *
$ 1,231.77 SSI/SSA*
$ 140.00 Daily Patch Rate

*The resident's SSI/SSI monthly residential board and care rate is currently $1,211.77/$1,231.77 per month (this monthly amount is subject to annual adjustments by the Federal Government and State of California).

Augmented services provided by Davis Guest Home such as transportation outside of Stanislaus County, extraordinary staffing requests, residents requiring special medical attention waivers or treatments and other enhanced services may be negotiated on an individual basis.

Before placement, all residents of Davis Guest Homes must have in place some form of medical insurance or provision for medical care and treatments including payment arrangements.

In special situations Davis Guest Homes may require an adjustment to the daily rate based upon acuity, medical complexity, and behavior problems requiring staff interventions beyond typical staff to client ratios. The rates may vary between $350.00 and $800.00 daily for higher acuity, new acute facility, and $275.00 for private rooms.

Residents who are not removed from Davis Guest Home facilities within 30 days of receiving discharge notice (as stipulated in the Admission Agreement) will be assessed a daily rate of $350.00 for Transitional residents, $375.00 for Private rooms, $150.00 additional per diem for individuals who are in high acuity facilities from day 31 until time they are relocated.

Board and Care shall be paid from the clients SSI or SSI/SSA benefits. If the client does not yet receive SSI or SSI/SSA benefits, or those benefits have been diminished due to back payments owed to other entities, or do not reflect standard residential care rates, COUNTY will provide payment to cover the delinquent and /or amount owed. The clients SSI or SSI/SSA monthly residential board and care rate is currently $1,211.77 per month for a client who receives one check and $1,231.77 for a client who receives two checks (this monthly amount is subject to annual adjustments by the Federal Government and State of California), which adjustments shall be effective without the need for any amendment to the Agreement. County will be responsible to cover SSI/SSA benefits within 30 days of being delinquent and continuing until Resident is removed from Davis Guest Home or SSI/SSA benefits are restored.

Attachment: Davis Guest Home 2023 - DH 10.25.2022 - EXECUTED (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to

FIRST AMENDMENT TO AGREEMENT FOR PERSONALIZED RESIDENTIAL CARE

THIS FIRST AMENDMENT TO AGREEMENT FOR PERSONALIZED RESIDENTIAL CARE, is made and entered into this _____ day of _____20__, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County," and Davis Guest Home, hereinafter referred to as "Contractor."

WHEREAS, County and Contractor have heretofore entered into an Agreement dated October 25, 2022, wherein Contractor agreed to provide personalized residential services; and

WHEREAS, County and Contractor desire to amend said Agreement to change the compensation to be provided to Contractor;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 3, "COMPENSATION," is hereby amended to provide that an additional $100,000 will be added to the original amount of $20,000, making the total compensation paid to Contractor the not to exceed amount of $120,000.

Except as herein amended, the Agreement dated October 25, 2022 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA	CONTRACTOR
_____	_____
Miles Menetrey, Chair Board of Supervisors	Lonny Davis Davis Guest Home
COUNTERSIGNED: *(Government Code §25103)*	APPROVED AS TO FORM:
_____	_____
Danielle Bondshu Clerk of the Board	Steven W. Dahlem County Counsel

Last Revised: 1/17/2023

Attachment: First Amendment - DGH Agreement 2023 (1) (RES-2023-157 : First Amendment - Davis Guest Home Agreement to Provide

MARIPOSA COUNTY

Planning · 209-966-5151

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: PAC Re-Appointments, Appointments & Recognition (Wawona)

RECOMMENDATION AND JUSTIFICATION:
Re-Appoint Eugene Spindler, Edward Mee, Alton Brown, Charles Jones and Tony Christianson to the Wawona Town Planning Advisory Committee with Terms to Expire February 28, 2025; and Appoint Richard Jacobson and Ken Kehrer to the Wawona Town Planning Advisory Committee with a Term to Expire February 28, 2025; and Recognize the Service of Lucy Royse (Supervisor Smallcombe).

Spindler, Mee, Brown, Jones, Christianson, Jacobson an Kehrer have expressed interest in serving on this Committee.

Royse has not responded to our requests to seek re-appointment.

With this action there will be 4 vacancies on this Committee.

Appointments, term expirations/vacancies have been advertised according to the Maddy Act.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
It is customary that recommendations for citizens advisory committee appointments and re-appointments are made by the District Supervisor.

Spindler was appointed to the committee on April 23, 2002.
Mee was appointed to the committee on February 08, 2000.
Brown was appointed to the committee on May 13, 2014.
Jones was appointed to the committee on April 23, 2002.
Christianson was appointed to the committee on February 16, 1999.
Royse was appointed to the committee on April 10, 2018.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Not re-appointing or appointing members may cause the committee to have a lack of quorum.

ATTACHMENTS:
221021 Charles Jones Redac Appication (PDF)
221027 Ken Kehrer Redac Appication (PDF)

Agenda Item - No Resolution Requested 2023-31

230113 Eugene Spindler Redac Application (PDF)
230118 Richard Jacobson Redac Appication (PDF)
230125 Tony Christianson Redac Appication (PDF)
230125 Edward Mee Redac Appication (PDF)
230302 Alton Brown Redac Appication (PDF)
230308 Wawona vacancies 4 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

RECEIVED
OCT 21 2022
BOARD OF SUPERVISORS

County of Mariposa
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338
(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying:
WTPAC (Wawona Town Planning Advisory Committee)

Supervisorial District in which you Reside: District 1

Length of Residency in the County: About 22 Years

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name:
Charles

Last Name:
Jones

Mailing Address:

Email Address:

Are you Over 18 Years of Age:
Yes

Employment Status: Retired Electronic Engineer

Employer's Name:
U.S. Government (former employer)

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
I have been in love with Wawona since I first came her over 50 years ago. Then I worked for 10 years just to find a piece of property to build on. Years ago I setup the first computer network for the Wawona School and was a member of Wawona Boards.

Please list prior/current appointments to other Boards/Commissions/Committees:

1. I served on WTPAC for AT LEAST the last 15 years (appointment expired Feb 2022).
2. I served on the WAPPOA Board for at least 15 years, until a few years ago.

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 221021 Charles Jones Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

Bachelor's degree in Engineering with additional Master's-level classes.

I managed advanced development projects for the U.S. Govt for inertial devices used in military (and commercial) aircraft and missile guidance systems.

My project managment and project-coordination experience will be useful when dealing with the big-picture problems the Wawona Community has to deal with, such as interfacing with the NPS and the County on issues such as the MOU (Memorandum of Understanding) with the NPS, the Wawona Town Plan and trash collection.

As a point of interest, I chaired a recent WTPAC subcommittee that updated the Wawona Town Plan.

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

No!

Resumé Attached:

Time(s) you have available to attend meetings (days, evenings, etc.):

Pretty much any time - I'm retired.

Do you have transportation?

Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: 10/12/22 Signature: C Jones

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 221021 Charles Jones Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

RECEIVED
OCT 27 2023
BOARD OF SUPERVISORS

County of Mariposa
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338
(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying: WAWONA TOWN PLANNING ADVISORY COMMITTEE (WTPAC)

Supervisorial District in which you Reside: 1

Length of Residency in the County: SEASONAL RESIDENT - FAMILY PROPERTY OWNERS IN WAWONA (90) YEARS

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name: KEN ~~KEHRER, JR~~

Last Name: KEHRER, JR.

Mailing Address: [redacted]

Email Address: [redacted]

Are you Over 18 Years of Age:

Employment Status: RETIRED

Employer's Name:

Employer's Address:

Day Telephone Number: [redacted]

Cell Phone Number: [redacted]

Please explain why you wish to serve on this Board/Commission/Committee:
My 53 year association and my wife's family's 90 year association with Wawona give me an educated perspective on the many issues and decisions that have affected Wawona. My 33 year career with the NPS as a Ranger/Chief Ranger give me insights into the NPS. most of all - I care about Wawona

Please list prior/current appointments to other Boards/Commissions/Committees:
Chair - Wayne County Utah Community Health Center Board (10 years)
Many Committees + Working groups in the NPS and with outside agencies.

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Last Modified: 11/ /2013

Attachment: 221027 Ken Kehrer Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

33 years NPS – 17 of which was at last at Division Manager level

Chair – Chief Rangers Alaska Region
Chair – Chief Rangers Rocky Mountain Region
Chair – Community Health Center Board 10 years

90 years of family property ownership in Wawona

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

Resumé Attached:	**Time(s) you have available to attend meetings (days, evenings, etc.):** I will be available	**Do you have transportation?** yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: October 19, 2022 Signature: Ken Kehrer Jr

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 221027 Ken Kehrer Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

RECEIVED

JAN 13 2023

BOARD OF SUPERVISORS

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying:
Wawona Town Planning Advisory Committee

Supervisorial District in which you Reside: Rosemarie Smallcombe

Length of Residency in the County: Owned Cabin in Wawona since 1989

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name:
Eugene

Last Name:
Spindler

Mailing Address:

Email Address:

Are you Over 18 Years of Age:
Yes

Employment Status: Retired

Employer's Name:

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
As a private property owner in Wawona I have long participated in property and land use issues both as board member and past president of WAPPOA and current chair of the Wawona Town Planning Advisory Committee.

Please list prior/current appointments to other Boards/Commissions/Committees:
Current Chair of the Wawona Town Planning Area Advisory Committee.

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230113 Eugene Spindler Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

1995-1999 Chief Planning Officer for the State of California
Deputy Director Real Estate Services for State of California

2000-2004 President of Wawona Area Property Owners Association.

2008-2012 President of Wawona Area Property Owners Association

2006 - Present Member Wawona Town Plan Advisory Committee (Current Chair)

Extensive experience in land use and entitlements with private real estate development companies

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

No

Resumé Attached:	Time(s) you have available to attend meetings (days, evenings, etc.):	Do you have transportation?
	As needed	yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: JANUARY 9, 2023 Signature: Eugene A. Spindler

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230113 Eugene Spindler Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County
BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying: Wawona Town Planning Advisory Cmte

Supervisorial District in which you Reside: 1

Length of Residency in the County:

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name: Richard

Last Name: Jacobson

Mailing Address:

Email Address:

Are you Over 18 Years of Age: Yes

Employment Status: Employed

Employer's Name: Jacobson Markham LLP

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
Property Owner in Wawona interested in planning issues

Please list prior/current appointments to other Boards/Commissions/Committees:
None

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230118 Richard Jacobson Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

I have bachelors' degrees in history and Public Service. I have been a practicing attorney for 38 years and have handled planning issues in my private practice

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

NO

Resumé Attached:	Time(s) you have available to attend meetings (days, evenings, etc.):	Do you have transportation?
	whenever called	Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: 1-18-23 Signature:

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230118 Richard Jacobson Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying: Wawona Town Plan Advisory Committee

Supervisorial District in which you Reside: 1

Length of Residency in the County: 30 years

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name: Tony

Last Name: Christianson, PhD

Mailing Address:

Email Address:

Are you Over 18 Years of Age: yes

Employment Status: Self

Employer's Name:

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
Continuation of WTPAC membership.

Please list prior/current appointments to other Boards/Commissions/Committees:
WTPAC

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230125 Tony Christianson Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

Resident of Wawona. PhD Engineering from UCLA

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

No

Resumé Attached:

Time(s) you have available to attend meetings (days, evenings, etc.):

available as needed

Do you have transportation?

yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: Jan 25 2023 Signature: [signature]

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230125 Tony Christianson Redac Application (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

RECEIVED
JAN 25 2023
BOARD OF SUPERVISORS

County of Mariposa
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338
(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

Name of Board, Commission or Committee for which you are applying: Wawona Town Planning Advisory Committee

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

Supervisorial District in which you Reside: 5

Length of Residency in the County: 20+ years

First Name: Edward

Last Name: Mee

Mailing Address:

Email Address:

Are you Over 18 Years of Age: Yes

Employment Status: Retired

Employer's Name:

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
I have been a Committee member for 20 years. I was born in Yosemite and my family (Gordon's) have been Mariposa residents since 1849. My families primary residence for 119 years and we own two homes in Wawona.

Please list prior/current appointments to other Boards/Commissions/Committees:
Past WTPAC Chairperson (17years), LAFCO Commissioner and Chair, WAPPOA Board member

Attachment: 230125 Edward Mee Redac Appication (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

I have worked for YNP concessionairs as well as the NPS as a ranger. Brown Act Training

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

No

Resumé Attached:	**Time(s) you have available to attend meetings (days, evenings, etc.):**	**Do you have transportation?**
	Days	Yes

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: 1/19/23 Signature: Edward Mee

Attachment: 230125 Edward Mee Redac Appication (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

RECEIVED

MAR 0 2 2023

BOARD OF SUPERVISORS

Attachment: 230302 Alton Brown Redac Appication (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

Committee Application

Name of Board, Commission or Committee for which you are applying:*
Agricultural Advisory Committee

First Name:*	Alton
Last Name:*	Brown
Supervisorial District in which you Reside:*	1
Length of your Residency in the county:*	1963
Mailing Address:*	[redacted]
Email Address: *	[redacted]
Preferred Contact Method:*	Cell Phone
Are you Over 18 Years of Age:*	◉ Yes ○ No
Employment Status:*	Retired
Employer's Name:	above
Employer's Address:	above
Day Telephone Number:	none
Cell Phone Number:	
Please explain why you wish to serve on this Board/Commission/Committee:	We have been part time residents since 1963. We have a vested interest in the Wawona area and the family home a[illegible]ver time there are changes in park regulations as well as environmental and they should be addressed for the common good of the Wawona area.
Please list prior/current appointments to other Boards/Commissions/Committees:	Membership on the W.A.P.P.O.A board for 6 years.
List any information regarding experience, training and/or education that you feel qualifies you for this position:	Supervision of maintenance and construction of electrical sub station facility for the Los Angeles Department of Water and Power.
Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with	○ Yes ◉ No

your duties for this Board/Commission?

If Yes, please explain:

Please attach your Resume: Choose File No file chosen

Please attach Supplemental questions, if any. Choose File **No file chosen**

Time(s) you have available to attend meetings (days, evening, etc.):*

Do you have transportation?* Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

By checking the "I agree" box below, you agree and acknowledge that:

1) your application will not be signed in the sense of a traditional paper document,

2) by signing in the alternate manner below, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and

3) you may still be required to provide a traditional signature at a later date.

(If you would prefer to fill out a paper form, please contact the Clerk of the Board's Office at (209) 966-3222.)

☑ I agree

*** indicates required fields.**

protected by reCAPTCHA

Privacy - Terms

Submit Reset Cancel

Government Websites by CivicPlus®

Attachment: 230302 Alton Brown Redac Appication (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

Mariposa County
Planning Department

Steve Engfer
Planning Director

5100 Bullion Street
PO Box 2039
Mariposa, CA 95338
209-966-5151 FAX 209-742-5024
www.mariposacounty.org
sengfer@mariposacounty.org

NOTICE OF VACANCIES ON THE

WAWONA TOWN PLANNING ADVISORY COMMITTEE

Four (4) vacancies currently exist on the Wawona Town Planning Advisory Committee.

The purpose of the committee to address issues that are important to the area and recommend policies for the Community.

The Committee is an advisory group to the Mariposa County Planning Commission and the Board of Supervisors.

Appointment terms are for two years and expire on the last day of February.

Members must be employed, reside, or own property within the geographic boundaries of the Wawona Town Planning Area.

Persons interested in serving on the Committee should complete an application which can be obtained at either the Mariposa County Planning Department or the Clerk of the Board's Office or can be found online at:

http://www.mariposacounty.org/DocumentCenter/View/39675/Committees-Application---blank-fillable?bidId=

Completed applications need to be sent to the:

Clerk of the Board
P. O. Box 784
Mariposa, CA 95338

Posting Locations for this notice:
Wawona Post Office
Mariposa County Planning
Mariposa County Clerk
Mariposa County Courthouse
Mariposa County Library
www.mariposacounty.org/planning

Re-notice Date: 3/08/23 Deadline for Submission: Until Filled

Attachment: 230308 Wawona vacancies 4 (2023-31 : PAC Re-Appointments, Appointments & Recognition (Wawona))

MARIPOSA COUNTY

Planning · 209-966-5151

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: PAC Re-Appointments, Appointment and Recognition (Fish Camp)

RECOMMENDATION AND JUSTIFICATION:
Recognize the Service of John Luther to the Fish Camp Town Planning Advisory Council; Re-Appoint Brett Archer, Donn Harter, Greg Royse and Robert Bassett; and Appoint William Reinhardt to the Fish Camp Town Planning Advisory Council with Terms to Expire February 28, 2025 (Supervisor Smallcombe).

Archer, Harter, Royse, and Bassett have all expressed interest in continuing to serve and are eligible. Reinhardt has expressed interest in serving and is eligible.

Luther is unable to continue to serve.

Appointments, term expirations and vacancies have been advertised according to the Maddy Act.

With this action there will be no vacancies on this Council.

It is customary that recommendations for citizens advisory appointments and re-appointments are made by the District Supervisor.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Archer was appointed to this Council on October 26, 2021.
Harter was appointed to this Council on March 26, 2019.
Royse was appointed to this Council on February 5, 2013.
Bassett was appointed to this Council on September 1, 2009.
Luther was appointed to this Council on March 21, 2017.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Not re-appointing or appointing these positions could result in a lack of a quorum for the Council.
.

ATTACHMENTS:
230126 Harter Redac Application (PDF)
230130 Reinhardt Redac Application (PDF)
230210 Archer Redac Application (PDF)

Agenda Item - No Resolution Requested 2023-32

230302 Royse Redac Application (PDF)
230307 Bassett Redac Application (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

Danielle Bondshu

From: Mariposa County Administration <do_not_reply@civicplus.com>
Sent: Thursday, January 26, 2023 12:22 PM
To: Danielle Bondshu
Subject: [BULK] New request received

Importance: Low

Category Forms has received a new request.

Here is what we have on file:

Committee Application

#818

Category: Forms
Priority: 3
Assigned To: Unassigned
Submitted: 1/26/2023 12:21 PM
Source: Website 64.118.103.34

SUBMITTER

[redacted]

CONTACT

[redacted]

,

REQUEST DETAILS

Description

Name of Board, Commission or Committee for which you are applying
Fish Camp Town Planning Advisory Council
First Name
Donn
Last Name
Harter
Supervisorial District in which you Reside
1
Length of your Residency in the county
47 yers
Mailing Address
[redacted]
Email Address:
[redacted]
Preferred Contact Method
Cell Phone

Attachment: 230126 Harter Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

Are you Over 18 Years of Age

Yes

Employment Status

semi-retired

Employer's Name

Self employed

Employer's Address

Day Telephone Number

Cell Phone Number

Please explain why you wish to serve on this Board/Commission/Committee

I helped form it and have been a member since 1983

Please list prior/current appointments to other Boards/Commissions/Committees

Planning Commission-1913-1916

List any information regarding experience, training and/or education that you feel qualifies you for this position

Present VP of Yosemite Gateway Partners and president of the Fish Camp Volunteer Fitre Assn.

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

No

If Yes, please explain

Time(s) you have available to attend meetings (days, evening, etc.)

days

Do you have transportation?

Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

By checking the "I agree" box below, you agree and acknowledge that:
1) your application will not be signed in the sense of a traditional paper document,
2) by signing in the alternate manner below, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3) you may still be required to provide a traditional signature at a later date.

(If you would prefer to fill out a paper form, please contact the Clerk of the Board's Office at (209) 966-3222.)

I agree

Attachment: 230126 Harter Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

RECEIVED

JAN 30 2023

BOARD OF SUPERVISORS

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying:
Fish Camp Town Planning Advisory Council

Supervisorial District in which you Reside: District 1

Length of Residency in the County: 5 Years

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name:
William

Last Name:
Reinhardt

Mailing Address:

Email Address:

Are you Over 18 Years of Age:
Yes

Employment Status: Employed

Employer's Name:
E & J Gallo Winery

Employer's Address:
600 Yosemite Ave., Modesto CA, 95354

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
To have a voice representing local interests in the Fish Camp community. I have observations from S.C.O.P.E. participation as well as a volunteer fire fighter.

Please list prior/current appointments to other Boards/Commissions/Committees:

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Last Modified: 11/ /2013

Attachment: 230130 Reinhardt Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

Lifelong presence in the community, established permanent remote office since 2017 in my forever home.

My work experience is managing software installation at a domestic and international level, coordinating a varied group of individuals/business interests to arrive at a consensus regarding direction/solution.

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

Resumé Attached: No

Time(s) you have available to attend meetings (days, evenings, etc.): Available anytime with reasonable notice

Do you have transportation? Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: 1/23/2023 Signature: William Reinhardt

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230130 Reinhardt Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

Committee Application

#826

Category: Forms

Priority: 3

Assigned To: Unassigned

Submitted: 2/10/2023 6:27 PM

Source: Website 64.118.101.206

SUBMITTER

[redacted]

View Request

CONTACT

[redacted]

,

REQUEST DETAILS

Description

Name of Board, Commission or Committee for which you are applying
Fish Camp Town Planning Advisory Council

First Name
Brett

Last Name
Archer

Supervisorial District in which you Reside
1

Length of your Residency in the county
30+ years

Mailing Address
[redacted]

Email Address:
barcher@delawarenorth.com

Preferred Contact Method
Cell Phone

Are you Over 18 Years of Age
Yes

Employment Status
Full Time

Employer's Name
Delaware North Parks & Resorts at Tenaya

Employer's Address
[redacted]

Day Telephone Number
[redacted]

Cell Phone Number
[redacted]

Please explain why you wish to serve on this Board/Commission/Committee

Attachment: 230210 Archer Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

Previous board member of the Council and GM of Tenaya at Yosemite

Please list prior/current appointments to other Boards/Commissions/Committees

Board member - Fish Camp Town Planning Advisory Council
Board member - Yosemite Gateway Partners
Board member - Mariposa County Tourism Bureau

List any information regarding experience, training and/or education that you feel qualifies you for this position

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

No

If Yes, please explain

Time(s) you have available to attend meetings (days, evening, etc.)

days

Do you have transportation?

Yes

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

By checking the "I agree" box below, you agree and acknowledge that:
1) your application will not be signed in the sense of a traditional paper document,
2) by signing in the alternate manner below, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3) you may still be required to provide a traditional signature at a later date.

(If you would prefer to fill out a paper form, please contact the Clerk of the Board's Office at (209) 966-3222.)

I agree

Attachment: 230210 Archer Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

RECEIVED

MAR 02 2023

BOARD OF SUPERVISORS

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County
BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying: FISH CAMP TOWN PLANNING ADVISORY COMMITTEE

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

Supervisorial District in which you Reside: 1

Length of Residency in the County: 15 yrs

First Name: GREG

Last Name: ROYSE

Mailing Address:

Email Address:

Are you Over 18 Years of Age: Y

Employment Status: EMPLOYED

Employer's Name: YOSEMITE MTN. RANCH

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:

CONTINUATION OF SERVICE

Please list prior/current appointments to other Boards/Commissions/Committees:

FCTPAC – 2013 → 2022

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Last Modified: 11/ /2013

Attachment: 230302 Royse Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

CONTINUATION OF SERVICE

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

Resumé Attached:	**Time(s) you have available to attend meetings (days, evenings, etc.):**	**Do you have transportation?**
N	ALL	Y

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: 2-14-23 Signature:

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230302 Royse Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

RECEIVED

MAR 07 2023

BOARD OF SUPERVISORS

County of Mariposa

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

(209) 966-3222

Application for Appointment to Mariposa County

BOARDS, COMMISSIONS AND COMMITTEES

http://www.mariposacounty.org/index.aspx?NID=119

Name of Board, Commission or Committee for which you are applying:
Fish Camp Town Advisory Council

Supervisorial District in which you Reside: Dist. V

Length of Residency in the County: 13 years

INSTRUCTIONS

Completely fill out this form, sign and return to:

Clerk of the Board
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

First Name:
Robert

Last Name:
Bassett

Mailing Address:

Email Address:

Are you Over 18 Years of Age:
yes

Employment Status: FT

Employer's Name:
Merced County office of Education/Camp Green Meadows

Employer's Address:

Day Telephone Number:

Cell Phone Number:

Please explain why you wish to serve on this Board/Commission/Committee:
I am a long term member of the Fish Camp Advisory Council my current term has expired.

Please list prior/current appointments to other Boards/Commissions/Committees:
Fish CAmp Advisory Council

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Last Modified: 11/ /2013

Attachment: 230307 Bassett Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

List any information regarding experience, training and/or education that you feel qualifies you for this position:

Current School Administrator
Long term member of the Fish Camp Community
Work requires problem solving on a daily basis for the safety and well being of children in an outdoor residential school setting.

Do you, or any member of your immediate family, work for the County of Mariposa or hold a position that might conflict with your duties for this Board/Commission?

If Yes, please explain:

no

Resumé Attached:	**Time(s) you have available to attend meetings (days, evenings, etc.):**	**Do you have transportation?**

PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

I certify that the above information is true and correct, and I authorize the verification of the information in this application in the event I am a finalist for the appointment.

Dated: Signature:

NOTE: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION

Attachment: 230307 Bassett Redac Application (2023-32 : PAC Re-Appointments, Appointment and Recognition (Fish Camp))

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2023-158

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Shannon Hansen, Director of Public Works & Transportation

RE: Mariposa Butterfly Parade

RECOMMENDATION AND JUSTIFICATION:
Declare Saturday, May 6, 2023, Butterfly Parade a County Sponsored Event and Authorize Public Works to Waive the Encroachment Fee of $188.00; and Approve the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140 from 10:00 AM to 11:00 AM, Between Highway 49 North and Highway 49 South.

By designating the Mariposa Butterfly Parade to be a County sponsored event, the County accepts the responsibility for the Parade because the County's liability insurance will cover the event.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved this event for several years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Disapprove; the parade will be canceled.

ATTACHMENTS:
Letter to BOS (PDF)
Encroachment permit (PDF)
letter from CHP to BOS (PDF)
Parade Map 2023 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13852

THE Mariposa BUTTERFLY FESTIVAL

February 1, 2023

Dear Mariposa County Supervisors,

First, I wish to take the opportunity in thanking the Mariposa County Supervisors for all its support for the Mariposa Butterfly Festival all these years I have been a part of this organization. With your support, MBF has been able to keep the tradition of an old country festival alive in our community. We have received letters from people all around the world, including Spain, England, and Germany, who have heard about our festival and plan to someday travel here to Mariposa to attend the event.

This coming May 6 & 7 will be a very special weekend in Mariposa County with the return of the Mariposa Butterfly Festival to the first weekend in May. We are expecting 60% of the participants to be from outside the Mariposa County borders, benefiting our economy.

MBF is in the planning stages for the annual Mariposa Butterfly Festival Parade in Downtown Mariposa on Saturday morning, May 6th from 10 am to 11:30 am on Highway 140 between Coakley Circle Drive and 3rd Street. The MBF Committee is asking the County of Mariposa to please sponsor and insure this event, as well as waive all fees. There will be no unusual acts in the parade. No skydivers and no cattle. Just a regular parade. The Mariposa Butterfly Festival parade is very important to Downtown Mariposa

The Mariposa Butterfly Festival is a very important aspect of Mariposa's culture. It is one of the few all-volunteer, non-profit festivals that has survived these pandemic times in the State of California. The Festival committee is dedicated to building an original, innovative and creative event. This attitude has paid off with The Mariposa Butterfly Festival brand name being recognized across the nation and the world. This is not only good for the Festival, but also for the County of Mariposa.

Sincerely,

Bill Lowe

Bill Lowe President
Mariposa Butterfly Festival, Inc.

--

Attachment: Letter to BOS (RES-2023-158 : Mariposa Butterfly Parade)

COUNTY OF MARIPOSA
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

DATE: 1/24/2023 Building Permit #: _____

APPLICANT: Georgia Gallagher

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT AND/OR OTHERWISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON (ADDRESS) Main Street / 140 AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK (PLEASE COMPLETE ALL THAT APPLY):

1.
- ☐ DRIVEWAY
- ☐ ROAD CROSSING (WATER PIPE, CULVERT, ETC. EXPLAIN BELOW)
- ☑ SPECIAL EVENT (EXPLAIN BELOW) DATE OF EVENT_____
- ☐ OTHER (EXPLAIN BELOW)

Butterfly Parade May 6, 2023
Starts at 10:00 over by 11:30

2. DRIVING INSTRUCTIONS FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.

_____

_____

3. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE. SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.

4. ASSESSOR'S PARCEL NUMBER: _____

5. ADDRESS OF PARCEL: _____

APPLICANT IS REQUESTED TO STAKE THE ENCROACHMENT LOCATION WITH THE **PINK CARD** PROVIDED.
NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED.
WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO.: _____

DATE ISSUED: _____

PHONE NUMBER: _____

OWNERS NAME: _____

PRINTED NAME OF APPLICANT: Georgia Gallagher

SIGNATURE OF APPLICANT: Georgia Gallagher

MAILING ADDRESS: 4765 Morningstar Lane
Mariposa, CA 95338

Cell 209 626 9883
Please call Thanks

Attachment: Encroachment permit (RES-2023-158 : Mariposa Butterfly Parade)

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Mariposa Area
5264 Highway 49 North
P.O. Box 217
Mariposa, CA 95338
(209) 966-3656
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

January 26, 2023

File No.: 455.15326.A16737.Butterly Festival Parade

Mariposa County Board of Supervisors
P.O. Box 276
Mariposa, CA 95338

Dear Board Members:

The Mariposa Area office of the California Highway Patrol has received and reviewed the application regarding the assemblage permit for the Mariposa Butterfly Festival Parade. This event is scheduled for May 6, 2023. We ask that while the event is being held, the responsible individual(s) requesting approval, ensure adequate parking areas are available to both event personnel and attendees, to prevent event-related vehicles from interfering with traffic. In the event more vehicles arrive than anticipated, the responsible individual(s) are asked to immediately notify the CHP at (209) 966-3656.

We appreciate you allowing us the opportunity to respond to the potential concerns we foresee. In the event there is any problem obtaining Cal Trans encroachment permits please contact us. If there is any additional assistance which can be provided by the California Highway Patrol, please contact myself or Sergeant Lewis at (209) 966-3656.

Sincerely,

G. PEDRSOL II, Lieutenant
Commander
Mariposa Area

Attachment: letter from CHP to BOS (RES-2023-158 : Mariposa Butterfly Parade)

Attachment: Parade Map 2023 (RES-2023-158 : Mariposa Butterfly Parade)

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2023-159

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Shannon Hansen, Director of Public Works & Transportation

RE: Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon

---

RECOMMENDATION AND JUSTIFICATION:
Authorize Public Works to waive the Encroachment Permit Fee of $188.00 for the Annual 4-H Citizenship Project Bike-A-Thon.

This annual event is scheduled for Sunday, April 2, 2023, from 11:30 am to 1:30 pm on Hornitos and Indian Gulch Roads.

This event is a fundraiser to raise funds to fight Multiple Sclerosis. The event will begin at 11:30 am at Indian Gulch Road at Highway 140 for registration and travel down Indian Gulch Road to Hornitos Road and finish at the Hornitos Park, arriving at approximately 1:30 pm, followed by a barbecue and awards.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors has waived the fee for this event in the past. This one day community fundraising event is held on an annual basis.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Disapprove; the 4-H Citizenship Project will need to cover the cost of the encroachment permit fee, which may cause a hardship for the sponsor.

ATTACHMENTS:
MS - Encroachment Permit (PDF)
MS - Flyer (PDF)
MS - Letter to BOS(PDF)
MS - Pledge Form (PDF)
MS Bike Route (PDF)
Bike a thon Ins23 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

COUNTY OF MARIPOSA
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

DATE: 2/16/23 Building Permit #: _____

APPLICANT: Ira Jones

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT AND/OR OTHERWISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON (ADDRESS) _____ AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK (PLEASE COMPLETE ALL THAT APPLY):

1. ☐ DRIVEWAY
   ☐ ROAD CROSSING
   (WATER PIPE, CULVERT, ETC. EXPLAIN BELOW)
   ☐ SPECIAL EVENT (EXPLAIN BELOW)
   DATE OF EVENT_____
   ☒ OTHER (EXPLAIN BELOW)

   Road

2. DRIVING INSTRUCTIONS FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.

   Hornitos Road to Indian Gulch Rd.
   See attached map.

3. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE. SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.

4. ASSESSOR'S PARCEL NUMBER: _____

5. ADDRESS OF PARCEL: _____

APPLICANT IS REQUESTED TO STAKE THE ENCROACHMENT LOCATION WITH THE **PINK CARD** PROVIDED.
NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED.
WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO.: _____ OWNERS NAME: Ira Jones

DATE ISSUED: _____ PRINTED NAME OF APPLICANT: _____

PHONE NUMBER: _____ SIGNATURE OF APPLICANT: Ira Jones

MAILING ADDRESS: 5009 Fairgrounds Road
Mariposa, CA 95338

(209) 966-2417

Attachment: MS - Encroachment Permit (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

12th Annual Multiple Sclerosis

MS Bike/Walk/Run Ten Miles

Sunday, April 2, 2023

go the distance for MS

Bikers, Walkers and Runners welcome! Registration begins at 11:30 am at the corner of Indian Gulch Road and HWY 140 in Catheys Valley. The ride begins at 12:00 pm and travels down Indian Gulch Road to the finish line at the Hornitos Park where a barbecue and awards await.

ALL PROCEEDS WILL BE DONATED TO THE MS SOCIETY

FOR MORE INFORMATION OR TO MAKE A PLEDGE, CALL

209-382-7062

Sponsored by the 4-H Citizenship Project

Attachment: MS - Flyer (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

University of California
Agriculture and Natural Resources
Cooperative Extension, Mariposa County

UCCE Mariosa County
5009 Fairgrounds Rd.
Mariposa, CA 95338
(209) 966-2417 office
(209) 966-5321 fax
http://cemariposa.ucanr.edu

February 21, 2023

Mariposa County Board of Supervisors:

The Mariposa County 4-H Citizenship project is planning their 12th Annual Multiple Sclerosis Bike-a-Thon, being held on Sunday, April 2, 2023. This event is open to the public, and all ages are invited to participate. Again this year, we are including Bikers, Runners, and Walkers. The course starts in at Indian Gulch Road and HWY 140, in Catheys Valley, CA. Registration begins at 11:30 am, and the Run or Bike MS will begin at around 12:00 pm and travels down Indian Gulch Road to the finish at Hornitos Park, with a BBQ and Awards ceremony. We are requesting a fee waiver for the Encroachment Permit as this is a fundraising event with all proceeds are going to the Multiple Sclerosis Society.

Multiple Sclerosis is a serious progressive disease of the central nervous system, occurring mainly in young adults and thought to be caused by a malfunction of the immune system. It leads to the loss of myelin in thebrain or spinal cord and causes muscle weakness, poor eyesight, slow speech, and some inability tomove.

We invite you to come enjoy a leisurely Run, Walk, or Ride through the beautiful foothills, visit our local establishments and experience the rich history and atmosphere of our historic towns.

Respectfully,

Fadzayi Mashiri
Mariposa County Director
UC Cooperative Extension
209-966-2417 phone
fmashiri@ucanr.edu email

Attachment: MS - Letter to BOS (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

National Multiple Sclerosis Society

Rider/Walker/Runner Pledge Form

Rider Name: _____

For Office Use Only
Rider Number: _____

Address: _____ City, State, Zip: _____

Home Phone: (____) _____ - _____ Date of Birth: ____ / ____ / _____

RIDER – In order to properly credit your account, please complete this form and submit it with each pledge deposit. Each check should also have your name (cyclist) in the memo section. Make checks payable to **"Multiple Sclerosis Society"** and mail to Mary Ann Visher, P.O. Box 388, Hornitos, CA 95325. (do not mail cash).
For more information call: **209-382-7062**

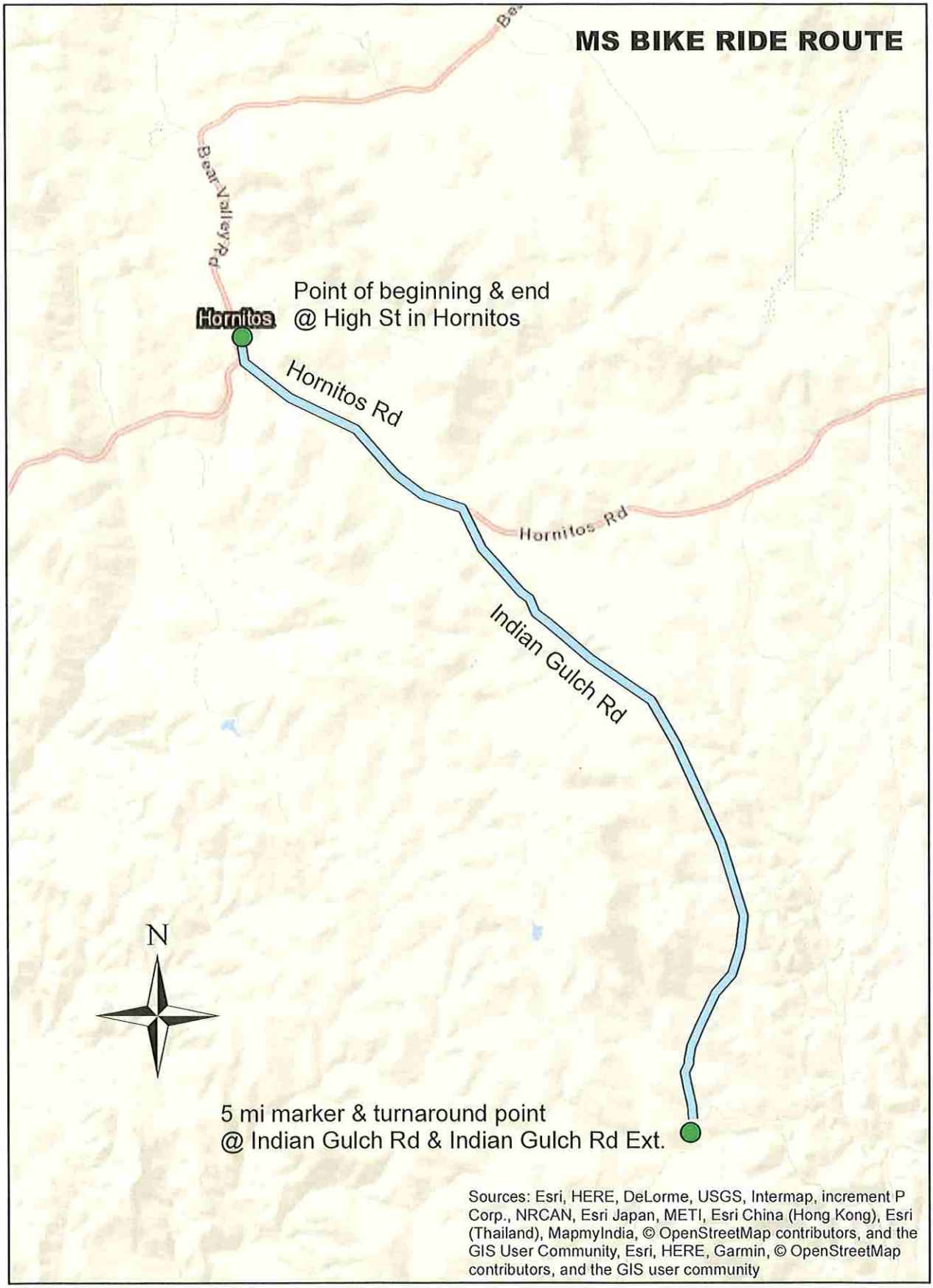
DONOR – All pledges are tax-deductible to the maximum extent allowed by law. Canceled checks are sufficient IRS proof for pledges less than $250. For pledges greater than $250, a tax receipt will be mailed to the donor in January **2024**
Please make checks payable to the **National MS Society** and include the **rider name** in the memo section of each check.

Name	Address*	Phone Number	Pledge Amount
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
		TOTAL PLEDGE DEPOSIT	$

Riders and Donors: **Don't forget to check with your employer to see if they offer a matching gift program that could DOUBLE the amount of your donations!**

****If you are writing a check to cover any cash donations, BE SURE to fill out name and address for those donors on this form in order to have their donation credited to them on your personal fundraising website.***

Attachment: MS - Pledge Form (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)



Attachment: MS Bike Route (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

UNIVERSITY OF CALIFORNIA

PROOF OF SELF-INSURANCE COVERAGE

The Regents of the University of California are often requested by outside parties to provide evidence of the University's self-insurance coverage in conjunction with agreements and contracts negotiated by its employees on UC campuses and medical centers. Examples of situations where the University may be required to provide evidence of insurance include:

- Using an off-campus location to host an event, ceremony, athletic event, theatre production, practice space, job fair, educational outreach event, etc.
- Leasing or renting equipment, motor vehicle(s), or real estate
- Research grant sub-awards
- Affiliation (non-healthcare/medical related) and Professional Services Agreements

The University of California self-funds its liability exposures, so does not issue individual certificates of insurance. The UC Office of Risk Services has developed a Certificate of Self-Insurance Coverage document (COC) to illustrate the self-funded retention levels maintained for each liability program. The COC is available on-line for use by entities conducting business with the university as evidence of the self-funded retention levels, coverage terms, and limits routinely requested. The self-insurance limits accepted in each specific written agreement or contract shall be the limits that apply should a loss arise, regardless of the limits provided in the on-line Certificate of Self-Insurance Coverage document.

The UC COC Site is solely for the use and benefit of the vendors and organizations which contract with the University of California and not for resale or other transfer to or use by or for the benefit of any other person or entity. You may print copies for use within your organization, provided that you do not modify the COC in any way, nor distribute any copies outside your organization. You may not use any of the University of California's names or marks in any manner that creates the impression such names or marks belong to or are associated with you or imply any endorsement by the University of California, and you acknowledge that you have no ownership rights in and to any of these names or marks. You will not use the Site, the information contained therein or any of the University's names or marks in unsolicited mailings or spam material. You may not link directly to the COC ("deep link") or bring up or present the COC or other content of this site within another web site ("frame").

Official Correspondence must be sent via postal mail to:
Chief Risk Officer
Office of Risk Services
Office of the President
University of California
1111 Franklin St., 10th Floor
Oakland, CA 94607-5200
510-987-9832
RiskServices@ucop.edu

Please contact the local Risk Manager at the specific University of California location where you are contracting if you have insurance coverage questions:

- Campus Risk Managers Directory
- Hospital Risk Managers Directory

Attachment: Bike a thon Ins23 (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

CERTIFICATE OF SELF-INSURANCE COVERAGE

Date: June 15, 2022

PRODUCER/INSURED

The Regents of the University of California
Office of the President
Office of Risk Services
1111 Franklin St., 10th Floor
Oakland, CA 94607-5200
510-987-9832

This Certificate is issued as a matter of information only to authorized viewers for their internal use only and confers no rights upon any viewer of this Certificate. The Certificate does not amend, extend or alter the coverage described below. This Certificate may only be copied, printed and distributed by an authorized viewer for its internal use. Any other use, duplication or distribution of the Certificate without the written consent of the Regents of the University of California is prohibited.

ENTITIES AFFORDING COVERAGE

		PARTICIPATION
COMPANY LETTER A	The Regents of the University of California	100 %

COVERAGES

THIS IS TO CERTIFY THAT THE REGENTS OF THE UNIVERSITY OF CALIFORNIA IS A GOVERNMENTAL ENTITY THAT HAS A SELF-FUNDED RETENTION FOR LIABILITIES DESCRIBED BELOW, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY WRITTEN CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY PERTAIN. THIS SELF-FUNDED PROGRAM IS SUBJECT TO ALL PROVISIONS OF THE BYLAWS AND STANDING ORDERS OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, WHICH DOES NOT PERMIT ANY ASSUMPTION OF LIABILITY WHICH DOES NOT RESULT FROM THE NEGLIGENT ACTS OR OMISSIONS OF ITS OFFICERS, AGENTS OR EMPLOYEES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS	
A	**GENERAL LIABILITY** [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCURRENCE	Self-Insured	July 1, 2022	July 1, 2023	GENERAL AGGREGATE PRODUCTS-COMP/OP AGG PERSONAL & ADV INJURY CONTRACTUAL LIABILITY EACH OCCURRENCE	$ Not applicable $ 5,000,000 $ 5,000,000 $ 5,000,000 $ 5,000,000 $
A	**AUTOMOBILE LIABILITY** [ ] ANY AUTO [X] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS [ ] GARAGE LIABILITY	Self-Insured	July 1, 2022	July 1, 2023	COMBINED SINGLE LIMIT BODILY INJURY (PER PERSON) BODILY INJURY (PER ACCIDENT) PROPERTY DAMAGE	$ Not applicable $ 2,500,000 $ 2,500,000 $ 2,500,000
A	**PROPERTY** [X] FIRE & EXTENDED PERILS	Self-Insured	July 1, 2022	July 1, 2023	EACH OCCURRENCE AGGREGATE	$ 10,000,000 $ Not applicable $
A	**WORKERS' COMPENSATION AND EMPLOYERS LIABILITY**	Self-Insured	July 1, 2022	July 1, 2023	STATUTORY LIMITS EACH ACCIDENT DISEASE - POLICY LIMIT DISEASE - EACH EMPLOYEE	 $ As required by California Law $ As required by California Law $ As required by California Law

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ADDITIONAL COVERED PARTY- AS REQUIRED BY WRITTEN CONTRACT OR AGREEMENT WITH RESPECT TO GENERAL LIABILITY AND AUTOMOBILE LIABILITY

LOSS PAYEE - AS REQUIRED BY WRITTEN CONTRACT OR AGREEMENT WITH RESPECT TO PROPERTY COVERAGE

CERTIFICATE HOLDER
APPLICABLE PARTY AS REQUIRED BY WRITTEN CONTRACT OR AGREEMENT

CANCELLATION

SHOULD THE REGENTS ELECT TO DISCONTINUE SELF-INSURING ITS LIABILITIES, THE REGENTS WILL UPDATE PROOF OF SELF-INSURANCE ON ITS WEBSITE. THE REGENTS SHALL NOT BE OBLIGATED TO PROVIDE INDIVIDUAL NOTICE TO VENDORS OR OTHERS.

By: Kevin Confetti

KEVIN CONFETTI, AVP & CHIEF RISK OFFICER

Attachment: Bike a thon Ins23 (RES-2023-159 : Authorize Waiver Encroachment Fee for the Annual 4-H Citizenship Bike-A-Thon)

MARIPOSA COUNTY

Public Works · 209-966-2498

RESOLUTION - ACTION REQUESTED 2023-160

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Shannon Hansen, Director of Public Works & Transportation

RE: Declare Paseo De Mariposa a County Sponsored Event and Waive Encroachment Fee

---

RECOMMENDATION AND JUSTIFICATION:
Declare Paseo De Mariposa a County Sponsored Event; and Authorize Public Works to Waive the Encroachment Fee of $188.00

This event is the 7th annual event and will be held on April 30, 2023.

The start and stop location will be in front of the historic Courthouse. This event will include a 5K/ 8K run/walk and a 12K run held in the Mariposa town site. The course will run from 9th Street to Jones Street to Trabucco Street and through the Stockton Creek Reservoir.

The Paseo de Mariposa event aims to increase awareness of free outdoor physical activities available in Mariposa County for community residents, especially women and children.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has supported this event in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Disapprove; it will cause hardship for the coordinators since volunteers are sponsoring the event.

ATTACHMENTS:
encroachment application23 (PDF)
Letter to BOS23 (PDF)
Letter to PWD23 (PDF)
Maps for Run23 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13901

COUNTY OF MARIPOSA
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

DATE: 2/21/2023 Building Permit #: _____

APPLICANT: Mariposa County HHSA- Public Health

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT AND/OR OTHERWISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON (ADDRESS) 9th Street (Side of Courthouse Lawn) AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK (PLEASE COMPLETE ALL THAT APPLY):

1.
- ☐ DRIVEWAY
- ☐ ROAD CROSSING (WATER PIPE, CULVERT, ETC. EXPLAIN BELOW)
- ☑ SPECIAL EVENT (EXPLAIN BELOW) DATE OF EVENT 4/30/2023
- ☐ OTHER (EXPLAIN BELOW)

Paseo de Mariposa Run

2. DRIVING INSTRUCTIONS FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.

See map- The community fun run starts 9th street side of the Courthouse 5088 Buillion St. Mariposa.

The 5k, 8k and 12k course will go through the Stockton Creek Preserve returning back to 9th Street.

3. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE. SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.

4. ASSESSOR'S PARCEL NUMBER: _____

5. ADDRESS OF PARCEL: _____

APPLICANT IS REQUESTED TO STAKE THE ENCROACHMENT LOCATION WITH THE **PINK CARD** PROVIDED.
NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED.
WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO.: _____

OWNERS NAME: Paseo de Mariposa Planning Team of Mariposa Cc

DATE ISSUED: _____

PRINTED NAME OF APPLICANT: Margarita L King

PHONE NUMBER: 209-966-3689

SIGNATURE OF APPLICANT: Margarita L King

MAILING ADDRESS: 5300 Highway 49 North (P.O. Box 5) Mariposa, CA 95338

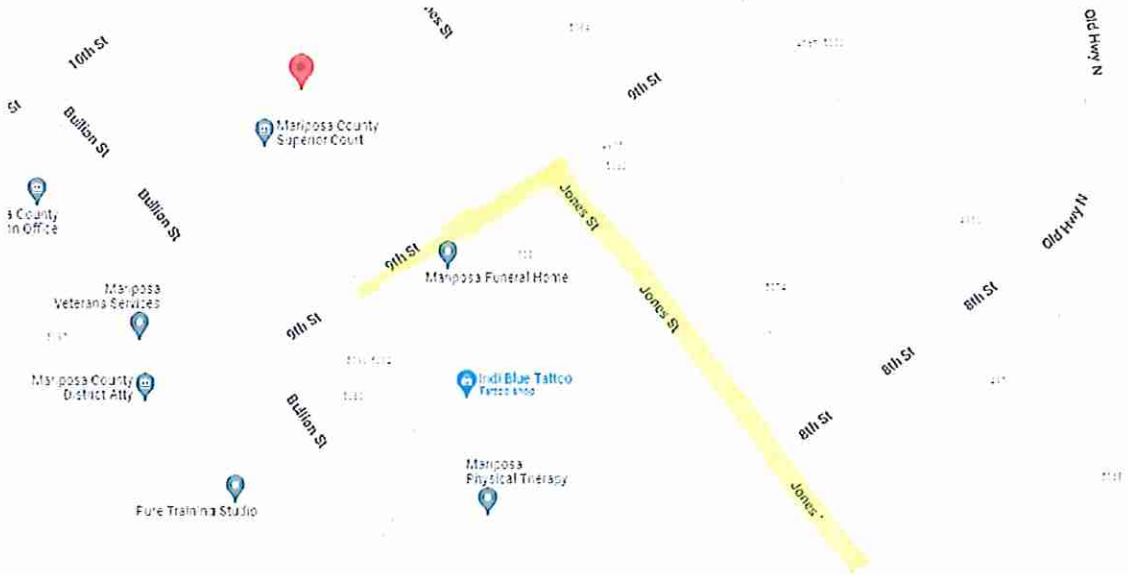
Attachment: encroachment application23 (RES-2023-160 : Declare Paseo De Mariposa a County Sponsored Event and Waive Encroachment

Mariposa County
Health & Human Services Agency
Public Health

2023 Paseo de Mariposa

The Mariposa County Health Department in collaboration with the Mariposa Rotary Club and Sierra Foothill Conservancy, will host its 7th Annual Paseo de Mariposa on April 30, 2023. Just as the first run, this event promotes the health of Mariposa families, specifically women and children, and showcase the resources available within our county to support a physically active lifestyle. Paseo de Mariposa will hold three healthy choice events – a 12K Trail Run, "8-ish" K run/walk, and a 5K Run/Walk on the streets of Mariposa and through the hills surrounding the reservoir. All participants under 18 are eligible to sign up at no cost.

The start of the event is at the Courthouse lawn with the start of the run-on 9th Street, right turn onto Jones Street then left turn onto 6th Street which will turn into Mariposa Street veering right. The runners will run turning left onto Trabucco Street. This will take the runners to the Stockton Creek Preserve trails with appropriate signs for the 12k, 8k and 5k run.



Attachment: Letter to BOS23 (RES-2023-160 : Declare Paseo De Mariposa a County Sponsored Event and Waive Encroachment Fee)

Mariposa County
Health & Human Services Agency
Public Health

March 1, 2023

Please see the attached Encroachment Permit Application with the addendum document attached with more information regarding the event.

This letter is to request the Board of Supervisors to designate Paseo de Mariposa as a County sponsored event and waive the event's encroachment fees.

For any questions, I can be reached by cell 209-626-9897. Thank you for your consideration regarding this request.

Sincerely,

Margarita King

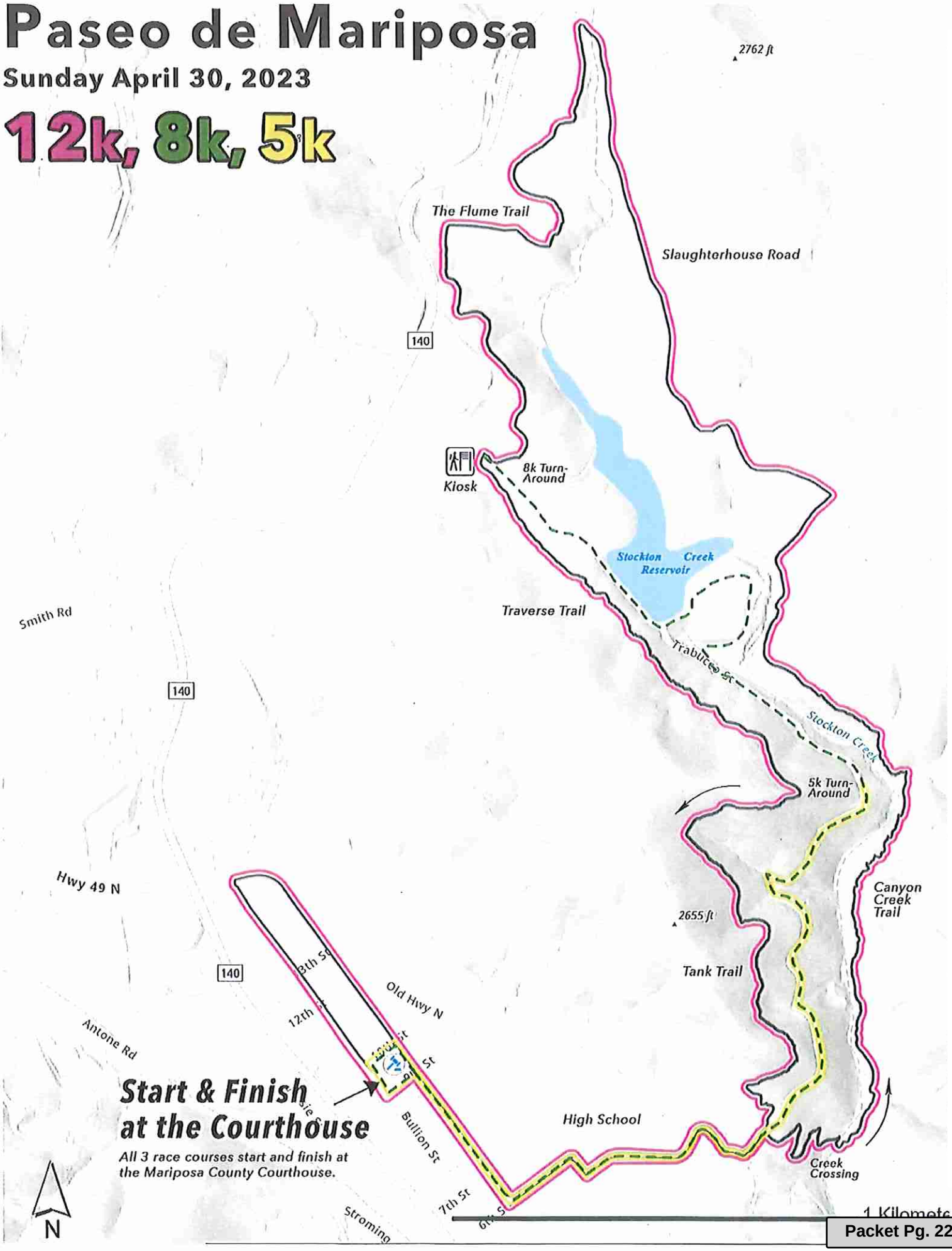
Margarita King, MSN, PHN
Paseo de Mariposa Planning Committee
Public Health Nurse Manager
Mariposa County Health & Human

Attachment: Letter to PWD23 (RES-2023-160 : Declare Paseo De Mariposa a County Sponsored Event and Waive Encroachment Fee)

Paseo de Mariposa

Sunday April 30, 2023

12k, 8k, 5k



Attachment: Maps for Run23 (RES-2023-160 : Declare Paseo De Mariposa a County Sponsored Event and Waive Encroachment Fee)

MARIPOSA COUNTY

Probation · (209) 966 3612

RESOLUTION - ACTION REQUESTED 2023-161

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Pete Judy, Chief Probation Officer

RE: Approve Contract for Services with TYLER TECHNOLOGIES, INC.

RECOMMENDATION AND JUSTIFICATION:
Approve a Five (5) Year Agreement with Tyler Technologies, Inc. to Provide a Full Featured Case Management System, in an Amount Not to Exceed $44,800 in Year One, $52,040 in Year Two, $59,442 in Year Three, $67,014 in Year Four, and $74,765 in Year Five; and Authorize the Board of Supervisors Chair to Sign the Agreement.

Tyler Technologies (formerly known as CaseloadPRO) has been providing case management services to Mariposa Probation since 2012. The contract has not been updated since that time, however; Tyler Technologies continues to improve and add services to keep up with industry standards in technology and officer efficiency. The new contract will allow the Probation Department to upgrade and add features that will promote offender compliance, provide a positive experience for the officer and client, utilize state of the art technology, and improve data collections necessary for grant funding.

The updated case management system, known as Enterprise Supervision, provides officers and probation clients with pertinent information related to their respective case(s), such as terms and conditions, appointments, court hearing dates, contact information, and victim restitution balances. Enterprise Supervision has the ability to accept payments, conduct web check-ins and interviews, in-app direct messaging between the officer and client, appointment reminders via text message and e-mail, and a dedicated mobile application.

Enterprise Supervision has the ability to allow criminal justice partners and service providers "read only" or limited input access to the system when approved by the Probation Department. This will permit law enforcement access to offender information such as name, date of birth, photos, addresses, and probation conditions. Additionally, service providers can input progress reports and attendance records directly into the system which will immediately alert probation officers of any problems.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has continued to support proactive advancements in technology for increased public service.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not support this Agreement, the Probation Department will not be able to continue the partnership with Tyler Technologies and will have to look for alternative case management systems which will be costly and create additional work for staff. Additionally, without a case management system, data collection for grant funding will be difficult and could potentially eliminate grant opportunities.

FINANCIAL IMPACT:
There is no financial impact to the general fund. The program will be funded by the AB 109 - Realignment Funding and SB 678 - Community Corrections Funding.

ATTACHMENTS:
Mariposa County CA Enterprise Supervision Renewal Agmt 020223 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

SOFTWARE AS A SERVICE AGREEMENT

This Software as a Service Agreement is made between Tyler Technologies, Inc., and Client.

WHEREAS, Client and Tyler (as successor-in-interest to CaseloadPRO L.P.) are parties to a prior agreement executed in or around 2012 ("Original Agreement");

WHEREAS, Client and Tyler desire to replace the Original Agreement with updated terms to reflect the ongoing nature of their relationship, and for Tyler to continue providing certain products and services set forth in the Investment Summary, including providing Client with access to Tyler's proprietary software products, under the terms of this Agreement.

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and promises set forth in this Agreement, Tyler and Client agree as follows:

SECTION A – DEFINITIONS

- **Agreement** means this Software as a Services Agreement.
- **Business Travel Policy** means our business travel policy. A copy of our current Business Travel Policy is attached as Schedule 1 to Exhibit B.
- **Client** means Mariposa County, California.
- **Data** means your data necessary to utilize the Tyler Software.
- **Data Storage Capacity** means the contracted amount of storage capacity for your Data identified in the Investment Summary.
- **Defect** means a failure of the Tyler Software to substantially conform to the functional descriptions set forth in our written proposal to you, or their functional equivalent, based on a condition within our reasonable control. Future functionality may be updated, modified, or otherwise enhanced through our maintenance and support services, and the governing functional descriptions for such future functionality will be set forth in our then-current Documentation.
- **Developer** means a third party who owns the intellectual property rights to Third Party Software.
- **Documentation** means any online or written documentation related to the use or functionality of the Tyler Software that we provide or otherwise make available to you, including instructions, user guides, manuals and other training or self-help documentation.
- **Effective Date** means the last signature date set forth in the signature block.
- **Force Majeure** means an event beyond the reasonable control of you or us, including, without limitation, governmental action, war, riot or civil commotion, fire, natural disaster, or any other cause that could not with reasonable diligence be foreseen or prevented by you or us.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

- **Investment Summary** means the agreed upon cost proposal for the products and services attached as Exhibit A.
- **Invoicing and Payment Policy** means the invoicing and payment policy. A copy of our current Invoicing and Payment Policy is attached as Exhibit B.
- **Initial Term** and **Renewal Term** have the meanings set forth in Section F(1) "Term and Termination" herein.
- **SaaS Fees** means the fees for the SaaS Services identified in the Investment Summary.
- **SaaS Services** means software as a service consisting of system administration, system management, and system monitoring activities that Tyler performs for the Tyler Software, and includes the right to access and use the Tyler Software, receive maintenance and support on the Tyler Software, including Downtime resolution under the terms of the SLA, and Data storage and archiving. SaaS Services do not include support of an operating system or hardware, support outside of our normal business hours, or training, consulting, or other professional services.
- **SLA** means the service level agreement. A copy of our current SLA is attached hereto as Exhibit C.
- **Support Call Process** means the support call process applicable to all of our customers who have licensed the Tyler Software. A copy of our current Support Call Process is attached as Schedule 1 to Exhibit C.
- **Third Party Terms** means, if any, the end user license agreement(s) or similar terms, as applicable.
- **Third Party Hardware** means the third -party hardware, if any, identified in the Investment Summary.
- **Third Party Products** means the Third Party Software and Third Party Hardware.
- **Third Party SaaS Services** means software as a service provided by a third party, if any, identified in the Investment Summary.
- **Third Party Software** means the third -party software, if any, identified in the Investment Summary and not embedded in the Tyler Software.
- **Tyler** means Tyler Technologies, Inc., a Delaware corporation.
- **Tyler Software** means our proprietary software, including any integrations, custom modifications, and/or other related interfaces identified in the Investment Summary and licensed by us to you through this Agreement. The Tyler Software also includes embedded third-party software that we are licensed to embed in our proprietary software and sub-license to you.
- **we, us, our** and similar terms mean Tyler.
- **you** and similar terms mean Client.

SECTION B – SAAS SERVICES

1. Termination of the Original Agreement. As of the first day of the first month following the Effective Date, the Original Agreement is terminated by mutual agreement of the parties and replaced in its entirety by this Agreement.

2. Rights Granted. We grant to you the non-exclusive, non-assignable limited right to use the SaaS Services solely for your internal business purposes. The Tyler Software will be made available to you according to the terms of the SLA. You acknowledge that we have no delivery obligations, and we will not ship copies of the Tyler Software as part of the SaaS Services. You may use the SaaS Services to access updates and enhancements to the Tyler Software, as further described in Section C(8) "Maintenance and Support".

3. SaaS Fees. You agree to pay us the SaaS Fees. Those amounts are payable in accordance with our Invoicing and Payment Policy.

4. Ownership.

   3.1 We retain all ownership and intellectual property rights to the SaaS Services, the Tyler Software, and anything developed by us under this Agreement. We reserve all rights not expressly granted to you in this Agreement. Without limiting the generality of the preceding, we retain all right, title, and interest in and to the Tyler Software, including without limitation, all software used to provide the Tyler Software and all Tyler logos and trademarks reproduced through the Tyler Software, as well as any copyright or other intellectual property rights in and to the Tyler Software.

   3.2 You do not acquire under this Agreement any rights to use the Tyler Software in excess of the scope and/or duration of the SaaS Services.

   3.3 The Documentation is licensed to you and may be used and copied by your employees for internal, non-commercial reference purposes only.

   3.4 You retain all ownership and intellectual property rights to the Data. You expressly recognize that except to the extent necessary to carry out our obligations contained in this Agreement, we do not create or endorse any Data used in connection with the SaaS Services.

5. Restrictions. You may not: (a) make the Tyler Software or Documentation resulting from the SaaS Services available in any manner to any third party for use in the third party's business operations; (b) modify, make derivative works of, disassemble, reverse compile, or reverse engineer any part of the SaaS Services; (c) access or use the SaaS Services in order to build or support, and/or assist a third party in building or supporting, products or services competitive to us; or (d) license, sell, rent, lease, transfer, assign, distribute, display, host, outsource, disclose, permit timesharing or service bureau use, or otherwise commercially exploit or make the SaaS Services, Tyler Software, or Documentation available to any third party other than as expressly permitted by this Agreement.

6. Software Warranty. We warrant that the Tyler Software will perform without Defects during the term of this Agreement. If the Tyler Software does not perform as warranted, we will use all reasonable efforts, consistent with industry standards, to cure the Defect in accordance with the maintenance and support process set forth in Section C(8) "Maintenance and Support", below, the SLA and our then current Support Call Process or to provide you with a functional equivalent. For the avoidance of doubt, to the extent any third-party software is embedded in the Tyler Software, your limited warranty rights are limited to our Defect resolution obligations set forth above; you do not have separate rights against the developer of the embedded third-party software.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

7. SaaS Services.

   6.1 If our SaaS Services are provided using a third-party data center, we will provide available compliance reports for that data center upon execution of a mutually agreeable Non-Disclosure Agreement ("NDA"). Every year thereafter, for so long as the NDA is in effect and in which you make a written request, we will provide that same information.

   6.2 In the event we declare a disaster, our Recovery Time Objective ("RTO") is twenty-four (24) hours. For purposes of this subsection, RTO represents the amount of time, after we declare a disaster, within which your access to the Tyler Software must be restored.

   6.3 We test our disaster recovery plan on an annual basis and mitigate any findings in accordance with industry standards.

   6.4 We will be responsible for importing back-up and verifying that you can log-in. You will be responsible for running reports and testing critical processes to verify the returned data.

   6.5 We provide secure data transmission paths from each of your workstations to our servers.

   6.6 For at least the past ten (10) years, all of our employees have undergone criminal background checks prior to hire. All employees sign our confidentiality agreement and security policies. Our data centers are accessible only by authorized personnel with a unique key entry. All other visitors must be signed in and accompanied by authorized personnel. Entry attempts to the data center are regularly audited by internal staff and external auditors to ensure no unauthorized access.

SECTION C – PROFESSIONAL SERVICES

1. Professional Services. We will provide you the various implementation-related services itemized in the Investment Summary.

2. Professional Services Fees. You agree to pay us the professional services fees in the amounts set forth in the Investment Summary. Those amounts are payable in accordance with our Invoicing and Payment Policy. We will bill you the actual fees incurred based on the in-scope services provided to you. Any discrepancies in the total values set forth in the Investment Summary will be resolved by multiplying the applicable hourly rate by the quoted hours.

3. Additional Services. The Investment Summary contains the scope of services and related costs (including programming and/or interface estimates) required for the project based on the documented scope of the project as of the Effective Date. If additional work is required, or if you use or request additional services, we will provide you with an addendum or change order, as applicable, outlining the costs for the additional work. The price quotes in the addendum or change order will be valid for thirty (30) days from the date of the quote.

4. Cancellation. If travel is required, we will make all reasonable efforts to schedule travel for our personnel, including arranging travel reservations, at least two (2) weeks in advance of commitments. Therefore, if you repeatedly cancel services less than two (2) weeks in advance (other than for Force Majeure or breach by us), you will be liable for all (a) non-refundable expenses

incurred by us on your behalf, and (b) daily fees associated with cancelled professional services if we are unable to reassign our personnel. We will make all reasonable efforts to reassign personnel in the event you cancel within two (2) weeks of scheduled commitments.

5. Services Warranty. We will perform the services in a professional, workmanlike manner, consistent with industry standards. In the event we provide services that do not conform to this warranty, we will re-perform such services at no additional cost to you.

6. Site Access and Requirements. At no cost to us, you agree to provide us with full and free access to your personnel, facilities, and equipment as may be reasonably necessary for us to provide implementation services, subject to any reasonable security protocols or other written policies provided to us as of the Effective Date, and thereafter as mutually agreed to by you and us. You agree that it is your responsibility to ensure that you satisfy the then-current system requirements, if any, minimally required to run the Tyler Software.

7. Client Assistance. You acknowledge that the implementation of the Tyler Software, and the ability to meet project deadlines and other milestones, is a cooperative effort requiring the time and resources of your personnel, as well as ours. You agree to use all reasonable efforts to cooperate with and assist us as may be reasonably required to meet the agreed upon project deadlines and other milestones for implementation. This cooperation includes at least working with us to schedule the implementation-related services outlined in this Agreement.

8. Maintenance and Support.

   8.1 For so long as you timely pay your SaaS Fees according to the Invoicing and Payment Policy, then in addition to the terms set forth in the SLA and the Support Call Process, we will:

      8.1.1 perform our maintenance and support obligations in a professional, good, and workmanlike manner, consistent with industry standards, to resolve Defects in the Tyler Software (limited to the then-current version and the immediately prior version); and

      8.1.2 provide support during our established support hours; and

      8.1.3 maintain personnel that are sufficiently trained to be familiar with the Tyler Software and Third Party Software, if any, in order to provide maintenance and support services; and

      8.1.4 make available to you all releases to the Tyler Software (including updates and enhancements) that we make generally available without additional charge to customers who have a maintenance and support agreement in effect.

   8.2 For the avoidance of doubt, SaaS Fees do not include the following services: (a) onsite support; (b) application design; (c) other consulting services; or (d) support outside our normal business hours as listed in our then-current Support Call Process. Requested services such as those outlined in this section will be billed to you on a time and materials basis at our then current rates. You must request those services with at least one (1) week's advance notice.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

SECTION D – THIRD PARTY PRODUCTS

To the extent there are any Third Party Products identified in the Investment Summary, the Third Party Terms will apply. You acknowledge that we may have embedded third-party functionality in the Tyler Software that is not separately identified in the Investment Summary. If that third-party functionality is not separately identified in the Investment Summary, the limited warranty applicable to the Tyler Software applies, and we further warrant that the appropriate Developer has granted us the necessary license to (i) embed the unidentified third-party functionality in the Tyler Software; and (ii) sub-license it to you through our license grant to the Tyler Software. You may receive maintenance and support on such embedded third-party software under the Maintenance and Support Agreement.

SECTION E - INVOICING AND PAYMENT; INVOICE DISPUTES

1. Invoicing and Payment. We will invoice you the SaaS Fees and fees for other professional services in the Investment Summary per our Invoicing and Payment Policy, subject to Section E(2) "Invoice Disputes".

2. Invoice Disputes. If you believe any delivered software or service does not conform to the warranties in this Agreement, you will provide us with written notice within thirty (30) days of your receipt of the applicable invoice. The written notice must contain reasonable detail of the issues you contend are in dispute so that we can confirm the issue and respond to your notice with either a justification of the invoice, an adjustment to the invoice, or a proposal addressing the issues presented in your notice. We will work with you as may be necessary to develop an action plan that outlines reasonable steps to be taken by each of us to resolve any issues presented in your notice. You may withhold payment of the amount(s) actually in dispute, and only those amounts, until we complete the action items outlined in the plan. If we are unable to complete the action items outlined in the action plan because of your failure to complete the items agreed to be done by you, and you do not rectify that failure within a commercially reasonable timeframe after we have notified you of it, then we may demand immediate full payment of the invoice. We reserve the right to suspend delivery of all SaaS Services, including maintenance and support services, if you fail to pay an invoice not disputed as described above within fifteen (15) days of notice of our intent to do so.

SECTION F – TERM AND TERMINATION

1. Term. The initial term of this Agreement is five (5) years from the first day of the first month following the Effective Date (the "*Initial Term*"), unless earlier terminated as set forth below. Upon expiration of the Initial Term, this Agreement will renew automatically for additional one (1) year renewal terms (each a "*Renewal Term*") at our then-current SaaS Fees unless terminated in writing by either party at least sixty (60) days prior to the end of the then-current renewal term. Your right to access or use the Tyler Software and the SaaS Services will terminate upon the termination or expiration of this Agreement.

2. Termination. This Agreement may be terminated as set forth below. In the event of termination, you will pay us for all undisputed fees and expenses related to the software, products, and/or services you have received, or we have incurred or delivered, prior to the effective date of termination. Disputed fees and expenses in all terminations other than your termination for cause must have been submitted as invoice disputes in accordance with Section E(2) "Invoice Disputes".

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

2.1 Failure to Pay SaaS Fees. You acknowledge that continued access to the SaaS Services is contingent upon your timely payment of SaaS Fees. If you fail to timely pay the SaaS Fees, we may discontinue the SaaS Services and deny your access to the Tyler Software. We may also terminate this Agreement if you do not cure such failure to pay within forty-five (45) days of receiving written notice of our intent to terminate.

2.2 For Cause. If you believe we have materially breached this Agreement, you will invoke the Dispute Resolution clause set forth in Section H(3) "Dispute Resolution". You may terminate this Agreement for cause in the event we do not cure, or create a mutually agreeable action plan to address, a material breach of this Agreement within the thirty (30) day window set forth in Section H(3) "Dispute Resolution".

2.3 Force Majeure. Either party has the right to terminate this Agreement if a Force Majeure event suspends performance of the SaaS Services for a period of forty-five (45) days or more.

2.4 Lack of Appropriations. If you should not appropriate or otherwise make available funds sufficient to utilize the SaaS Services, you may unilaterally terminate this Agreement upon thirty (30) days written notice to us. You will not be entitled to a refund or offset of previously paid, but unused SaaS Fees. You agree not to use termination for lack of appropriations as a substitute for termination for convenience.

SECTION G – INDEMNIFICATION, LIMITATION OF LIABILITY AND INSURANCE

1. Intellectual Property Infringement Indemnification.

1.1 We will defend and indemnify you and your agents, officials, and employees from and against any third -party claim(s) that the Tyler Software or Documentation infringes that third party's patent, copyright, or trademark, or misappropriates its trade secrets, and will pay the amount of any resulting adverse final judgment (or settlement to which we consent). You must notify us promptly in writing of the claim and give us control over its defense or settlement. You agree to provide us with reasonable assistance, cooperation, and information in defending the claim at our expense.

1.2 Our obligations under this Section G(1) will not apply to the extent the claim or adverse final judgment is based on your use of the Tyler Software in contradiction of this Agreement, including with non-licensed third parties, or your willful infringement.

1.3 If we receive information concerning an infringement or misappropriation claim related to the Tyler Software, we may, at our expense and without obligation to do so, either: (a) procure for you the right to continue its use; (b) modify it to make it non-infringing; or (c) replace it with a functional equivalent, in which case you will stop running the allegedly infringing Tyler Software immediately. Alternatively, we may decide to litigate the claim to judgment, in which case you may continue to use the Tyler Software consistent with the terms of this Agreement.

1.4 If an infringement or misappropriation claim is fully litigated and your use of the Tyler Software is enjoined by a court of competent jurisdiction, in addition to paying any adverse final judgment (or settlement to which we consent), we will, at our option, either: (a) procure the

right to continue its use; (b) modify it to make it non-infringing; (c) replace it with a functional equivalent; or (d) terminate this Agreement and refund you the prepaid but unused SaaS Fees for the year in which the Agreement terminates. We will pursue those options in the order listed herein. This section provides your exclusive remedy for third party copyright, patent, or trademark infringement and trade secret misappropriation claims.

2. General Indemnification.

2.1 We will defend and indemnify you and your agents, officials, and employees from and against any and all third-party claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for (a) personal injury or property damage to the extent caused by our negligence or willful misconduct; or (b) our violation of a law applicable to our performance under this Agreement. You must notify us promptly in writing of the claim and give us sole control over its defense or settlement. You agree to provide us with reasonable assistance, cooperation, and information in defending the claim at our expense.

2.2 To the extent permitted by applicable law, you will indemnify and hold harmless us and our agents, officials, and employees from and against any and all third-party claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for personal injury or property damage to the extent caused by your negligence or willful misconduct; or (b) your violation of a law applicable to your performance under this Agreement. We will notify you promptly in writing of the claim and will give you sole control over its defense or settlement. We agree to provide you with reasonable assistance, cooperation, and information in defending the claim at your expense.

3. **DISCLAIMER. EXCEPT FOR THE EXPRESS WARRANTIES PROVIDED IN THIS AGREEMENT AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WE HEREBY DISCLAIM ALL OTHER WARRANTIES AND CONDITIONS, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES, DUTIES, OR CONDITIONS OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. CLIENT UNDERSTANDS AND AGREES THAT TYLER DISCLAIMS ANY LIABILITY FOR ERRORS THAT RELATE TO USER ERROR.**

4. **LIMITATION OF LIABILITY. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS AGREEMENT, OUR LIABILITY FOR DAMAGES ARISING OUT OF THIS AGREEMENT, WHETHER BASED ON A THEORY OF CONTRACT OR TORT, INCLUDING NEGLIGENCE AND STRICT LIABILITY, SHALL BE LIMITED TO YOUR ACTUAL DIRECT DAMAGES, NOT TO EXCEED (A) DURING THE INITIAL TERM, AS SET FORTH IN SECTION F(1) "TERM", TOTAL FEES PAID AS OF THE TIME OF THE CLAIM; OR (B) DURING ANY RENEWAL TERM, THE THEN-CURRENT ANNUAL SAAS FEES PAYABLE IN THAT RENEWAL TERM. THE PARTIES ACKNOWLEDGE AND AGREE THAT THE PRICES SET FORTH IN THIS AGREEMENT ARE SET IN RELIANCE UPON THIS LIMITATION OF LIABILITY AND TO THE MAXIMUM EXTENT ALLOWED UNDER APPLICABLE LAW, THIS SECTION G(4) "LIMITATION OF LIABILITY" AND SECTION G(5) "EXCLUSION OF CERTAIN DAMAGES" SHALL APPLY REGARDLESS OF THE FAILURE OF AN ESSENTIAL PURPOSE OF ANY REMEDY. THE FOREGOING LIMITATION OF LIABILITY SHALL NOT APPLY TO CLAIMS THAT ARE SUBJECT TO SECTIONS G(1) "INTELLECTUAL PROPERTY INFRINGEMENT INDEMNIFICATION" AND G(2) "GENERAL INDEMNIFICATION".**

5. **EXCLUSION OF CERTAIN DAMAGES. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL WE BE LIABLE FOR ANY SPECIAL, INCIDENTAL, PUNITIVE, INDIRECT, OR**

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

CONSEQUENTIAL DAMAGES WHATSOEVER, EVEN IF WE HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

6. Insurance. During the course of performing services under this Agreement, we agree to maintain the following levels of insurance: (a) Commercial General Liability of at least $1,000,000; (b) Automobile Liability of at least $1,000,000; (c) Professional Liability of at least $1,000,000; (d) Workers Compensation complying with applicable statutory requirements; (e) Excess/Umbrella Liability of at least $5,000,000; and (f) Cyber Liability, with limits of $2,000,000 per occurrence or claim, $2,000,000 aggregate. Cyber Liability coverage shall be sufficiently broad to respond to the duties and obligations undertaken by us in this agreement and shall include claims involving network breach, data recovery, business interruption, cyber extortion, and infringement of intellectual property, including infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage or destruction of electronic information. The Cyber Liability policy shall provide coverage for breach response costs, regulatory fines and penalties where insurable by law, as well as credit monitoring expenses. We will add you as an additional insured to our Commercial General Liability and Automobile Liability policies, which will automatically add you as an additional insured to our Excess/Umbrella Liability policy as well. We will provide you with copies of certificates of insurance upon your written request.

SECTION H – GENERAL TERMS AND CONDITIONS

1. Additional Tyler Software, Products, and Services. You may purchase additional Tyler Software, products and services at the rates set forth in the Investment Summary for twelve (12) months from the Effective Date by executing a mutually agreed addendum or Tyler purchase order. If no rate is provided in the Investment Summary, or those twelve (12) months have expired, you may purchase additional Tyler products and services at our then-current list price, also by executing a mutually agreed addendum or Tyler purchase order. The terms of this Agreement will control any such additional purchase(s), unless otherwise specifically provided in the addendum or Tyler purchase order.

2. Optional Items. Pricing for any listed optional products and services in the Investment Summary will be valid for twelve (12) months from the Effective Date.

3. Dispute Resolution. You agree to provide us with written notice within thirty (30) days of becoming aware of a dispute. You agree to cooperate with us in trying to reasonably resolve all disputes, including, if requested by either party, appointing a senior representative to meet and engage in good faith negotiations with our appointed senior representative. Senior representatives will convene within thirty (30) days of the written dispute notice, unless otherwise agreed. All meetings and discussions between senior representatives will be deemed confidential settlement discussions not subject to disclosure under Federal Rule of Evidence 408 or any similar applicable state rule. If we fail to resolve the dispute, then the parties shall participate in non-binding mediation in an effort to resolve the dispute. If the dispute remains unresolved after mediation, then either of us may assert our respective rights and remedies in a court of competent jurisdiction. Nothing in this section shall prevent you or us from seeking necessary injunctive relief during the dispute resolution procedures.

4. Taxes. The fees in the Investment Summary do not include any taxes, including, without limitation, sales, use, or excise tax. If you are a tax-exempt entity, you agree to provide us with a tax-exempt

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

certificate. Otherwise, we will pay all applicable taxes to the proper authorities and you will reimburse us for such taxes. If you have a valid direct-pay permit, you agree to provide us with a copy. For clarity, we are responsible for paying our income taxes, both federal and state, as applicable, arising from our performance of this Agreement.

5. Nondiscrimination. We will not discriminate against any person employed or applying for employment concerning the performance of our responsibilities under this Agreement. This discrimination prohibition will apply to all matters of initial employment, tenure, and terms of employment, or otherwise with respect to any matter directly or indirectly relating to employment concerning race, color, religion, national origin, age, sex, sexual orientation, ancestry, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation. We will post, where appropriate, all notices related to nondiscrimination as may be required by applicable law.

6. E-Verify. We have complied, and will comply, with the E-Verify procedures administered by the U.S. Citizenship and Immigration Services Verification Division for all of our employees assigned to your project.

7. Subcontractors. We will not subcontract any services under this Agreement without your prior written consent, not to be unreasonably withheld.

8. Binding Effect; No Assignment. This Agreement shall be binding on, and shall be for the benefit of, either your or our successor(s) or permitted assign(s). Neither party may assign this Agreement without the prior written consent of the other party; provided, however, your consent is not required for an assignment by us as a result of a corporate reorganization, merger, acquisition, or purchase of substantially all of our assets.

9. Force Majeure. Except for your payment obligations, neither party will be liable for delays in performing its obligations under this Agreement to the extent that the delay is caused by Force Majeure; provided, however, that within ten (10) business days of the Force Majeure event, the party whose performance is delayed provides the other party with written notice explaining the cause and extent thereof, as well as a request for a reasonable time extension equal to the estimated duration of the Force Majeure event.

10. No Intended Third -Party Beneficiaries. This Agreement is entered into solely for the benefit of you and us. No third party will be deemed a beneficiary of this Agreement, and no third party will have the right to make any claim or assert any right under this Agreement. This provision does not affect the rights of third parties under any Third Party Terms.

11. Entire Agreement; Amendment. This Agreement represents the entire agreement between you and us with respect to the subject matter hereof, and supersedes any prior agreements, understandings, and representations, whether written, oral, expressed, implied, or statutory. Purchase orders submitted by you, if any, are for your internal administrative purposes only, and the terms and conditions contained in those purchase orders will have no force or effect on the terms of this Agreement and the terms and conditions of this Agreement shall control over any terms and conditions contained in a purchase order or similar document submitted by you. This Agreement may only be modified by a written amendment signed by an authorized representative of each party.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

12. Severability. If any provision of this Agreement (or any portion thereof) or the application of any such provision (or any portion thereof) to any person or circumstance shall be held invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect any other provision hereof (or the remaining portion thereof) or the application of such provision to any other persons or circumstances. Additionally, any provision of this Agreement is found by a proper authority to be unenforceable, illegal, or invalid, such provision will be changed and interpreted so as to best accomplish the objectives of such unenforceable or invalid provision within the limits of applicable law or applicable court decisions.

13. No Waiver. In the event that the terms and conditions of this Agreement are not strictly enforced by either party, such non-enforcement will not act as or be deemed to act as a waiver or modification of this Agreement, nor will such non-enforcement prevent such party from enforcing each and every term of this Agreement thereafter.

14. Independent Contractor. We are an independent contractor for all purposes under this Agreement.

15. Notices. All notices or communications required or permitted as a part of this Agreement, such as notice of an alleged material breach for a termination for cause or a dispute that must be submitted to dispute resolution, must be in writing and will be deemed delivered upon the earlier of the following: (a) actual receipt by the receiving party; (b) upon receipt by sender of a certified mail, return receipt signed by an employee or agent of the receiving party; (c) upon receipt by sender of proof of email delivery; or (d) if not actually received, five (5) days after deposit with the United States Postal Service authorized mail center with proper postage (certified mail, return receipt requested) affixed and addressed to the other party at the address set forth on the signature page hereto or such other address as the party may have designated by proper notice. The consequences for the failure to receive a notice due to improper notification by the intended receiving party of a change in address will be borne by the intended receiving party.

16. Client Lists. You agree that we may identify you by name in client lists, marketing presentations, and promotional materials.

17. Confidentiality. Both parties recognize that their respective employees and agents, in the course of performance of this Agreement, may be exposed to confidential information and that disclosure of such information could violate rights to private individuals and entities, including the parties. Confidential information is nonpublic information that a reasonable person would believe to be confidential and includes, without limitation, personal identifying information (*e.g.*, social security numbers) and trade secrets, each as defined by applicable state law. Each party agrees that it will not disclose any confidential information of the other party and further agrees to take all reasonable and appropriate action to prevent such disclosure by its employees or agents. To the extent Client engages independent contractors to fulfill its obligations under this Agreement, Client shall enter into a written agreement with said independent contractors that contains confidentiality covenants at least as restrictive as the confidentiality covenants contained herein. The confidentiality covenants contained herein will survive the termination or cancellation of this Agreement. This obligation of confidentiality will not apply to information that:

    (a) is in the public domain, either at the time of disclosure or afterwards, except by breach of this Agreement by a party or its employees or agents; or

(b) a party can establish by reasonable proof was in that party's possession at the time of initial disclosure; or
(c) a party receives from a third party who has a right to disclose it to the receiving party; or
(d) is the subject of a legitimate disclosure request under the open records laws or similar applicable public disclosure laws governing this Agreement, or a subpoena; provided, however, that in the event you receive an open records or other similar applicable request, you will give us prompt notice and otherwise perform the functions required by applicable law.

18. Business License. In the event a local business license is required for us to perform services hereunder, you will promptly notify us and provide us with the necessary paperwork and/or contact information so that we may timely obtain such license.

19. Governing Law. This Agreement will be governed by and construed in accordance with the laws of your state of domicile, without regard to its rules on conflicts of law.

20. Multiple Originals and Authorized Signatures. This Agreement may be executed in multiple originals, any of which will be independently treated as an original document. Any electronic, faxed, scanned, photocopied, or similarly reproduced signature on this Agreement or any amendment hereto will be deemed an original signature and will be fully enforceable as if an original signature. Each party represents to the other that the signatory set forth below is duly authorized to bind that party to this Agreement.

21. Cooperative Procurement. To the maximum extent permitted by applicable law, we agree that this Agreement may be used as a cooperative procurement vehicle by eligible jurisdictions. We reserve the right to negotiate and customize the terms and conditions set forth herein, including but not limited to pricing, to the scope and circumstances of that cooperative procurement.

22. Twilio Acceptable Use Policy and Terms of Service. Your use of the Tyler Software may include functionality provided by a Third Party Developer, Twilio. Your rights, and the rights of any of your end users, to use said functionality are subject to the terms of the Twilio Acceptable Use Policy, available at http://www.twilio.com/legal/aup, and to applicable provisions found in the current Twilio Terms of Service, available at https://www.twilio.com/legal/tos. By signing a Tyler Agreement or accessing, installing, or using any such Tyler solution, you certify that you have reviewed, understand and agree to said terms. Tyler hereby disclaims any and all liability related to your or your end user's failure to abide by the terms of the Twilio Acceptable Use Policy or Terms of Service. Any liability for failure to abide by said terms shall rest solely with the person or entity whose conduct violated said terms.

23. Contract Documents. This Agreement includes the following exhibits:

Exhibit A	Investment Summary
Exhibit B	Invoicing and Payment Policy
	Schedule 1: Business Travel Policy
Exhibit C	Service Level Agreement
	Schedule 1: Support Call Process

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Agreement as of the date(s) set forth below.

Tyler Technologies, Inc.	Mariposa County, CA
By:_____	By:_____
Name:_____	Name:_____
Title:_____	Title:_____
Date:_____	Date:_____
Address for Notices: Tyler Technologies, Inc. One Tyler Drive Yarmouth, ME 04096 Attention: Chief Legal Officer	Address for Notices: Mariposa County, CA PO Box 76/5091 Bullion Street Mariposa, CA 95338 Attention: Ryan Oliphant, Assistant Chief Probation Officer

With a copy to:

Tyler Technologies, Inc.
5101 Tennyson Parkway
Plano, TX 75024
Attention: Legal Department

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services



EXHIBIT A
Investment Summary

The following Investment Summary details the software and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

Software Fees					
Annual SaaS Fees	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**
Enterprise Supervision & Access	$64,800	$68,040	$71,442	$75,014	$78,765
Bundle Discount	-$20,000	-$16,000	-$12,000	-$8,000	-$4,000
Annual SaaS Fees Total	$44,800	$52,040	$59,442	$67,014	$74,765

Software (SaaS)		**Annual SaaS Fee**
Enterprise Supervision		$64,800
Enterprise Supervision Access -Premium*		Included
Bundle Discount		-$20,000
	Annual SaaS Fees Total (Year 1)	**$44,800**

* Enterprise Supervision Access Includes: Up to 16,000 Reminders. Unlimited Check-Ins: (Phone or via Access Web Portal- Mobile Phone/PC)

[*Remainder of page is intentionally left blank*]

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

EXHIBIT B
Invoicing and Payment Policy

We will provide you with the software and services set forth in the Investment Summary of the Agreement. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

Invoicing: We will invoice you for the applicable software and services in the Investment Summary as set forth below. Your rights to dispute any invoice are set forth in the Agreement.

1. SaaS Fees. SaaS Fees are invoiced on an annual basis, beginning on the commencement of the Initial Term as set forth in Section F(1) of this Agreement. Your annual SaaS fees for the Initial Term are set forth in the Investment Summary. Your annual SaaS fees during any Renewal Term will be at our then-current rates.

2. Third Party Products (if applicable).

   2.1 *Third Party Software License Fees*: License fees for Third Party Software, if any, are invoiced when we make it available to you for downloading.

   2.2 *Third Party Software Maintenance*: The first -year maintenance for the Third Party Software is invoiced when we make it available to you for downloading.

   2.3 *Third Party Hardware*: Third Party Hardware costs, if any, are invoiced upon delivery.

   2.4 *Third Party SaaS*: Third Party SaaS Services fees, if any, are invoiced annually, in advance, commencing with availability of the respective Third Party SaaS Services. Pricing for the first year of Third Party SaaS Services is indicated in the Investment Summary. Pricing for subsequent years will be at the respective third party's then-current rates.

3. Expenses. The service rates in the Investment Summary do not include travel expenses. Expenses for Tyler delivered services will be billed as incurred and only in accordance with our then-current Business Travel Policy. Our current Business Travel Policy is attached to this Exhibit B at Schedule 1. Copies of receipts will be provided upon request; we reserve the right to charge you an administrative fee depending on the extent of your requests. Receipts for miscellaneous items less than twenty-five dollars and mileage logs are not available.

Payment. Payment for undisputed invoices is due within forty-five (45) days of the invoice date. We prefer to receive payments electronically. Our electronic payment information is available by contacting AR@tylertech.com.

Exhibit B
Schedule 1

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

EXHIBIT B
Schedule 1
Business Travel Policy

1. Air Travel

   A. Reservations & Tickets

   The Travel Management Company (TMC) used by Tyler will provide an employee with a direct flight within two hours before or after the requested departure time, assuming that flight does not add more than three hours to the employee's total trip duration and the fare is within $100 (each way) of the lowest logical fare. If a net savings of $200 or more (each way) is possible through a connecting flight that is within two hours before or after the requested departure time and that does not add more than three hours to the employee's total trip duration, the connecting flight should be accepted.

   Employees are encouraged to make advanced reservations to take full advantage of discount opportunities. Employees should use all reasonable efforts to make travel arrangements at least two (2) weeks in advance of commitments. A seven (7) day advance booking requirement is mandatory. When booking less than seven (7) days in advance, management approval will be required.

   Except in the case of international travel where a segment of continuous air travel is six (6) or more consecutive hours in length, only economy or coach class seating is reimbursable. Employees shall not be reimbursed for "Basic Economy Fares" because these fares are non-refundable and have many restrictions that outweigh the cost-savings.

   B. Baggage Fees

   Reimbursement of personal baggage charges are based on trip duration as follows:

   - Up to five (5) days = one (1) checked bag
   - Six (6) or more days = two (2) checked bags

   Baggage fees for sports equipment are not reimbursable.

2. Ground Transportation

   A. Private Automobile

   Mileage Allowance – Business use of an employee's private automobile will be reimbursed at the

current IRS allowable rate, plus out of pocket costs for tolls and parking. Mileage will be calculated by using the employee's office as the starting and ending point, in compliance with IRS regulations. Employees who have been designated a home office should calculate miles from their home.

B. Rental Car

Employees are authorized to rent cars only in conjunction with air travel when cost, convenience, and the specific situation reasonably require their use. When renting a car for Tyler business, employees should select a “mid-size” or “intermediate” car. “Full” size cars may be rented when three or more employees are traveling together. Tyler carries leased vehicle coverage for business car rentals; except for employees traveling to Alaska and internationally (excluding Canada), additional insurance on the rental agreement should be declined.

C. Public Transportation

Taxi or airport limousine services may be considered when traveling in and around cities or to and from airports when less expensive means of transportation are unavailable or impractical. The actual fare plus a reasonable tip (15-18%) are reimbursable. In the case of a free hotel shuttle to the airport, tips are included in the per diem rates and will not be reimbursed separately.

D. Parking & Tolls

When parking at the airport, employees must use longer term parking areas that are measured in days as opposed to hours. Park and fly options located near some airports may also be used. For extended trips that would result in excessive parking charges, public transportation to/from the airport should be considered. Tolls will be reimbursed when receipts are presented.

3. Lodging

Tyler’s TMC will select hotel chains that are well established, reasonable in price, and conveniently located in relation to the traveler's work assignment. Typical hotel chains include Courtyard, Fairfield Inn, Hampton Inn, and Holiday Inn Express. If the employee has a discount rate with a local hotel, the hotel reservation should note that discount and the employee should confirm the lower rate with the hotel upon arrival. Employee memberships in travel clubs such as AAA should be noted in their travel profiles so that the employee can take advantage of any lower club rates.

“No shows” or cancellation fees are not reimbursable if the employee does not comply with the hotel’s cancellation policy.

Tips for maids and other hotel staff are included in the per diem rate and are not reimbursed separately.

Employees are not authorized to reserve non-traditional short-term lodging, such as Airbnb, VRBO, and HomeAway. Employees who elect to make such reservations shall not be reimbursed.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

4. Meals and Incidental Expenses

Employee meals and incidental expenses while on travel status within the continental U.S. are in accordance with the federal per diem rates published by the General Services Administration. Incidental expenses include tips to maids, hotel staff, and shuttle drivers and other minor travel expenses. Per diem rates are available at www.gsa.gov/perdiem.

Per diem for Alaska, Hawaii, U.S. protectorates and international destinations are provided separately by the Department of State and will be determined as required.

A. Overnight Travel

For each full day of travel, all three meals are reimbursable. Per diems on the first and last day of a trip are governed as set forth below.

Departure Day

Depart before 12:00 noon	Lunch and dinner
Depart after 12:00 noon	Dinner

Return Day

Return before 12:00 noon	Breakfast
Return between 12:00 noon & 7:00 p.m.	Breakfast and lunch
Return after 7:00 p.m.*	Breakfast, lunch, and dinner

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

The reimbursement rates for individual meals are calculated as a percentage of the full day per diem as follows:

Breakfast	15%
Lunch	25%
Dinner	60%

B. Same Day Travel

Employees traveling at least 100 miles to a site and returning in the same day are eligible to claim lunch on an expense report. Employees on same day travel status are eligible to claim dinner in the event they return home after 7:00 p.m.*

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

5. Internet Access – Hotels and Airports

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Employees who travel may need to access their e-mail at night. Many hotels provide free high speed internet access and Tyler employees are encouraged to use such hotels whenever possible. If an employee's hotel charges for internet access it is reimbursable up to $10.00 per day. Charges for internet access at airports are not reimbursable.

6. International Travel

All international flights with the exception of flights between the U.S. and Canada should be reserved through TMC using the "lowest practical coach fare" with the exception of flights that are six (6) or more consecutive hours in length. In such event, the next available seating class above coach shall be reimbursed.

When required to travel internationally for business, employees shall be reimbursed for photo fees, application fees, and execution fees when obtaining a new passport book, but fees related to passport renewals are not reimbursable. Visa application and legal fees, entry taxes and departure taxes are reimbursable.

The cost of vaccinations that are either required for travel to specific countries or suggested by the U.S. Department of Health & Human Services for travel to specific countries, is reimbursable.

Section 4, Meals & Incidental Expenses, and Section 2.b., Rental Car, shall apply to this section.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

EXHIBIT C
Service Level Agreement

I. Agreement Overview

This SLA operates in conjunction with, and does not supersede or replace any part of, the Agreement. It outlines the information technology service levels that we will provide to you to ensure the availability of the application services that you have requested us to provide. This SLA does not apply to any Third Party SaaS Services. All other support services are documented in the Support Call Process.

II. Definitions. Except as defined below, all defined terms have the meaning set forth in the Agreement.

Actual Attainment: The percentage of time the Tyler Software is available during a calendar quarter, calculated as follows: (Service Availability – Downtime) ÷ Service Availability.

Client Error Incident: Any service unavailability resulting from your applications, content or equipment, or the acts or omissions of any of your service users or third-party providers over whom we exercise no control.

Downtime: Those minutes during Service Availability, as defined below, when all users cannot launch, login, search or save primary data in the Tyler Software. Downtime does not include those instances in which only a Defect is present.

Emergency Maintenance: (1) maintenance that is required to patch a critical security vulnerability; (2) maintenance that is required to prevent an imminent outage of Service Availability; or (3) maintenance that is mutually agreed upon in writing by Tyler and the Client.

Planned Downtime: Downtime that occurs during a Standard or Emergency Maintenance window.

Service Availability: The total number of minutes in a calendar quarter that the Tyler Software is capable of receiving, processing, and responding to requests, excluding Planned Downtime, Client Error Incidents, denial of service attacks and Force Majeure.

Standard Maintenance: Routine maintenance to the Tyler Software and infrastructure. Standard Maintenance is limited to five (5) hours per week.

III. Service Availability

a. Your Responsibilities

Whenever you experience Downtime, you must make a support call according to the procedures outlined in the Support Call Process. You will receive a support case number.

b. Our Responsibilities

When our support team receives a call from you that Downtime has occurred or is occurring, we will work

with you to identify the cause of the Downtime (including whether it may be the result of Planned Downtime, a Client Error Incident, Denial of Service attack or Force Majeure). We will also work with you to resume normal operations.

c. Client Relief

Our targeted Attainment Goal is 100%. You may be entitled to credits as indicated in the Client Relief Schedule found below. Your relief credit is calculated as a percentage of the SaaS fees paid for the calendar quarter.

In order to receive relief credits, you must submit a request through one of the channels listed in our Support Call Process within fifteen days (15) of the end of the applicable quarter. We will respond to your relief request within thirty (30) day(s) of receipt.

The total credits confirmed by us will be applied to the SaaS Fee for the next billing cycle. Issuing of such credit does not relieve us of our obligations under the Agreement to correct the problem which created the service interruption.

Client Relief Schedule	
Actual Attainment	**Client Relief**
99.99% - 98.00%	Remedial action will be taken
97.99% - 95.00%	4%
Below 95.00%	5%

IV. Maintenance Notifications

We perform Standard Maintenance during limited windows that are historically known to be reliably low-traffic times. If and when maintenance is predicted to occur during periods of higher traffic, we will provide advance notice of those windows and will coordinate to the greatest extent possible with you.

Not all maintenance activities will cause application unavailability. However, if Tyler anticipates that activities during a Standard or Emergency Maintenance window may make the Tyler Software unavailable, we will provide advance notice, as reasonably practicable that the Tyler Software will be unavailable during the maintenance window.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Exhibit C
Schedule 1

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

EXHIBIT C
Schedule 1
Support Call Process

Support Channels

Tyler Technologies, Inc. provides the following channels of software support for authorized users*:

(1) On-line submission (portal) – for less urgent and functionality-based questions, users may create support incidents through the Tyler Customer Portal available at the Tyler Technologies website. A built-in Answer Panel provides users with resolutions to most "how-to" and configuration-based questions through a simplified search interface with machine learning, potentially eliminating the need to submit the support case.
(2) Email – for less urgent situations, users may submit emails directly to the software support group.
(3) Telephone – for urgent or complex questions, users receive toll-free, telephone software support.

** Channel availability may be limited for certain applications.*

Support Resources

A number of additional resources are available to provide a comprehensive and complete support experience:

(1) Tyler Website – www.tylertech.com – for accessing client tools, documentation, and other information including support contact information.
(2) Tyler Search -a knowledge based search engine that lets you search multiple sources simultaneously to find the answers you need, 24x7.
(3) Tyler Community –provides a venue for all Tyler clients with current maintenance agreements to collaborate with one another, share best practices and resources, and access documentation.
(4) Tyler University – online training courses on Tyler products.

Support Availability

Tyler Technologies support is available during the local business hours of 8 AM to 5 PM (Monday – Friday) across four US time zones (Pacific, Mountain, Central and Eastern). Tyler's holiday schedule is outlined below. There will be no support coverage on these days.

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

For support teams that provide after-hours service, we will provide you with procedures for contacting support staff after normal business hours for reporting Priority Level 1 Defects only. Upon receipt of

such a Defect notification, we will use commercially reasonable efforts to meet the resolution targets set forth below.

We will also make commercially reasonable efforts to be available for one pre-scheduled Saturday of each month to assist your IT staff with applying patches and release upgrades, as well as consulting with them on server maintenance and configuration of the Tyler Software environment.

Incident Handling

Incident Tracking

Every support incident is logged into Tyler's Customer Relationship Management System and given a unique case number. This system tracks the history of each incident. The case number is used to track and reference open issues when clients contact support. Clients may track incidents, using the case number, through Tyler's Customer Portal or by calling software support directly.

Incident Priority

Each incident is assigned a priority level, which corresponds to the Client's needs. Tyler and the Client will reasonably set the priority of the incident per the chart below. This chart is not intended to address every type of support incident, and certain "characteristics" may or may not apply depending on whether the Tyler software has been deployed on customer infrastructure or the Tyler cloud. The goal is to help guide the Client towards clearly understanding and communicating the importance of the issue and to describe generally expected response and resolution targets in the production environment only.

References to a "confirmed support incident" mean that Tyler and the Client have successfully validated the reported Defect/support incident.

Priority Level	Characteristics of Support Incident	Resolution Targets*
1 Critical	Support incident that causes (a) complete application failure or application unavailability; (b) application failure or unavailability in one or more of the client's remote location; or (c) systemic loss of multiple essential system functions.	Tyler shall provide an initial response to Priority Level 1 incidents within one (1) business hour of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within one (1) business day. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

Priority Level	Characteristics of Support Incident	Resolution Targets*
2 High	Support incident that causes (a) repeated, consistent failure of essential functionality affecting more than one user or (b) loss or corruption of data.	Tyler shall provide an initial response to Priority Level 2 incidents within four (4) business hours of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within ten (10) business days. For non-hosted customers, Tyler's responsibility for loss or corrupted data is limited to assisting the Client in restoring its last available database.
3 Medium	Priority Level 1 incident with an existing circumvention procedure, or a Priority Level 2 incident that affects only one user or for which there is an existing circumvention procedure.	Tyler shall provide an initial response to Priority Level 3 incidents within one (1) business day of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents without the need for a circumvention procedure with the next published maintenance update or service pack, which shall occur at least quarterly. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.
4 Non-critical	Support incident that causes failure of non-essential functionality or a cosmetic or other issue that does not qualify as any other Priority Level.	Tyler shall provide an initial response to Priority Level 4 incidents within two (2) business days of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents, as well as cosmetic issues, with a future version release.

**Response and Resolution Targets may differ by product or business need*

Incident Escalation

If Tyler is unable to resolve any priority level 1 or 2 defect as listed above or the priority of an issue has elevated since initiation, you may escalate the incident to the appropriate resource, as outlined by each product support team. The corresponding resource will meet with you and any Tyler staff to establish a mutually agreeable plan for addressing the defect.

Remote Support Tool

Some support calls may require further analysis of the Client's database, processes or setup to diagnose a problem or to assist with a question. Tyler will, at its discretion, use an industry-standard remote support tool. Tyler's support team must have the ability to quickly connect to the Client's system and view the site's setup, diagnose problems, or assist with screen navigation. More information about the remote support tool Tyler uses is available upon request.

Attachment: Mariposa County CA Enterprise Supervision Renewal Agmt 020223 [Revision 1] (RES-2023-161 : Approve Contract for Services

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2023-172

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approve 5 Year Contract with Quadient Leasing / JMP for Postage Machine

---

RECOMMENDATION AND JUSTIFICATION:
Approve a Five Year Agreement with Quadient Leasing in an Amount of $25,473 for Postage Machine Services in the Government Center Complex; and Authorize the Board of Supervisors Chair to Sign the Agreement.

The current Pitney Bowes postage machine lease is expiring May 29th, 2023. The lease has been historically managed by the treasurer/tax collector/clerk, but outsourcing ballot and property tax bill mailings has reduced their need for the machine. Administration has procured this new lease with Quadient Leasing, with JMP as the service provider, in response to several other departments who have indicated they still rely heavily on the postage machine.

There are two documents attached, which requires explanation. The Quadient Leasing document is the official contract. All payments will be made to Quadient Leasing. The JMP Document is a separate form, not really a backup to the lease, or a lease agreement in any way. The JMP form confirms an outline of the order, any special instructions for our install/service department, any customer requests when we come out to install, etc. It also confirms how the maintenance is being invoiced, because JMP are the ones who will be doing all the service for the machine. The maintenance is billed as part of the lease payment, but JMP will be doing the maintenance. The JMP form does not need to be signed.

The proposed agreement is a savings of seven thousand dollars ($7,000) over Pitney Bowes' quote to extend services. Quadient Leasing / JMP is used by the superior court and the court recommends their services. While the term of this agreement is longer than desired, financial penalties on shorter agreements make this option the most cost efficient.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board must approve contracts which are for more than three years initially or a total term, with extensions, in excess of five years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Direct staff to negotiate a shorter agreement. The cost per year for the machine will likely be higher than in the proposal. Staff would look for other alternatives (outsourcing, Stamps.com, etc.) in the interim period.

Approve the agreement, but direct staff to look for alternatives. The agreement could be terminated in the future with some financial penalties for early termination.

Do not approve the contract. Staff will need additional direction. Without alternatives, each department will send staff to the post office to address mailing service needs.

FINANCIAL IMPACT:
There is no impact to the budget because postage is already budgeted.

ATTACHMENTS:
Quadient Leasing Contract (PDF)
JMP Contract Exhibit (PDF)

RESULT: WITHDRAWN AND RESCHEDULED Next: 4/4/2023 9:00 AM

Customer

Organization	Mariposa County Administration		
DBA			
Address	5100 Bullion Street		
City State Zip	Mariposa	CA	95345
Phone	(209) 742-1234	**Fax**	

Purchase Order - Lease

NASPO/ValuePoint Contract #: CTR058809
and / or
State Participating Addendum (PA) #:
7-22-70-50-04 (CA)

Vendor

Company Name	Quadient Leasing USA Inc. FEDERAL ID# 94-2984524		
Attention	Government Sales DUNS# 150836872		
Address	478 Wheelers Farms Rd		
City State Zip	Milford	CT	06461
Phone	(866) 448-0045	**Fax**	(203) 301-2600

Ship To

Organization	Mariposa County Administration		
Attention	Leigh Westerlund		
Address	4982 10th Street		
City State Zip	Mariposa	CA	95338
Phone	(209) 742-1234	**Email**	Lwesterlund@mariposacounty.or

P.O. Number	P.O. Date	Requisitioner	Shipped Via	F.O.B. Point	Terms
			Ground	Destination	Quarterly Invoicing

QTY	Unit	Description	Unit Price	Total
60	Months	Lease Payment	$424.56	$25,473.60

Lease payment specified above for products listed below includes, as applicable, reduced price equipment maintenance to reflect first year free, meter rental, meter resets, postal rate changes, software license/support/subscription fees, delivery, installation, and operator training.

Products

QTY	Product ID	Description
1	SMARTDESKMOUNT	S.M.A.R.T. Desk Mount - Keyboard w/touchpad mouse, Tray & Pole w/Hardware
1	IXDS7	Dynamic Weighing Platform for IX Series 7/7PRO Bases
1	SMART-REM-CONFIG	S.M.A.R.T. Remote Configuration Training
1	SMARTIX7WP10	iX-7; 10lb WP; All-in-One PC; Zebra Label Printer; SMART Mail Center SW w/5 Mailroom + 250 RTS/Pri

1) **This order is governed in accordance with the prices, terms, delivery method, and specifications listed above, and acknowledges that you have received, read, and agree to all applicable terms and conditions (version Government-Equipment-Lease-Terms-USPS-Dealer-V9-2020), which are also available at www.quadient.com/Government-Equipment-Lease-Terms-USPS-Dealer-V9-2020.**

2) **Payments will be sent to:**
Quadient Leasing USA Inc.
Dept 3682
PO Box 123682
Dallas TX 75312-3682

3) **Send all correspondence to;**
Quadient Leasing USA Inc.
478 Wheelers Farms Rd
Milford CT 06461

Authorized by Date

Print Name Title

Attachment: Quadient Leasing Contract (RES-2023-172 : Approve 5 Year Contract with Quadient Leasing / JMP for Postage Machine)

Summit Technology Affiliates
CREATE * PRINT * MAIL * ARCHIVE

Summit Business Systems | Summit Mailing & Shipping Systems | JMP JMP OFFICE TECHNOLOGIES | MOT MIDWEST OFFICE TECHNOLOGY | CCI CCI OFFICE TECHNOLOGIES

Order Agreement

(Leasin

Agreement Date	STA Branch	Account Specialist	PO Number	Tax Exempt
3/17/23	JMP Office Technologies	Sarah Fulvio		No *If Yes, Include Letter/Certification*

Customer Bill To			Customer Ship To		
Business Name	Mariposa County Administration		Business Name	Mariposa County Administration	
Address	100 Bullion Street		Address	4982 10th Street (Basement)	
City, State, Zip	Mariposa, CA 95345		City, State, Zip	Mariposa, CA 95338	
Contact, Title	Leigh Westerlund, Assistant County Administrative Officer		Contact, Title	Leigh Westerlund, Asst County Admin Officer	
Phone	(209) 742-1234	Cust #	Phone	(209) 742-1234	Cust #
Email	Lwesterlund@mariposacounty.org		Email	Lwesterlund@mariposacounty.org	

Order Items

☐ Additional Item Pages ____

Qty	Item/Model #	Serial or ID (if available)	Details/Description
1	SMARTIX7WP10		IX-7 Automatic Mailing System, 10lb Weighing Scale, All in One PC, Monitor & SMART Mail Center
1	SMARTDESKMOUNT		Keyboard and Desk Mount Kit with Hardware
1	IXDS7		Dynamic Weighing for IX-7 Series
1	SMART-REM-CONFIG		SMART Remote Configuration/training

Items to Pickup

Item/Model #	Serial or ID	Action

Install Notes

Stairs No

NOTE: The Lease will commence on the day the customer signs off on acceptance of the new equipment.

Other Obligations

Lease is under the NASPO CONTRACT# CTR058809. Competitive Displacement, Pitney Bowes.
Lease includes all meter rental, equipment and all maintenance. All rate change and software updates are included. No charge for delivery, installation and training.

Lease Details

Term (months)	63
Lease Type	FMV
Payment (monthly)	$ 424.56
Billing Frequency	Quarterly
Payment includes	Hardware + Product MA

Product Maintenance Agreement

Plan Type	DECLINE PLAN			Term (months)	Co-Terminus with Lease
Payment (monthly)		Billing Frequency	Quarterly	Billed By	Leasing Company

Details/Notes

Maintenance is included in the lease payment. All Service is provided by JMP Office Technologies. Includes all parts and labor.

Software Support Plan

Plan Type	DECLINE PLAN			Term (months)	Co-Terminus with Lease
Payment (monthly)		Billing Frequency	Quarterly	Billed By	Leasing Company

Details/Notes: All s/w and updates included in Lease Plan

By signing this Agreement, the signer and Customer acknowledges and agrees: (1) The terms and conditions appearing at https://sta.solutions/docs/Terms-2020-10-21-01.pdf are incorporated into this Agreement as if fully set forth herein. (2) having received, read, and agrees to all applicable terms and conditions (3) that this Agreement and incorporated terms constitutes the entire agreement, understandings, and representations, between Customer and STA, with respect to this transaction. (4) that this Agreement supersedes all prior communications between the parties including all oral or written proposals. and (5) that you are authorized to sign the Agreements on behalf of the Customer.

Customer		STA	
Authorized Signature	Business Legal Name	Acceptance	Date
	Date		
Printed Name	Title	By	

Attachment: JMP Contract Exhibit (RES-2023-172 : Approve 5 Year Contract with Quadient Leasing / JMP for Postage Machine)

MARIPOSA COUNTY

Board of Supervisors · (209) 966-3222

RESOLUTION - ACTION REQUESTED 2023-162

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Miles Menetrey, District V Supervisor

RE: Resolution and Tile Plaque Ken Trujillo -Trejo Retirement

---

RECOMMENDATION AND JUSTIFICATION:

Resolution and Tile Plaque Recognizing Ken Trujillo, Upon His Retirement from the Probation Department (Board Chair).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors typically recognizes retiring staff with 6 or more years of service.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Miss the opportunity to recognize an employee upon their retirement.

ATTACHMENTS:
Trujillo Recogntion (DOCX)

RESULT: **ADOPTED AS AMENDED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

REF ID# 13933

MARIPOSA COUNTY RESOLUTION NUMBER 2023-
RECOGNIZING JOHN TRUJILLO FOR HIS
OUTSTANDING SERVICE TO THE COUNTY OF MARIPOSA

WHEREAS JOHN TRUJIILO has been a loyal employee of Mariposa County for more than 15 years, beginning his career with the Mariposa County Probation Department on March 15, 2008, as a Senior Alcohol and Drug Specialist; and

WHEREAS JOHN promoted to full time Deputy Probation Officer I on November 1, 2008; and

WHEREAS JOHN promoted to Deputy Probation Officer II on November 1, 2009; and

WHEREAS JOHN served as a Juvenile Probation Officer early in his career providing valuable services and support to the Mariposa County Unified School District as a Truancy Officer; and

WHEREAS JOHN served as an Adult Probation Officer providing valuable services and support to the Superior Court as the Department's Drug Court Officer; and

WHEREAS JOHN was the Department's expert in the Secure Continuous Remote Alcohol Monitoring (SCRAM) program promoting offender accountability and rehabilitation; and

WHEREAS JOHN routinely pranked his co-workers and whistled Entry of the Gladiators annoying all with in ear shot; and

WHEREAS colleagues and friends throughout the County wish **JOHN** well in his retirement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby recognizes, congratulates, and thanks **JOHN TRUJILLO** for his dedication and service to the citizens of Mariposa County.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 4th day of April 2023 by unanimous vote.

ROSEMARIE SMALLCOMBE, District I Supervisor

WAYNE FORSYTHE, District IV Supervisor

SHANNON POE, District II Supervisor

MILES MENETREY, District V Supervisor

DANETTE TOSO, District III Supervisor

Attachment: Trujillo Recogntion (RES-2023-162 : Resolution and Tile Plaque Ken Trujillo -Trejo Retirement)

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Danielle Bondshu, Clerk of the Board

RE: Handout from Departmental Presentation

- Handout from Kari Kisela/Mariposa Chamber for the Chamber Business Award Handout.

ATTACHMENTS:
Chamber Business Award handout (PDF)

RESULT: INFORMATION RECEIVED



Attachment: Chamber Business Award handout (14118 : Handout from Departmental Presentation)

Attachment: Chamber Business Award handout (14118 : Handout from Departmental Presentation)

MARIPOSA COUNTY

Board of Supervisors · (209) 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Miles Menetrey, District V Supervisor

RE: Cal Trans Presentation - California Road Charge

RECOMMENDATION AND JUSTIFICATION:

Receive a Presentation on the California Road Charge from Lauren Prehoda with Cal Trans.

California Road Charge is designed to replace the California Gas Tax and would charge a driver per mile that they drive.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board routinely receives presentations from State partners.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not receive the presentation and miss out on the opportunity to learn about a program that could impact Mariposa residents.

ATTACHMENTS:
CA-PPRP_Pilot-Flyer_202301 - Cal Trans (PDF)
Public Private Roads Project Rural - Cal Trans (PDF)

RESULT: WITHDRAWN

California Road Charge

Fair. Transparent. Sustainable.

Participate in a Caltrans Pilot Study, Earn up to $250, and Help Bring the Rural and Native American Voice to the Future of Transportation Funding

California is exploring an alternative to the gas tax and wants to understand the unique impacts to these communities.

The **2023 California Road Charge Public/Private Roads Pilot** will gather essential information for evaluating how a road charge program could address travel on and off public, private, and tribal roadways in California. The state is offering incentives of up to **$250 for participants in the seven month pilot launching in March 2023.**

In the pilot, participants will be given a device for their car to capture their miles traveled and whether the vehicle is traveling on public, private, or tribal lands in California (or out of state). Data will be captured securely through a third-party account manager, and vehicle location information will be sanitized (deleted and non-recoverable from collection devices). Caltrans will not receive any location-specific data from pilot participants' unique vehicle. Qualified participants will be eligible to receive up to $250 in incentives for their time and completion of pilot milestones.

Pilot Details

Pilot Length	7 months; Mar – Sep '23
Reporting Method	Plug-in device and mobile app
Reporting Frequency	Daily (automated)
Statement Frequency	Monthly
Data Privacy	No participant location or personally-identifiable data is sent to Caltrans

Incentive Milestones *

- ✔ Enrollment & end-of-pilot completion
- ✔ Drive each month with active device plugged in
- ✔ Review monthly statements
- ✔ Complete two participant surveys

** All milestones must be completed to receive the full $250*

Join other California motorists in rural and tribal communities with an active voice in shaping how California can provide a fairer, more transparent, and future-ready transportation funding mechanism.



Sign Up to Participate Today!

To register and qualify, visit the California Road Charge website:
http://www.caroadcharge.com/engage/contact-us/

Once you qualify, the Project Team will reach out to you in late February / early March 2023 with information on how to enroll and get started.

Do you have an Active FasTrak® Account with the Toll Roads?

We want you for the pilot too!

Caltrans is also partnering with *The Toll Roads* in a mini pilot that will explore how one of California's tolling agencies might help administer a statewide road charge system.

For example, Will it be easier for a driver to pay a road charge and toll in the same statement?

If you are a current Toll Roads customer, we would love to have you participate and tell us about your experience – **while earning up to $250!**

Attachment: CA-PPRP_Pilot-Flyer_202301 - Cal Trans (13771 : Cal Trans Presentation - California Road Charge)

©2023 Caltrans

California Road Charge



Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

4 Issues with the Gas Tax



- 1. FUEL EFFICIENCY GAINS
  Gas-powered vehicles are becoming more fuel efficient, so owners are buying less gas and government receives less fuel tax.
- 2. INCREASE IN ZERO EMISSION VEHICLES
  Vehicles that do not use gas, such as electric vehicles, do not pay any fuel taxes.
- 3. INFLATION AND LOSS OF PURCHASE POWER
  Ongoing inflation reduces how much a static gas tax can purchase. In addition, highway construction costs typically increase faster than overall inflation.
- 4. UNEVEN FUEL TAX BURDEN
  Newer and more expensive vehicles tend to be more fuel efficient. Owners of older, less fuel-efficient vehicles pay more to use the road. The fuel tax burden is uneven and inequitable.

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

What is a Road Charge?

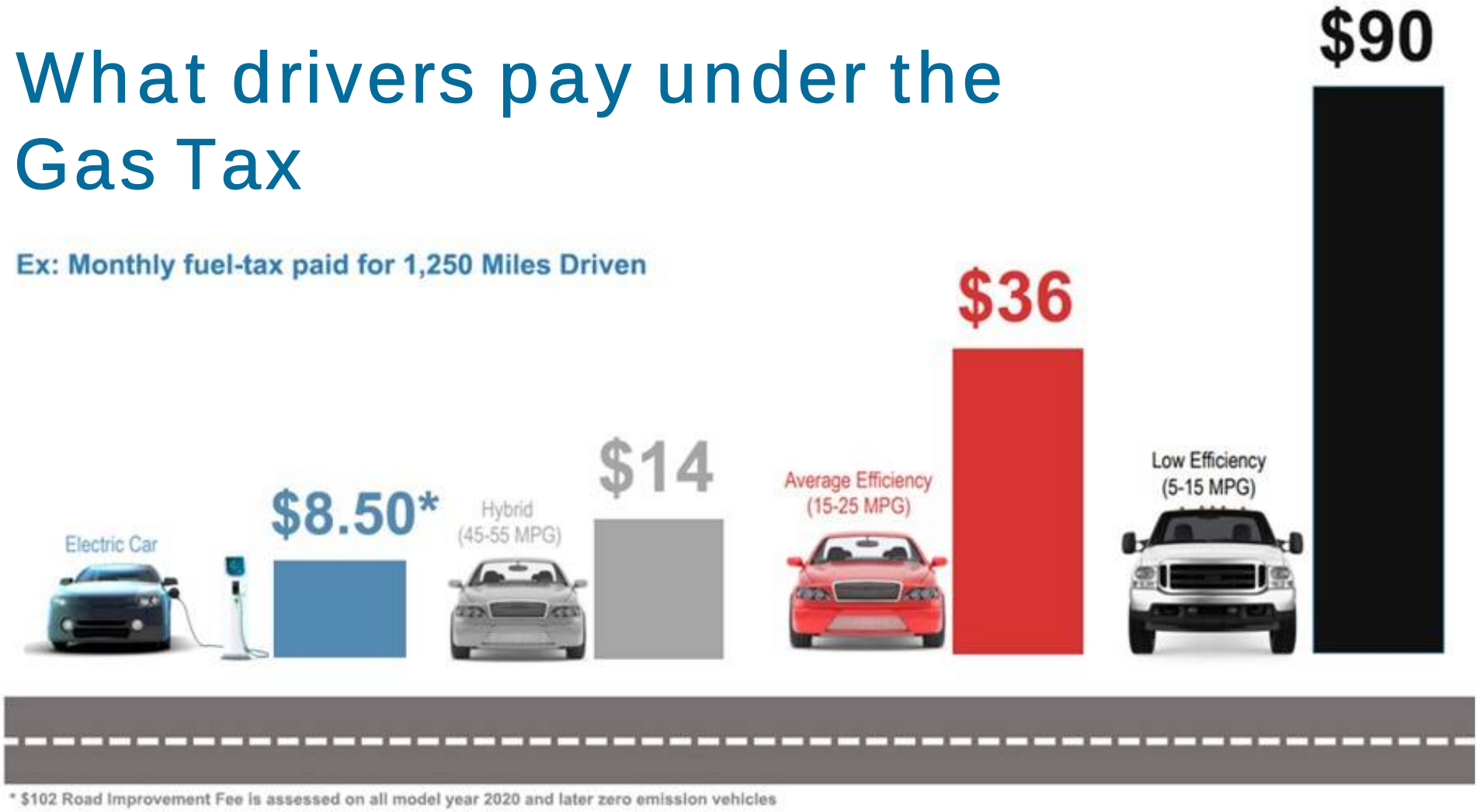
Road Charge is an innovative funding mechanism intended to replace the current gas tax, and more accurately ensures that all drivers are paying their fair share to use the road. Road Charge allows drivers to support local road and highway maintenance based on how many miles they drive, instead of how many gallons of gas they use.

California is studying Road Charge as:

- A replacement for the gas tax
- One per mile rate for all passenger vehicles
- Revenue neutral, not a tax increase
- Aims to stabilize funding, not change behavior
- No change in how funding is spent: existing formulas and programs remain

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

What drivers pay under the Gas Tax

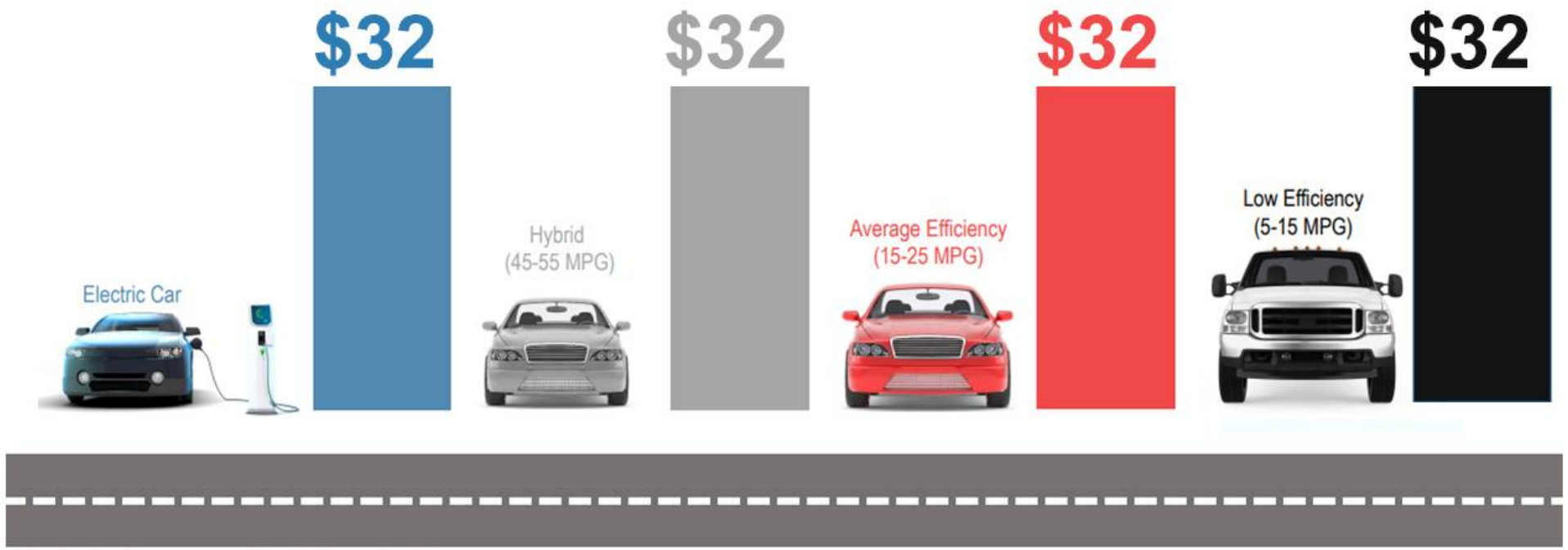


* $102 Road Improvement Fee is assessed on all model year 2020 and later zero emission vehicles

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

What drivers pay under Road Charge

Ex: Monthly fuel-tax paid for 1,250 Miles Driven



Calculated at 2.5 cents per mile, $31.25 round to $32

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

Road Charge System Structure

1

Mileage Reporting

Multiple options to report miles ranging from third-party odometer read to GPS technology

Third-party Commercial Account Managers (CAM)



5

State provides oversight and governance to CAM

2

CAM sends invoice to taxpayer for road charge (less fuel tax paid at the pump)



Taxpayer

4

CAM sends road charge collected from taxpayer to State(s)



State(s)

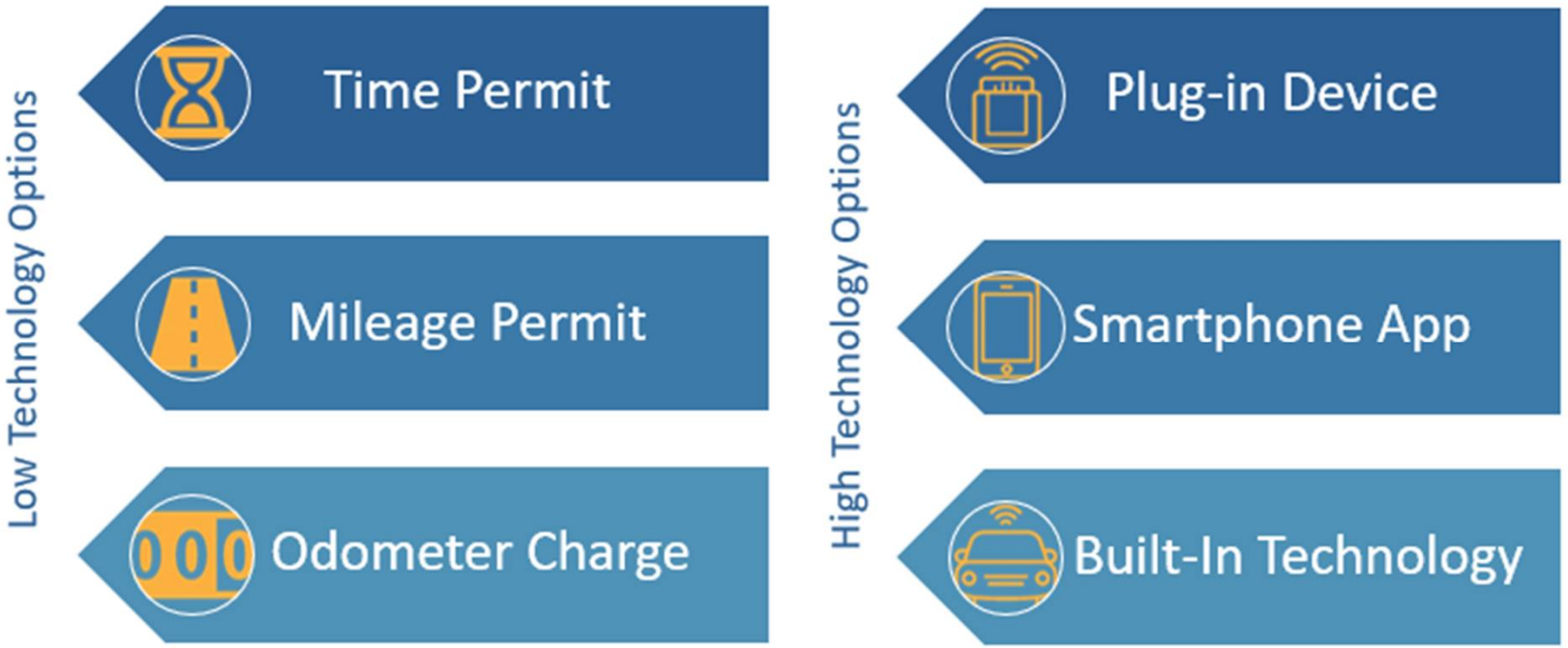
Taxpayer pays road charge as reflected on invoice

3

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

Mileage Reporting Methods

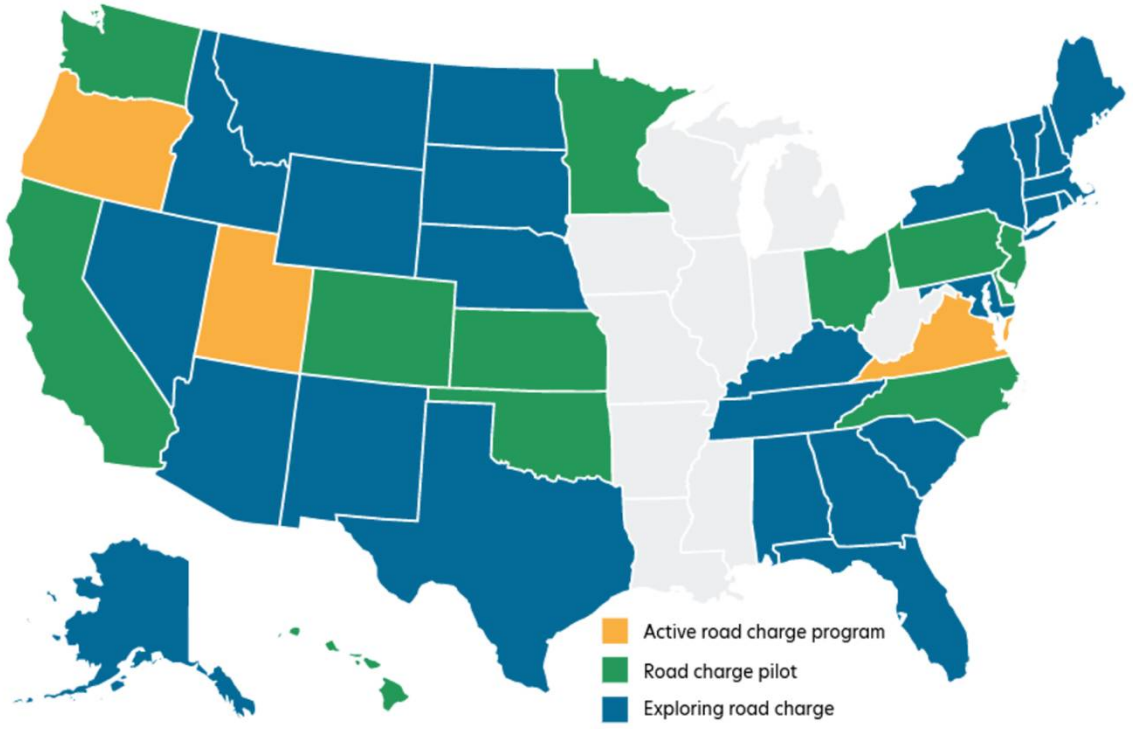




Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

The National Picture

States across the United States are exploring road charge as a viable option. Select any state on the map below to be directed to that state's road charge website and play road charge videos from other states.



In addition, several nations around the world have implemented distance-based charging including Belgium, Germany, and New Zealand, and many other nations are considering this option.

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

Public/Private Roads Project

This project will explore the ability of current GPS technology to differentiate between public and private roads in a road charge system.

Live in March 2023.



Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

What does Road Charge mean for the Rural Community?

- Potential to lower taxes for rural drivers
- Potential to decrease volatility in diesel prices
- Potential to avoid charges on private property
- How might it impact bulk fuel purchases?
- How might it impact dyed fuel use? Use of mixed fuels, propane, etc.?
- How might it impact freight rates?
- Other important impacts?

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California



Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California



Questions?

Lauren Prehoda
Road Charge Program Manager, Caltrans
lauren.prehoda@dot.ca.gov
916-654-4227

www.caroadcharge.com

Attachment: Public Private Roads Project Rural - Cal Trans (13771 : Cal Trans Presentation - California

MARIPOSA COUNTY

Fire · 209-966-4330

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Mike Van Loben Sels, Acting Fire Chief

RE: Mariposa County Fire 2022 Annual Report

RECOMMENDATION AND JUSTIFICATION:
Receive a Presentation from Mariposa County Fire Department Regarding Their 2022 Annual Report and Statistics**.**

A review of current status, accomplishments and goals for 2022-2023.

BACKGROUND AND HISTORY:
The Board of Supervisors routinely receives annual report presentations from the departments and outside partners.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not receive the presentation of current status, accomplishments of 2022 and goals for 2023.

ATTACHMENTS:
2022 ANNUAL REVIEW (PDF)

RESULT: INFORMATION RECEIVED

2022 ANNUAL REVIEW



Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)


E-321
E-321
911


R22





Table of Contents

Mission Statement	**3**
Administration	**4**
MMU Unit Chief	**5-6**
Mariposa Assistant Chief	**7-8**
Mariposa County Fire Department Stats	**9**
Fire Stations	**10-23**
Apparatus response data	**24**
Fire Marshal Program	**25**
Training	**26-27**
Volunteer Members	**28**
Support Members	**29**
Community Events	**30**
Public Education	**31**
Accomplishments 2022	**32-33**
Goals 2023	**34-35**

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Mission Statement

The mission of Mariposa County Fire Department in cooperation with CAL FIRE, is to provide the public and citizens of Mariposa County with a high quality, professional public service for the preservation of human life, protection of property, environment, and natural resources.

The vision of Mariposa County Fire Department and it's membership is to be accountable to themselves and each other while embracing opportunities to continually improve through meaningful training, learning from each other, supporting each other, and having a passion to be the best public servant, volunteer member, and co-worker.

The mission and vision of Mariposa County Fire Department are carried out through strong Core Values of our membership: Acceptance, Dedication, Integrity, and Teamwork.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Mariposa County Fire Administration

Unit Chief/Fire Chief
Mike van Loben Sels

Assistant Chief
Steven Ward

Battalion Chief
Chris Bernard

Training Captain
Frank Johnson

Office Technician
Cathy Garrett

Office Assistant
Katey Diaz

Inspector
Patience Good

Admin Captain 7102	**Admin Captain 7111**	**Admin Captain 7112**	**Admin Captain 7113**	**Admin Captain 7114**
Gary Hampy	Steve Sula	Vacant	Jim Monty	Harve Dearing
Fleet	Greeley Hill	Catheys Valley	Lushmeadows	Midpines
Facilities	Don Pedro	Mt. Bullion	Ponderosa Basin	Public Info
Warehouse	Coulterville	Bridgeport	Bootjack	Social Media
Projects	Small engine repair	Hunters Valley	Fish Camp	
	SCBA maintenance		Radio & Pagers	

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Madera-Mariposa-Merced Unit Chief



As your fire chief on behalf of everyone in the Mariposa County Fire Department, let me welcome you to the Mariposa County Fire Department's 2021 year in review. The Mariposa County Fire Department is comprised of 13 county stations and assisted by 3 Amador plan CAL FIRE stations that are dedicated to serving the communities within Mariposa County. The Mariposa County Fire Department serves more than 17,420 Mariposa County residents and about 2.2 million of the 5 million visitors who stay or pass-through Mariposa County communities visiting Yosemite every year. Mariposa County Fire covers an area of 1,463 square miles.

The Mariposa County Fire Department is charged with the responsibility of providing professional and efficient fire suppression, emergency preparedness, emergency medical services, fire prevention, and public education to Mariposa County. The goal is to provide the highest level of service in the most efficient manner possible; to constantly safeguard and preserve life and property against the elements of fire and disaster through effective preparation, training, and education; and to respond to all emergencies in a safe yet swift manner with sufficient resources to address the situation.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Chief van Loben Sels' Bio:
Chief van Loben Sels started his fire service career in 1992 as a Volunteer

Firefighter (PCF) with the Merced County Fire Department. He started his CAL FIRE career in 1993 working out of the Fresno/Kings Unit as a firefighter. In 1995, he promoted to Fire Apparatus Engineer in the Madera-Mariposa-Merced Unit. In 2001 he promoted to Fire Captain in the Madera- Mariposa-Merced Unit. In 2006, he promoted to Battalion Chief in the Santa Clara Unit. In 2010, he transferred back to MMU and was assigned as the Merced County Fire Los Banos Battalion Chief. In 2017 he promoted to Deputy Chief at the MMU Headquarters before promoting to the MMU Unit Chief in January of 2019. Chief van Loben Sels is the CAL FIRE Madera-Mariposa-Merced Unit Chief and also functions as the Fire Chief for: Atwater City Fire Department, Gustine City Fire Department, Dos Palos City Fire Department, Merced County Fire Department, Madera County Fire Department, Madera City Fire Department and Mariposa County Fire.

As the Fire Chief, I have the honor of supporting our dedicated, honorable volunteer members, paid staff, as well as responsibilities of oversight of the day-to-day operations of Mariposa County Fire Department. I get to enjoy working with our wonderful volunteer firefighting force to provide the best possible service to our communities while working with some of the finest fellow department heads and Mariposa County Administration as part of one team. Our goal is to continue providing the best public service possible while never stop exploring opportunities to improve.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Mariposa County Fire Assistant Chief



Assistant Chief Wards' Bio:

Steven began his career in 1990 as a Mariposa County Volunteer Firefighter out of the Bootjack station. After graduation from Mariposa High Scholl in 1991 he was hired by CALFIRE (then CDF) as a Seasonal Fire Firefighter with in TCU. In 1994 he left CAL FIRE for full time work with private ambulance. In 1997 he became a Paramedic working in both rural setting (Mariposa County) and urban (City of Modesto/Stanislaus County). In 1998 he promoted to Paramedic/Supervisor in Mariposa County. He also was part of the Mariposa Public Utilities District Fire Department from 1995-1999. In 1999 he returned to CAL FIRE Riverside Unit as a Fire Fighter II/Paramedic assigned to Battalion 12 working within the Cove Cities of Palm Desert, Rancho Mirage, Indian Wells.

In 2000 he promoted to LT(Limited Term) Engineer in the Madera-Mariposa-Merced Unit Coulterville Station, then in 2001 returned as a Permanent Fire Fighter II/Paramedic to Riverside Unit working in Indio then Desert Center as part of the Riverside Unit's first Paramedic Engine. In 2001 again promoted to Permanent Engineer back to the Madera-Mariposa-Merced Unit Headquarters Station.

In 2005 he promoted to LT Fire Captain then Permanent Fire Captain in 2006 working at Mariposa Headquarters until 2011 when he promoted to Battalion Chief

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

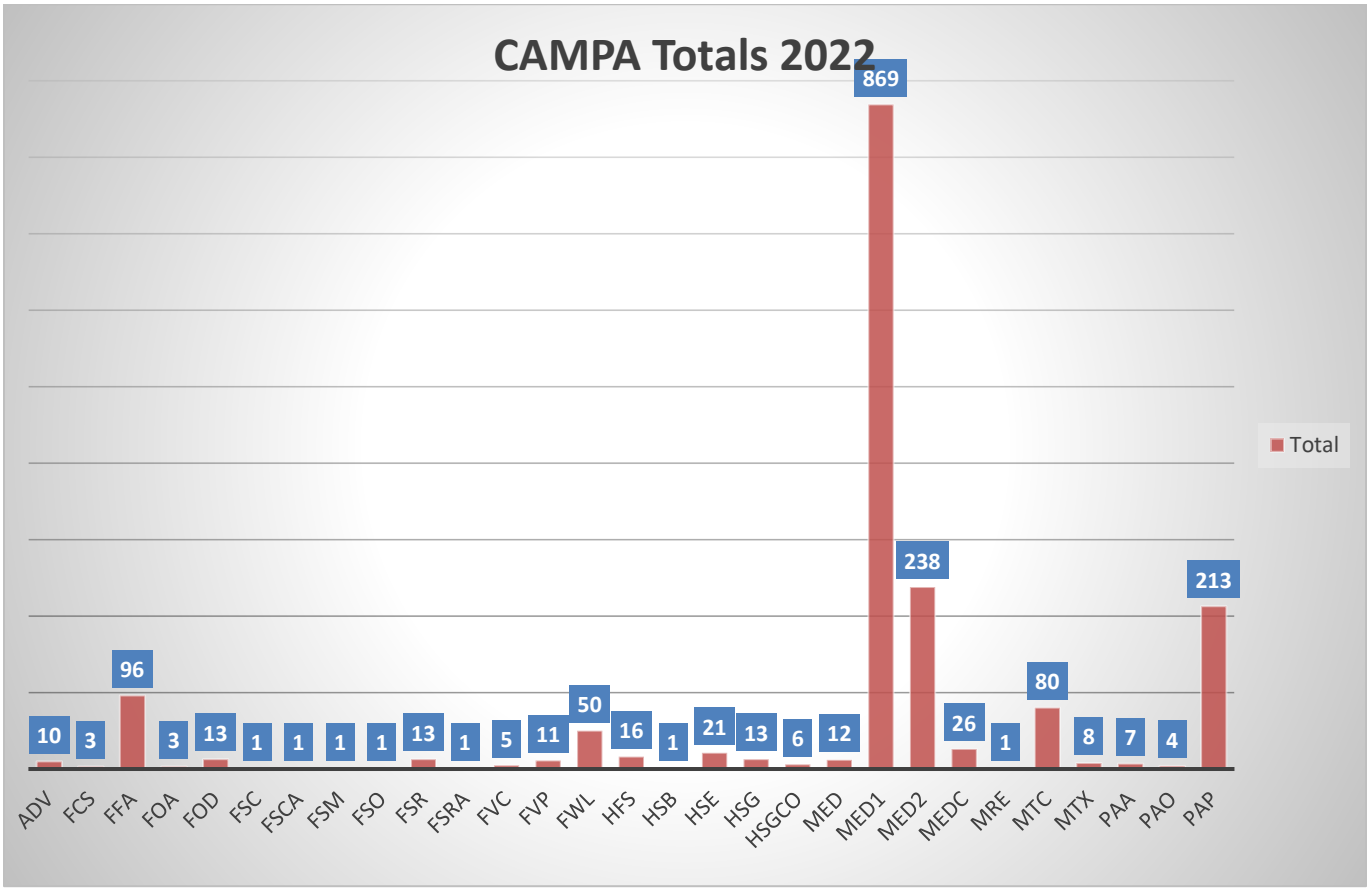
assigned to the Emergency Command Center. In 2014 he transferred to the Coulterville Battalion (North/West Mariposa County) where he worked until 2020 when he promoted to Assistant Chief with oversight of Mariposa County Fire Department under agreement with CAL FIRE.

Steven was assigned to Incident Management Teams (IMT) for Fifteen years. He has functioned as Resource Unit Leader (RESL), Demobilization Unit Leader (DMOB) with CAL FIRE IMT 8, then as Deputy Plans Section Chief (PSC) with IMT 5. In 2016 he moved into the Operations Section with IMT 5 working as a Branch Director and then as one of the Operations Section Chiefs. He has completed C-420 (Command and General staff training), CIMC (Complex Incident Management Course), and has been a part of AAIM (Advance All-Hazard Incident Management) Cadre beginning with the Alfa testing of the class in 2008.

Steven currently teaches as part of the C-420 Command and General Staff and Advanced All Hazard Incident Management (AAIM) cadres.

Steven is married 27 years to his high school sweetheart also graduate of Mariposa High, three children (2 sons and 1 daughter) all graduates of Mariposa High School, and recently became a proud Grandfather.

Mariposa County Fire Response Activity
1724 total calls in 2022

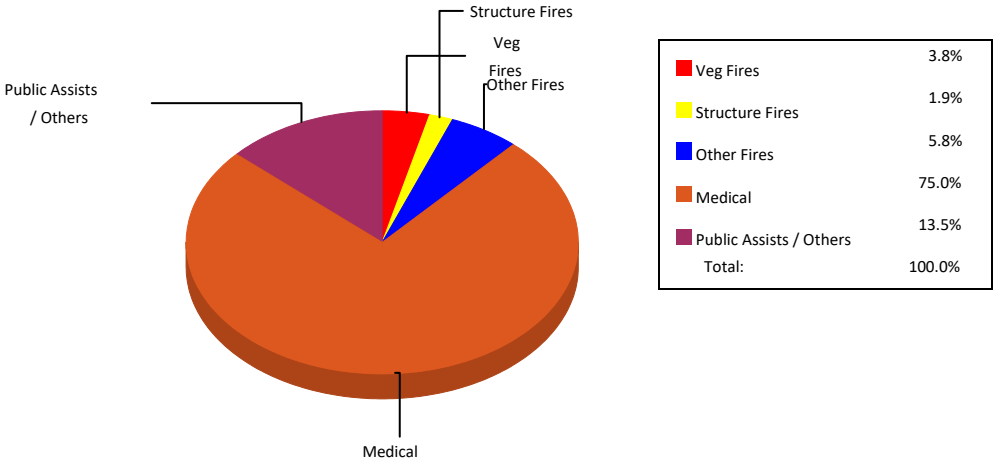


ADV – Advisement
FCS – Smoke Check
FFA – False Alarm
FOA – Fire other jurisdiction advisement
FOD – Fire other debris
FSC – Fire Structure Commercial
FSCA – Fire Structure Commercial alarm sounding
FMS – Fire Multi Family
FSO – Fire other
FSR – Structure Fire Residential
FSRA - Structure Fire Residential alarm sounding
FVC – Fire vehicle commercial
FVP – Fire vehicle passenger
FWL – Wildland Fire ("vegetation fire")
HFS – Hazard Fire Menace Standby
HSB- Hazard Standby Bomb Threat
HSE – Hazard Standby electrical
HSG – Hazard Standby gas
HSGCO – Hazard Standby gas, Carbon Monoxide

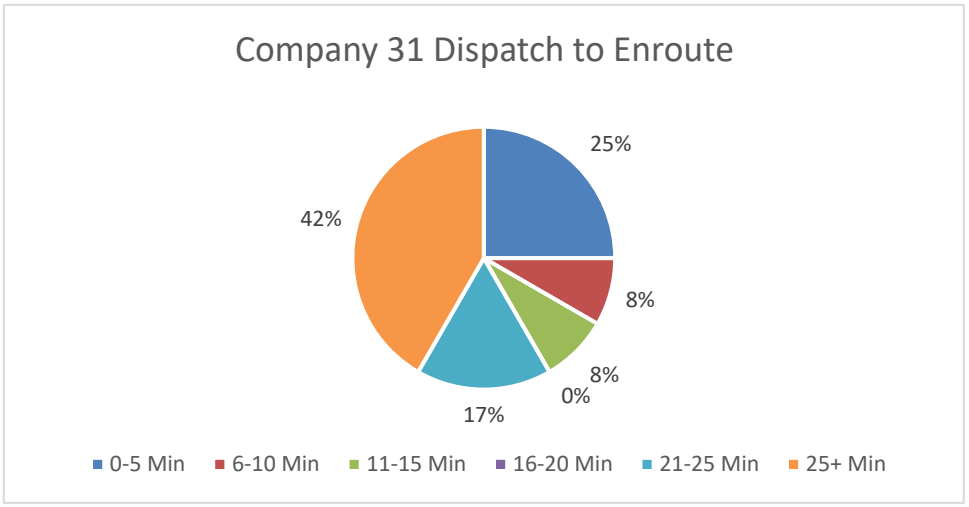
Med - Medical
Med1 - Priority 1
Med2 – Priority 2
MedC – Medical Code Blue (full cardiac arrest)
MRE – Medical Rescue
MTC – vehicle accident
MTX – vehicle accident with reported pin-in/extrication
PAA – Public Assist Demo
PAO – Public Assist Other
PAP - Public Assist Person

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Greeley Hill Company 31



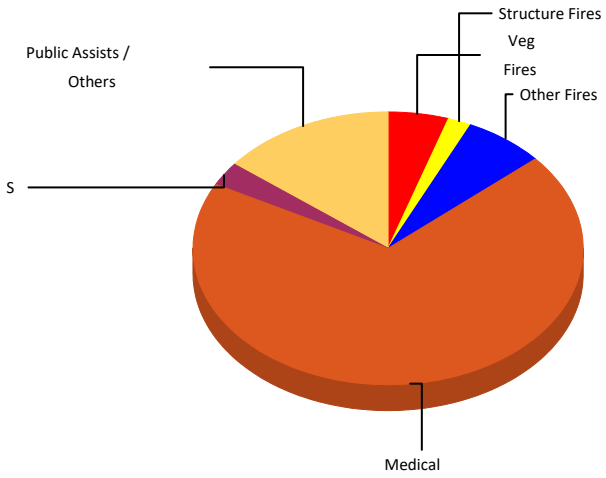
Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
2	1	3	39	-	7	52



**Greeley Hill Closed in August of 2022 with no Volunteers

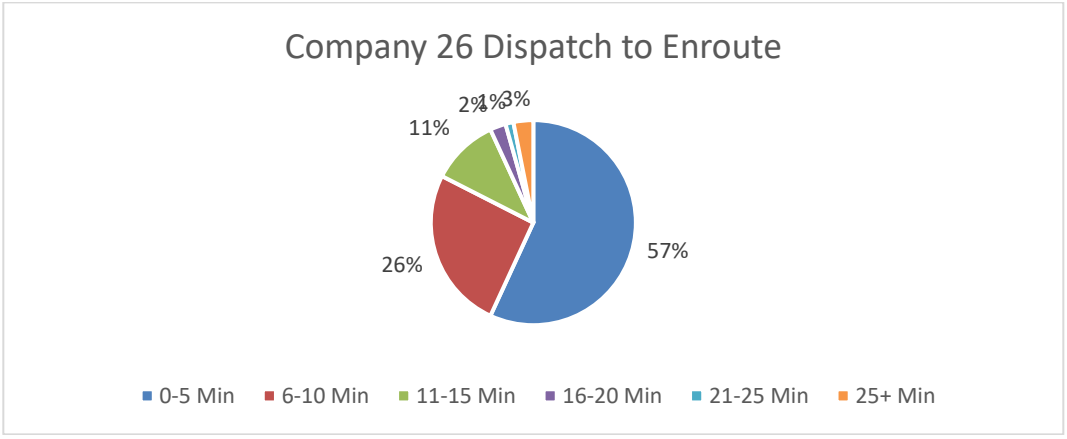
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Coulterville Company 26



Veg Fires	4.9%
Structure Fires	2.1%
Other Fires	6.6%
Medical	69.1%
Hazmat / FMS	2.9%
Public Assists / Others	14.4%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Public Assists/ Others	Total
12	5	16	168	35	243



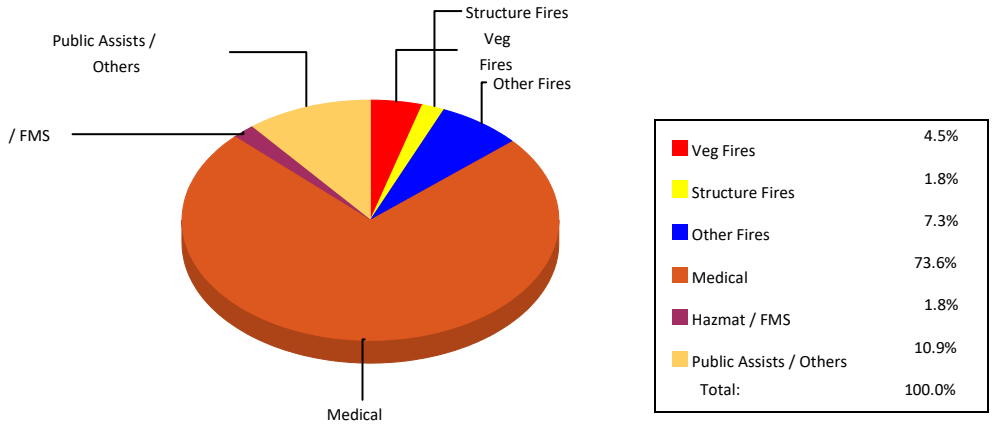
Equipment

- Type I engine, Light Rescue – converted type VI engine

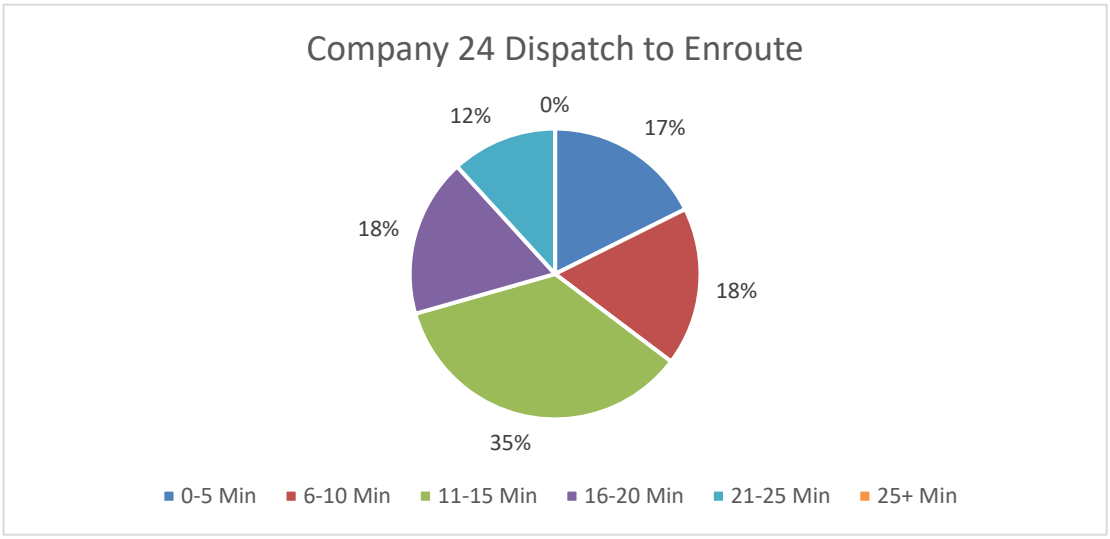
Coulterville Personnel
2 Firefighters
** Increased calls to Greeley Hill behind Co 31 closure.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Don Pedro Company 24



Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
10	**4**	**16**	**162**	4	24	**220**



Equipment

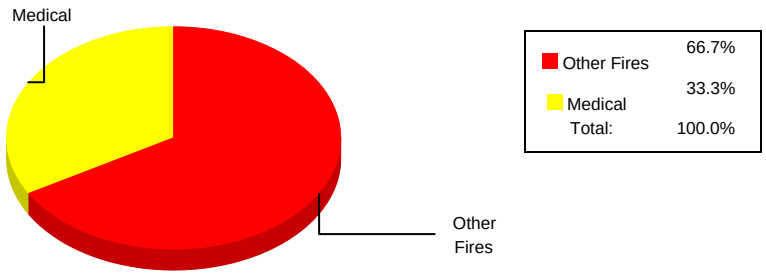
- Type I engine, Type III, Type VI engine, Water Tender

Don Pedro Personnel
4 Firefighters

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Hunters Valley Company 36

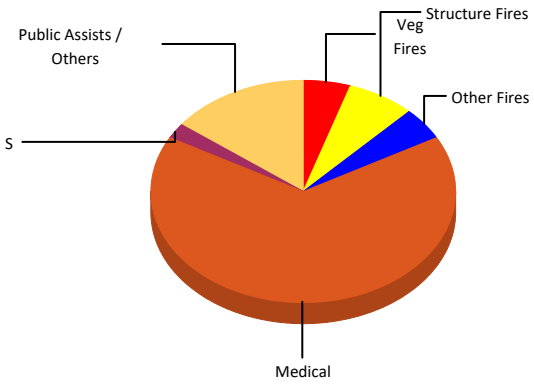
This year we have two volunteers that signed up from the Hunters Valley area. One is very part-time because he's a CALFIRE Seasonal. The second is a Medical Responder only. With only 3 calls for 2022 and one in Hunters Valley the majority of experience will need to come from outside of their response area. This also has led to closure of this station due to low activity.



Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
0	0	2	1	0	0	3

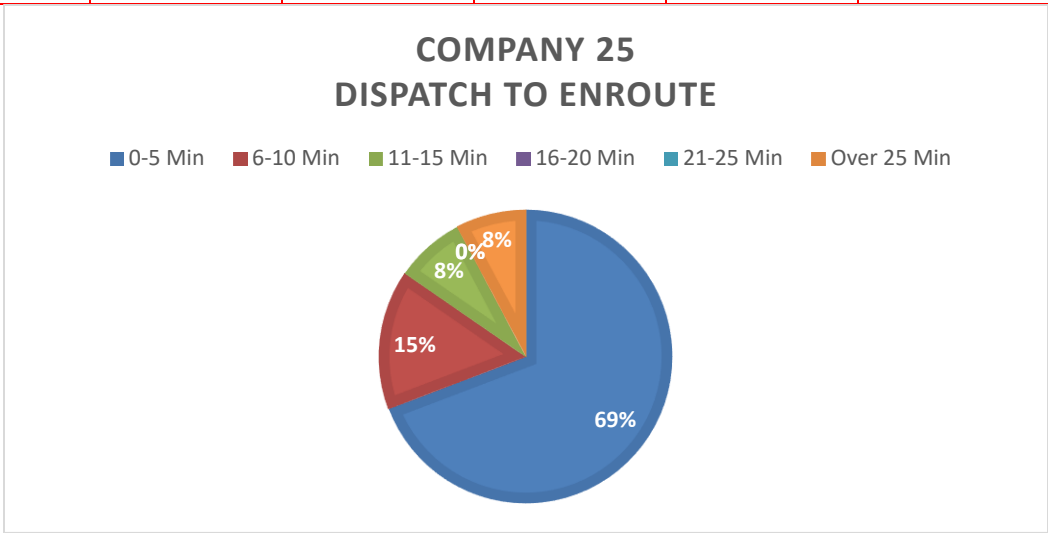
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Mt. Bullion Company 25



Veg Fires	4.9%
Structure Fires	7.3%
Other Fires	4.9%
Medical	65.9%
Hazmat / FMS	2.4%
Public Assists / Others	14.6%
Total:	100.0%

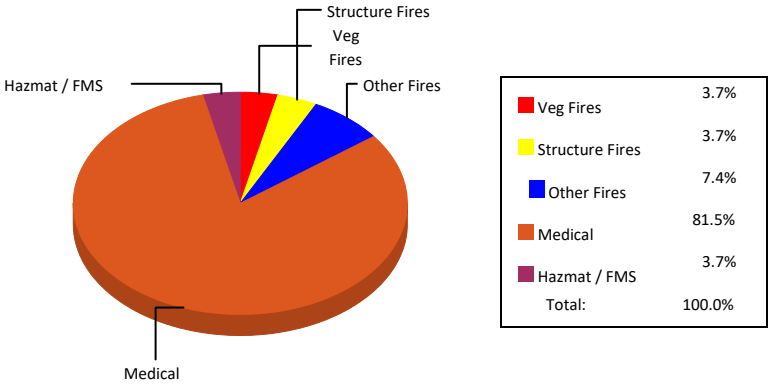
Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
2	3	2	27	1	6	41



**Mt.Bullion/Airport Station closed in July of 2022 with absorption of MPUD Fire.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Catheys Valley Company 23



Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
1	1	2	22	1	4	27

**No Response from this company in 2022 but was called out 27 times

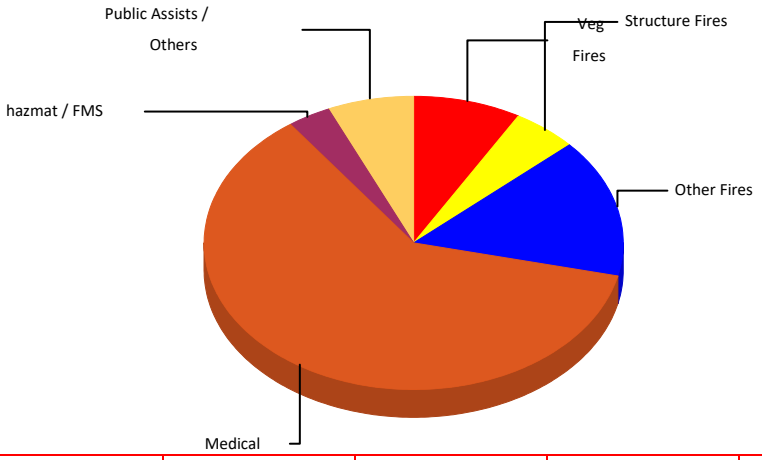
Equipment

- Type VI engine, Water Tender

**Catheys Closed in August of 2022 no volunteers

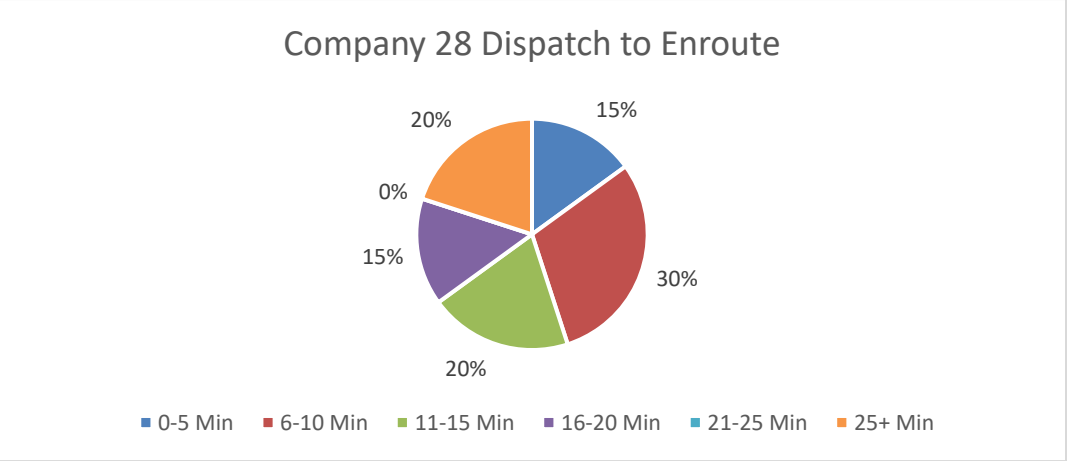
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Bridgeport Company 28



Veg Fires	8.4%
Structure Fires	5.0%
Other Fires	15.1%
Medical	61.5%
Hazmat / FMS	3.4%
Public Assists / Others	6.7%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
15	9	27	110	6	12	179



Equipment

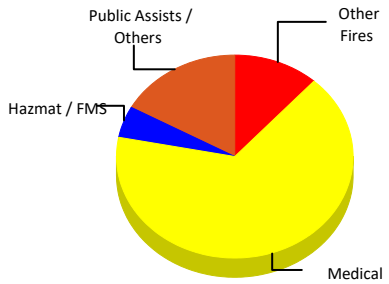
- Type I engine, Type VI engine, Water Tender

Bridgeport Personnel
3 - Firefighters

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Company 22 MPUD Now County

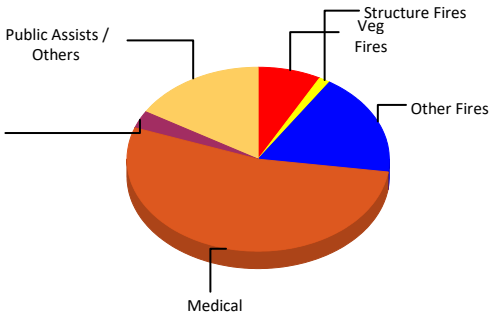
Currently staffed 7 days a week 8-10 hr days with 8 Extra Help Firefighters, 3 volunteers, 1 medical responder. With expansion of response area total call volume is up, 402 in 2022



Other Fires	11.8%
Medical	66.4%
Hazmat / FMS	5.0%
Public Assists / Others	16.8%
Total:	100.0%

MPUD Jan – June 2022 prior to absorption into County:

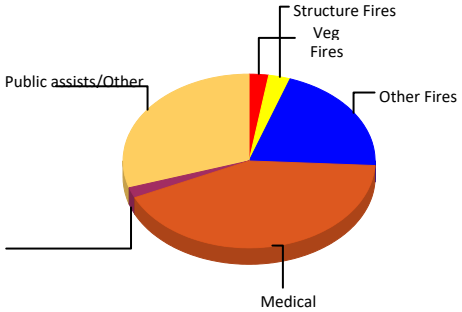
Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
0	0	**14**	**79**	**6**	**20**	**119**



Veg Fires	7.8%
Structure Fires	1.6%
Other Fires	17.8%
Medical	53.5%
Hazmat / FMS	3.1%
Public Assists / Others	16.3%
Total:	100.0%

Town now County #22 from July 1 – October 3rd (Reserve FF's in training) **total calls to the station - reserves call count**

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
10 - 2	**2 - 0**	**23 -1**	**69 - 2**	**4 -1**	**21 - 1**	**128 – 7 – 5.5%**

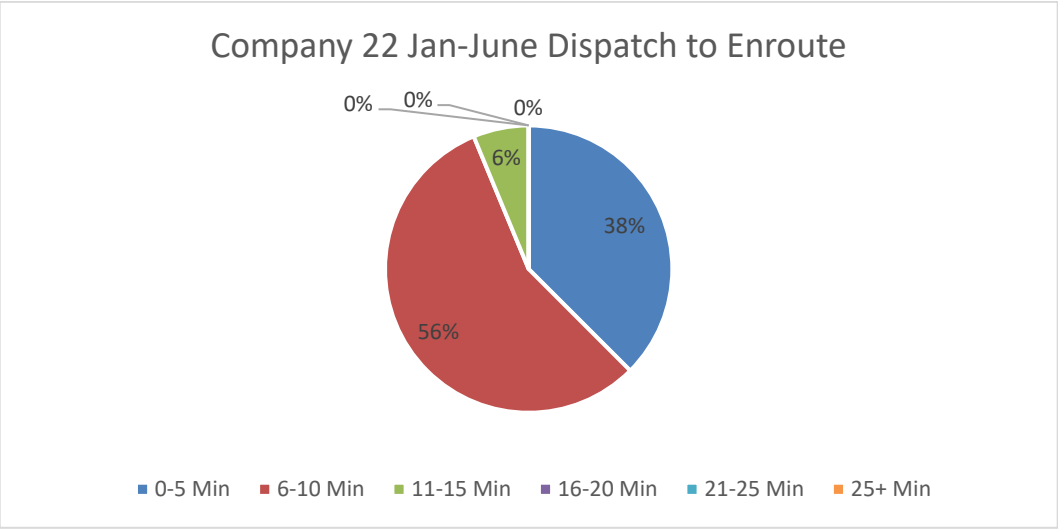


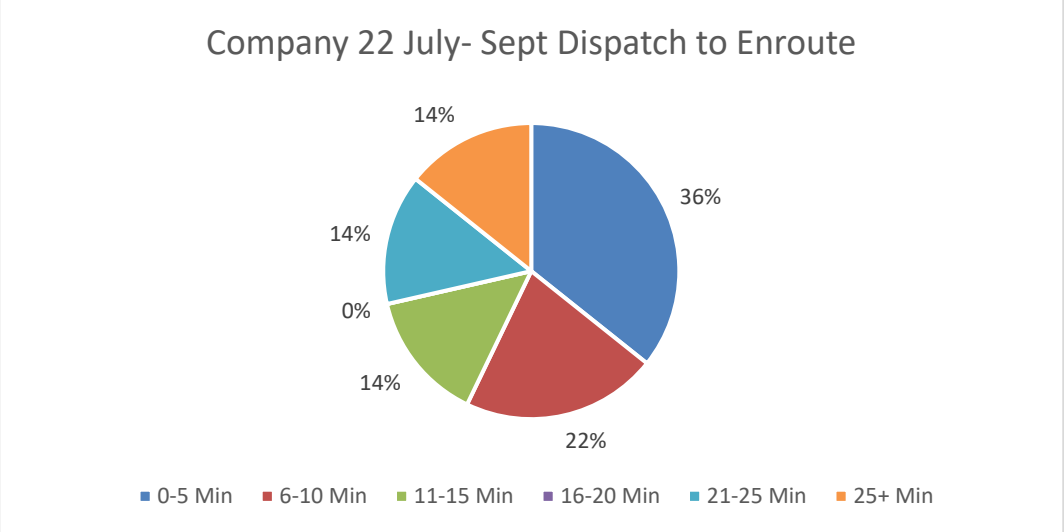
Veg Fires	2.6%
Structure Fires	2.6%
Other Fires	20.8%
Medical	42.2%
Hazmat / FMS	1.9%
Public Assists / Others	29.9%
Total:	100.0%

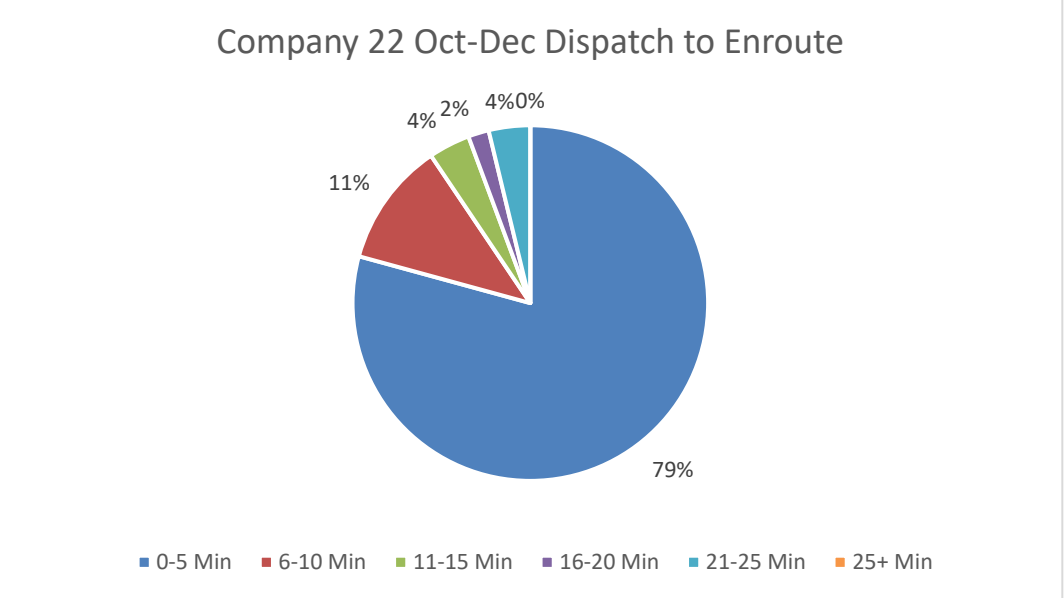
Reserves now staffing station responding county wide. Company 22 calls – reserves call count throughout county.

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
4 -5	**4 - 1**	**32 - 9**	**65 - 30**	**3 - 3**	**46 - 22**	**154 – 70 – 45%**

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

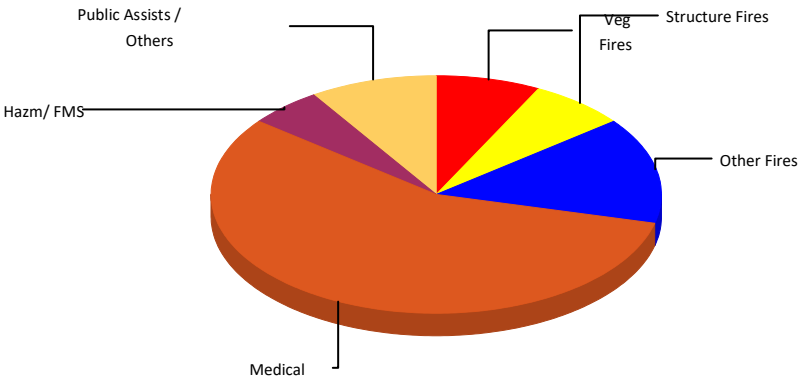






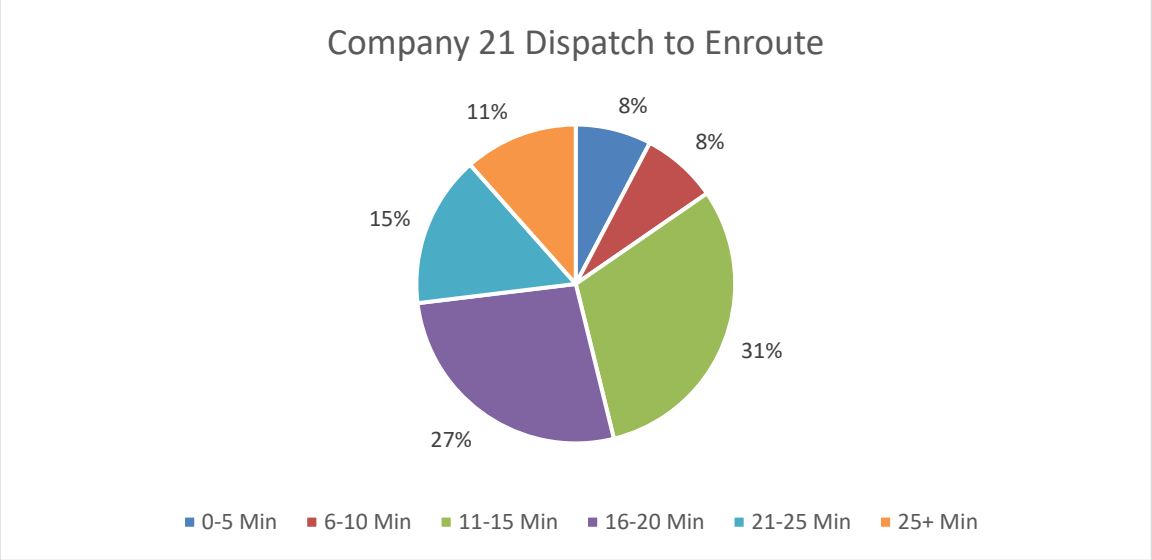
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Midpines Company 21



Veg Fires	7.6%
Structure Fires	6.8%
Other Fires	14.4%
Medical	56.8%
Hazmat / FMS	5.3%
Public Assists / Others	9.1%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
3	9	14	85	4	12	127



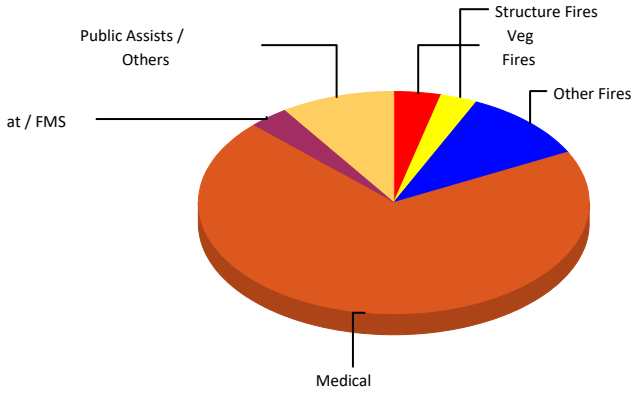
Equipment

- Type I engine, Type VI engine, Water Tender

Midpines Personnel
8 - Firefighters
2 – Medical Responder
4 - Support members

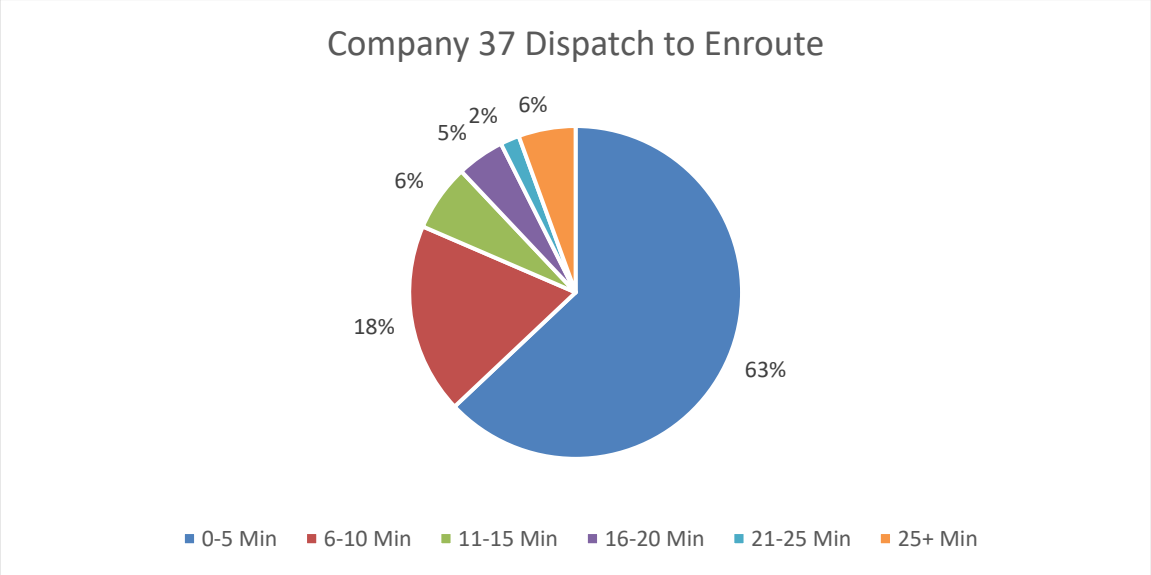
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Bootjack Company 37



Veg Fires	4.0%
Structure Fires	3.1%
Other Fires	10.4%
Medical	69.7%
Hazmat / FMS	3.4%
Public Assists / Others	9.5%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
13	10	34	228	11	31	327



Equipment

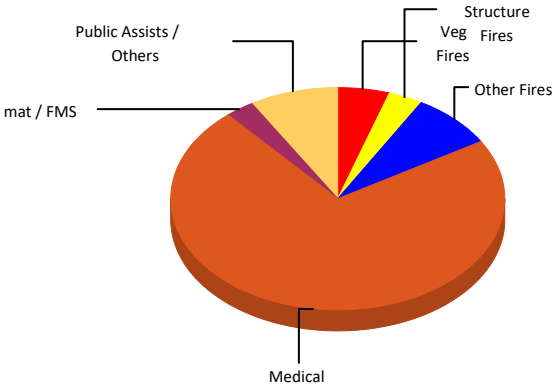
- Type I engine, Type III engine, Type VI engine, Water Tender,

Bootjack Personnel

3 -Firefighters (1 seasonal/CALFIRE)
1 – Medical Responder
1 - Support Member

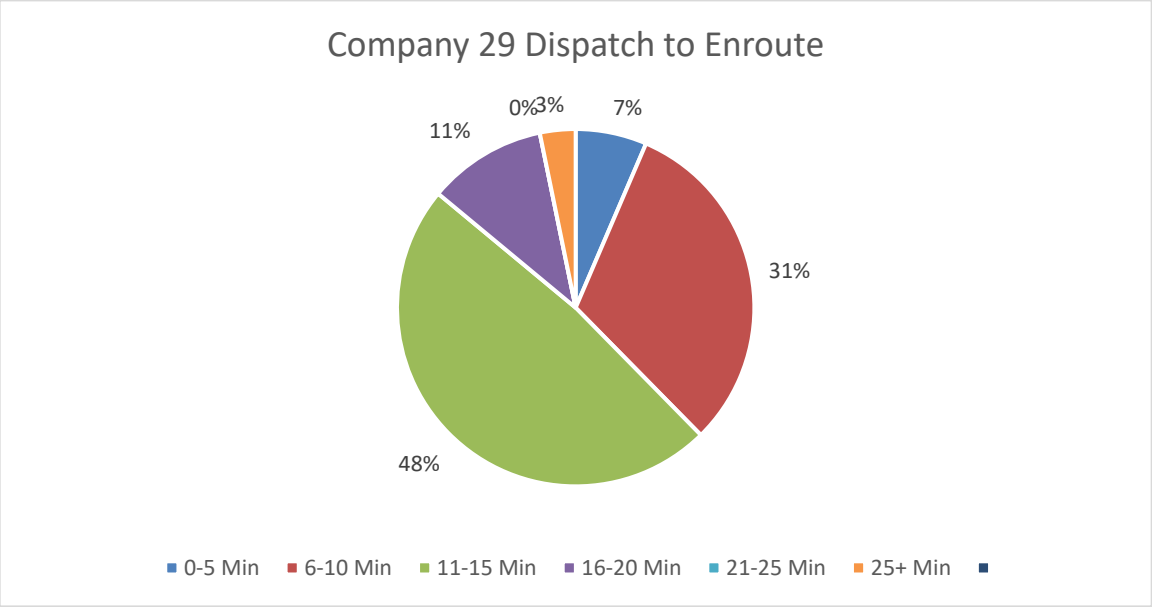
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Lushmeadows Company 29



Veg Fires	4.9%
Structure Fires	3.3%
Other Fires	8.2%
Medical	72.1%
Hazmat / FMS	2.7%
Public Assists / Others	8.7%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
9	6	15	132	5	16	183



Equipment

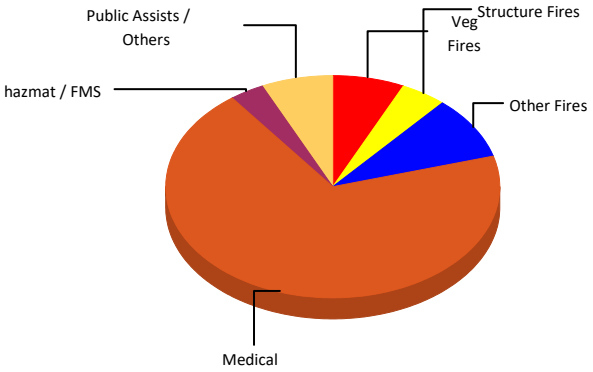
- Type I engine, Type VI engine, Water Tender

Lushmeadows Personnel

4 - Firefighters
1- Medical Responder
5 - Support members

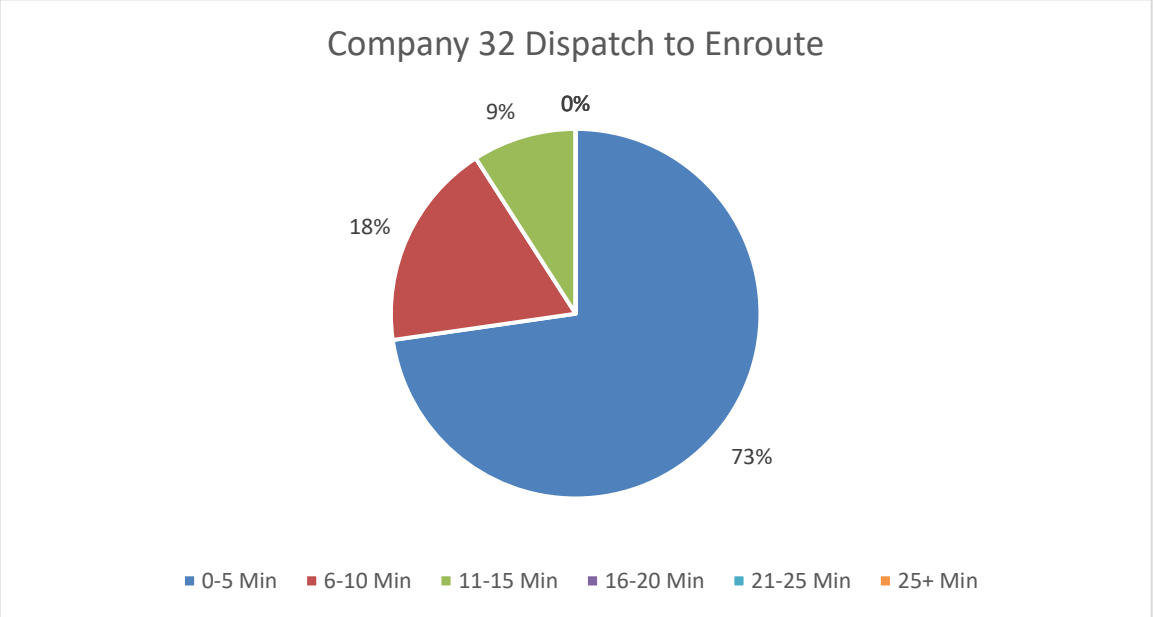
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Ponderosa Basin Company 32



Veg Fires	6.9%
Structure Fires	4.6%
Other Fires	9.2%
Medical	69.0%
Hazmat / FMS	3.4%
Public Assists / Others	6.9%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
4	4	8	60	3	6	87



Equipment

- Type I engine, Type VI engine

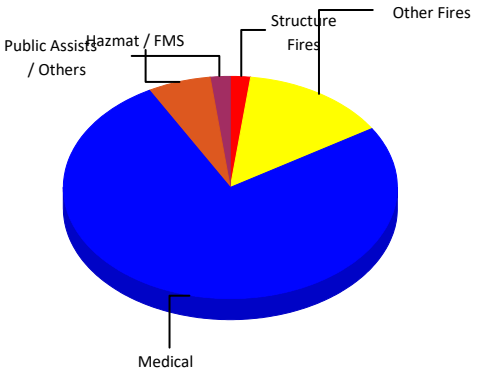
Ponderosa Basin Personnel

3 – Firefighters (1 seasonal/CALFIRE)

3 - Support members

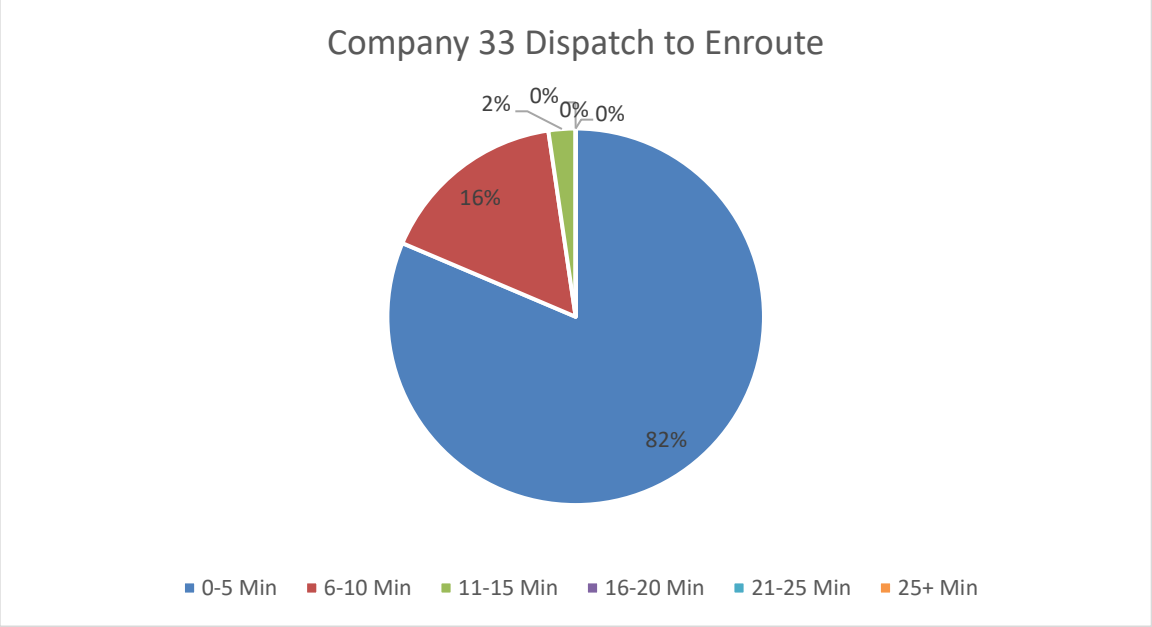
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Fishcamp Company 33



Structure Fires	2.0%
Other Fires	14.0%
Medical	76.0%
Hazmat / FMS	6.0%
Public Assists / Others	2.0%
Total:	100.0%

Veg Fires	Structure Fires	Other Fires	Medical	Hazmat/FMS	Public Assists/ Others	Total
1 (assist Fed)	**1**	**7**	**38**	**3**	**1**	**50**



Equipment

- Type I engine, Type VI engine

Fish Camp Personnel
6 - Firefighters (Tenaya employees)
1- Volunteer Firefighter
1 Support member

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Response Data -apparatus only

Company	Response (apparatus)	No Response (apparatus)	Total Calls
Midpines 21	58= 46%	69 = 54%	127
Including A7114			
MPUD 22	173 =43%	228 = 57%	401
As of Oct 3	107 = 69%	47 = 30%	154
Catheys Valley 23	0 = 100%	27 = 100%	27
Closed 5/22			
Don Pedro 24	54 = 25%	166 = 75%	220
Including A7111			
Airport 25	1 = .02%	40 = 99.9%	41
Closed 7/22			
Coulterville 26	188 = 77%	55 = 23%	243
Bridgeport 28	27 = 15%	152 = 85%	179
Lush Meadows 29	126 = 67%	57 = 31%	183
Greely Hill 31	0 =100%	53 = 100%	53
Closed 9/22			
Ponderosa Basin32	29 = 33%	58 = 67%	87
Including A7113			
Fish Camp 33	50 = 100%	0 = 100%	50
Hunters Valley 36	0 = 100%	3 = 100%	3
Bootjack 37	129 = 39%	198 = 61%	327

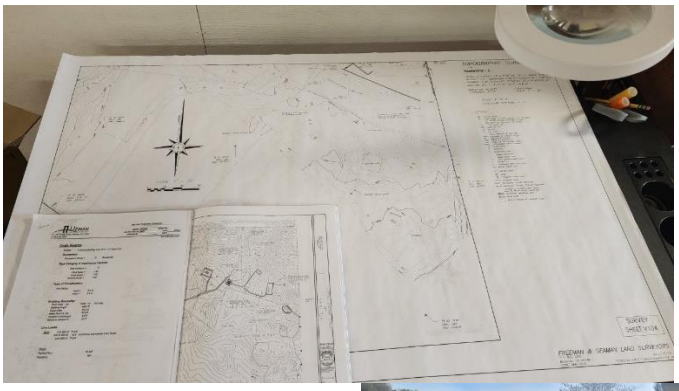
1941 company dispatches, 1724 total calls

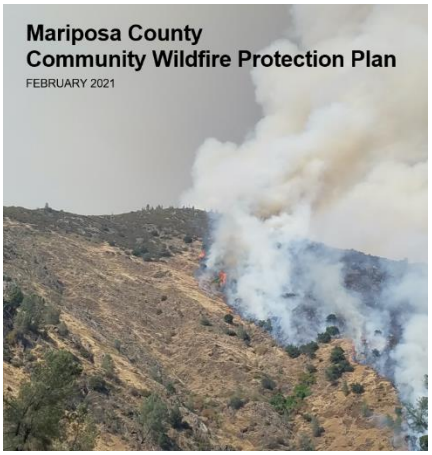
Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Fire Marshal Program

The Mariposa County Fire Marshal program supports the mission by focusing on fire prevention, through a wide variety of fire safety responsibilities including: code compliance inspections of buildings where people congregate, schools, assemblies, care facilities for children and the elderly to name a few; by providing training and education in fire protection methods and responsibilities; providing guidance and direction during the plan review process of all new construction and commercial remodel projects along with planning meetings with cooperators and developers at the beginning of their projects.

The program also functions as the County Fire Liaison for Wildfire Planning and Engineering with other local cooperators, advisory committees and CAL FIRE on land use planning, construction in the wildland, subdivision review, county and community fire plans, wildfire prevention engineering projects such as fuel breaks, fuel modification plans, vegetation management plans. We also apply for and manage grants relating to fire prevention and education.







Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Training





The Mariposa County Fire Department training program's goal is to ensure quality service to the public by developing the skills and abilities of all Mariposa County Fire Volunteer personnel. This is accomplished through training that is economical, effective, and consistent with the needs of the public, Mariposa County, the Department, and the employees while providing leadership through the mutual sharing of knowledge, skills and abilities with cooperating agencies.

Mariposa County Fire assisted CALFIRE Madera-Mariposa-Merced Unit by hosting live burning topics for the New/Returning Hire Firefighter Academy. This allowed local firefighters to assist and refresh their skills while mentoring newer firefighters, resulting in a higher level of service to the residents of Mariposa County and the State of California.

In 2020 modifications to training standards were implemented to include "required" safety trainings and skill proficiencies as outlined in policy 2.5.5 "Member in Good Standing" updated to support our training cadre and help influence participation. 2023 will see a modification and updates of our training program. We will strive to meet the training criteria utilized by CALFIRE (CALFIRE Basic) as the minimum training required to function as a Firefighter for Mariposa County Fire. This training is approximately 219 hours of all risk Fire safety training, techniques. However, this level of training will not be required all at once and will be broken down into two phases. Initial start would require 110-140hrs. safety training, per NFPA 1720 to begin responding (approximately 3-4 weeks or 2-3 months of weekends/evening classes, depending on availability and motivation.) The second phase will consist of

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

continued training up to a standard of 219 hours at responders' pace through routine scheduled trainings with company and/or department wide trainings. The objective will be to at a CALFIRE Basic training level which sets up nicely for those wishing to obtain their State Firefighter I certificate. This also adds credibility and an enhanced training level to Mariposa County Fire that is obtainable. As we work with CALFIRE's training bureau in a cooperative agreement, we'll be able to share resources for instructing with career fire instructors, support, and equipment to include ride-a-longs in our busier systems such as Atwater City, Madera City, Madera or Merced Counties. This will allow our volunteers and reservices the opportunity to participate in a higher call volume area and variety of calls not typically experienced locally. Mariposa County Fire can take advantage of various sponsored personnel into a CALFIRE Basic academy or portions of it located in Atwater, Ca. This is an invaluable opportunity at a savings to our volunteers and county of approximately $1250.00/ea. To date we've been able to provide six volunteer members who were able to commit to the 6 weeks of training 5 days a week over two classes. We will continue to support this training and any of our volunteers who wish to attend.

This year we as a department we were accountable for all required safety training. We participated in numerous trainings with our CALFIRE , USFS, and NPS partners. We have adjusted to the updated Public Safety-First Aid/CPR requirements in conjunction with our CALIFIRE training department. Though accountability of Department policy 2.5.5, any members who were not compliant received a letter advising of their status. Those who could no longer commit were separated or moved to a more appropriate position (Medical Responder or Support Member), and those who wanted to remain in their current position developed a plan to become compliant.





Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Volunteer Members



Mariposa County Volunteer Firefighter program is the backbone of the Fire Department. In cooperation with and in addition to paid career staff from CAL FIRE and County Extra Help employees, our volunteers respond to a wide variety of emergency and non-emergency incidents throughout Mariposa County. In addition to fires, they respond to vehicle accidents, public service assists, medical aid calls, and a variety of all-risk emergencies.

In 2022 Mariposa County Fire received 16 applications for Volunteer membership who are all in various stages of pre-employment process or training.

Mariposa County Fire currently has 41 Firefighters, 2 Medical Responders, 23 Support members and 16 currently in hiring/training process. This does not include County Firefighters hired by Delaware North for the Tenaya agreement.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Support Members



The 23 Mariposa County Fire Department Support Members are those who help our department and stations primarily for public events. Support can consist of but is not limited to providing labor for station projects or engine check outs and cleaning of station and apparatus. Proper clearance around stations such as weed eating, brushing, pile burning, general clean up. Assistance with cooking or providing customer service at fund raising events. Participating in parades and various recruiting events. Emergency scene support, such as rehab for Fire Fighting personnel providing hydration, monitoring vitals, changing out of breathing apparatus bottles. Support Members are not active firefighters but provide a vital role to the department. Some Support Members who have moved on from emergency response provide mentorship, advise, and suggestions/solutions that keep our department moving forward and help educate and support our current and younger Firefighter ranks.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Community Events

Throughout history, fire departments have enjoyed a long-standing tradition of participating in the communities they serve. The personnel of Mariposa County Fire are happy to be involved in their respective communities.

Community Events:

- Butterfly Festival
- Christmas Parade
- Civil War Reenactment
- Fire Prevention Week
- Labor Day Parade and Fair
- National Night Out
- Mariposa County Fair
- Mariposa Air Fair and Family Adventure Day
- Relay for Life
- Safe Families
- September 11th Memorial
- Trunk or Treat Event

Station Specific Events:

- Don Pedro Co. 24 Pancake Breakfast
- Airport Co. 25 Pancake Breakfast
- Lushmeadows Co. 29 Ice Cream Social and Pot-Luck Dinners
- Ponderosa Basin Co. 32 Ice Cream Social and Spaghetti Dinner
- Fish Camp Co. 33 Open House and BBQ
- Bootjack Co. 37 Pancake Breakfast and Rummage Sale

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

Public Education

Mariposa County Fire Department provides and operates multiple public education programs for the community. Keeping our neighborhoods safe is a top priority of the department and public safety is the paramount duty. MCFD is dedicated to ensuring every county resident is safe at home, at work and at school. Our programs strive to provide effective fire safety education and positive community role models. This is an effort to reduce the number of fatalities and injuries related to fires throughout the county. Mariposa County Fire responded to 13 structure fire calls in 2022. It's important to educate all ages on fire prevention and promoting safe family plans during emergency situations.

Mariposa County Fire Department believes a proactive approach in fire prevention education is the best way to reduce fatalities and injuries. The department relies on each member to make up our Public Education Team, which contacts the community through the various outreach programs listed on the previous page.

We are also putting an emphasis on vegetation fire awareness and fuels maintenance around civilian structures. In partnership with other agencies, Mariposa County Fire Department strives to educate not only the residents of the county but also the many visitors who travel through the county each year. Announcements are made through public interaction, public meetings, and social media posts to reach as many individuals as possible.



Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

2022 Accomplishments

Mariposa County Fire Department has made strides this year in several areas, including training, Policy/SOG updates, Prevention, and equipment. Although COVID-19 pandemic hampered efforts for hands on meetings and caused new guidelines for training and how we interact, our department still made strides and had successes.

- 2022 brought historic staffing for Mariposa County Fire Department. In July with board support we hired the first ever paid Firefighters in department history (Extra Help). In October of 2022, their initial training was completed, and they began staffing the Mariposa Station on Hwy 49 North (formerly MPUD Fire Station) with 2 personnel on duty 5 days/week 8-10 hours/day. As of February, we were able to grow to 7 days/week.
- Developed a grooming and uniform standard so we can continue to gain public trust as we represent Mariposa County in a professional light. We are continuing to strive towards professionalizing our look, performance, and interaction.
- We worked with our MPUD partners to transition fire responsibilities to Mariposa County. This included taking on all authorities regarding fire prevention response, equipment, and station.
- In accordance with equipment replacement plan, our Type III wildland style engines were received this year; two short wheel based 4x4 water tenders were ordered; two larger automatic 3 axle Freightliner chassis were ordered to transfer current stainless steel tanks from old chassis; two Type VI engines were ordered for replacement of older Type VI (truck style with skid mount pump).
- We sold 4 Type I (larger structure) engines to Tuolumne and Merced Counties, as well as looking to donate a same style grant engine and former MPUD engine. Overall, the goal being reached is to consolidate our fleet and bring into our department apparatus that is more representative of our area and population/needs.
- We were successful and received a new skid steer and excavator for our contribution towards fuel reduction and maintenance projects to benefit Mariposa Communities. This was done though CALFIRE CCI grants.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

2022 Accomplishments, continued

- Facility improvements are being made to Mariposa Station. Occupancy changes were made to Fishcamp, Midpines, and Mariposa to allow for night occupancy and housing of fire personnel for the future.
- We have 16 new volunteers' applications in process. This is exciting as it's the first time in last couple years that we've seen interest in becoming a volunteer.
- The Bootjack water tank project is complete and was utilized immediately during the Oak fire, proving how valuable that project was.
- Identified challenges with current Spring Hill Facility has brought to light good discussion with Mariposa County Unified School District on restructure of lease and/or sale of property options.
- Prevention program had improvements this year in engagement with public, developers, and vacation rental owners. Plan reviews agreement with Engineered Fire Systems Inc. has provided opportunity for our Inspector to utilize this service to have a company to rely on for plan review while she continues to improve and learn this skill.
- We were successful in obtaining an AFG (Assistance to Firefighter Grant) grant to assist in the purchase of Personnel Protective Equipment.
- We were able to work through the year with BSN and are almost complete with a fee study project for County Fire's prevention bureau to present to the board. This will allow for the recoup of revenue for services provided such as plan reviews and a variety of inspections.
- Mariposa County Fire is estimated to bring in approx. $750,000 in Assistance By Hire revenue between F/Y 21/22 and F/Y 22/23. This is an example of how Assistance by Hire (ABH) over the last couple years has changed from years past regarding activity and need. Although this is not dependable revenue source because it depends on fire season activity and need, it is an example of how cooperative fire is a benefit to both our County and State.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

2023Goals

- Continue to enhance training standards and opportunities, while keeping standards reasonable and as convenient as possible for our volunteer membership.

- Continue training for our Inspector in plan review, and inspections while maintaining good relations with our public, developers, Building and Planning departments.

- Continue fleet replacement plan as presented in October of 2020 in coordination with our County's Fleet Department. Research and apply as appropriate for grant assistance to facilitate fiscal relief for replacement of costly fire equipment vehicles.

- Establish a County Wildland Mitigation coordinator position that will be grant funded/reimbursed to assist with coordination of members of MCFAC, Firewise Communities, Fire and OES grant needs.

- Improve current staffing with response capabilities and time frames, through additional volunteers currently in hiring or training process and Extra Help/Reserve program. Provide options for the future of different staffing models. Continue to expand Extra Help program and promote combination department.

- Continue to encourage our department volunteers' responders and support members to engage with department's meetings, administration, and the department as a whole.

- Finalize decision with Mariposa County and Mariposa County Unified School District future use of Spring Hill High School facility. If we stay at Spring Hill.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)

2023 Goals, continued

- Get our department's Self-Contained Breathing Apparatus upgraded over the next 2 fiscal years. This goal has been deemed achievable with 1st order being placed.
- Upgrade our radios within the department, both handheld and mobile. Our current radios are no longer serviceable and outdated. Goal is to utilize Secure Rural Schools Act funding that identifies cost to cover training and equipment directly related to emergency services.
- Upgrade our extrication equipment via $387K OTS (Office of Traffic Safety) grant.
- Upgrade our AED's (Automatic External Defibrillators)
- Reach an agreement that works for both parties between NPS and Mariposa County Fire for the service of Foresta, Yosemite West, El Portal, and Wawona.

Attachment: 2022 ANNUAL REVIEW (13850 : Mariposa County Fire 2022 Annual Report)


FIRE




A COUNTY FIRE
BOOT JACK





MARIPOSA COUNTY

Fire · 209-966-4330

RESOLUTION - ACTION REQUESTED 2023-163

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Mike Van Loben Sels, Acting Fire Chief

RE: Title III Funding Proposal

RECOMMENDATION AND JUSTIFICATION:
Approve Title III Funding Proposals from the Secure Rural Schools and Community Self-Determination Act of 2000 in the Amount of $101,000.00; and begin the 45-Day Comment Period.

SRS Title III is federal funding available for the following uses:

1. to carry out activities under the Firewise Communities program;
2. to reimburse the participating county for search and rescue and other emergency services, including firefighting and law enforcement patrols;
3. to cover training costs and equipment purchases directly related to the emergency service; and
4. to develop and carry out community wildfire protection plans.

In Mariposa County, Title III funds have been used to implement wildfire protection plans including support for the Mariposa County Fire Safe Council, Mariposa County Resource Conservation District and the Southwest Interface Team (SWIFT) project. However other intended uses can also be for specific emergency services equipment training for firefighting, law enforcement, and search and rescue.

Five projects have been proposed at this time:

1. $20,000 for Mariposa County Resource Conservation District for education and support of home hardening program.
2. $10,000 for the Southwest Interface Team (SWIFT) coordinator cost share between Mariposa and Tuolumne Counties to continue development and acquisition of resources for fire breaks in the northern portion of the county; and
3. $15,000 for Mariposa County Fire Safe Council to write grants and

Lushmeadows ladder fuel study.

4. $56,000 to Mariposa County Fire Department for the replacement costs of their emergency equipment radios both hand held and mobile. With these funds, county fire will be able to replace half their aged inventory with plan to replace the 2nd half of the inventory in fiscal year 24-25.

These projects are consistent with our community wildfire protection plan and recommended for approval at this time. More information about the requirements for SRS Title III can be found at https://www.fs.usda.gov/working-with-us/states/secure-rural-schools/title-3.

Mariposa County currently has $119,130.00 available for Title III projects. Though it has been renewed several times in the past, the authority to initiate Title III projects currently terminates on September 30, 2023. Any funds not obligated by September 30, 2024, must be returned to the Treasury of the United States.

Before using Title III funds, the County is required to publish a proposal that describes the proposed use of funds and solicits public comment for a minimum of 45 days. The proposal must also be submitted to the Tuolumne and Mariposa Counties Resource Advisory Committee managed by the Stanislaus National Forest.

The conclusion of the 45-day comment period this item will be brought back to the Board for consideration of comments and action of approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Fiscal Year 2022-2023 (FY23) budget approved by the Board recognizes Title III funds generally but without specific allocations to projects.

Title III funding allocations have been approved by the Board since the late 1990s.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not tentatively approve the proposed projects. Staff will not notice the proposals. Other proposals that meet the funding criteria will need to be solicited or the funding will be returned to the United States Treasury.

ATTACHMENTS:
2023 Title III proposals (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Shannon Poe, Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

PO BOX 1182 | Mariposa California 95338 | 209-966-7700 | www.mariposafiresafecouncil.org

March 2, 2023

Steve Ward, Fire Chief
Mariposa County Fire Department
4802 CA-140
Mariposa CA 95338

Re: Title III Secure Rural School Funding

Dear Chief Ward,

The Mariposa Fire Safe Council would like to request support from the Title III Secure Rural Schools fund. We would like to specifically use the funds for expenses related to grant writing to implement the goals of the CWPP. To that effect, we would like to request $15,000.

The funds will be spent in two categories: 1. Wages associated with grant research, planning, writing, and submitting. 2. Mileage for travel associated with grant planning, outreach, and meetings related to the process of developing project ideas.

The Mariposa Fire Safe Council works with County Fire, Cal Fire, the USFS, BLM, and other critical fire partners to identify the most crucial projects that need to be implemented in Mariposa County. All project ideas are brought to the Mariposa County Fire Advisory Committee and SWIFT collaborative to assure that the concepts are considered a priority by all stakeholder agencies. All project proposals are checked against the goals set forth in the 2019 Mariposa Community Wildfire Protection Plan.

Thank you for this opportunity to support the goals of fire prevention, preparation, and education defined in the Community Wildfire Protection Plan.

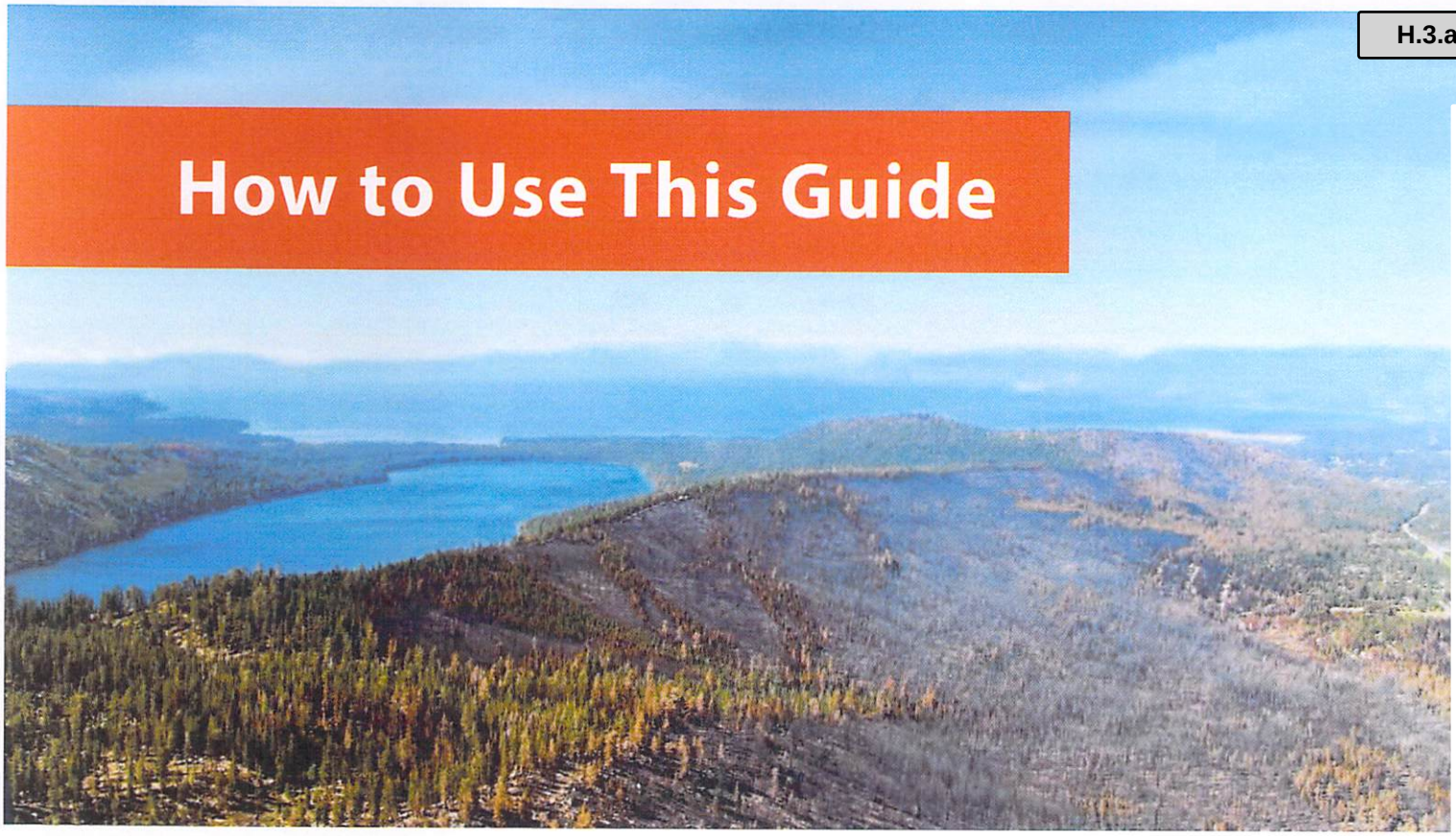
Sincerely,

Barbara Cone

Executive Director
Mariposa Fire Safe Council

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

How to Use This Guide



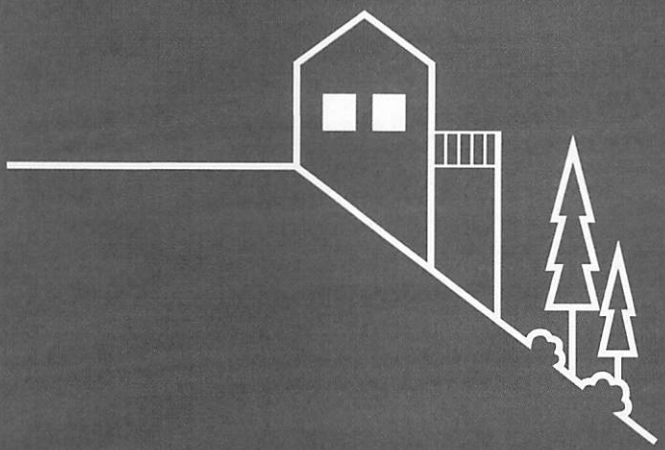
This Guide includes specific recommendations for how to retrofit existing components of a home to withstand wildfire. Each section contains an explanation of how the component is vulnerable to wildfire and what can be done to improve that component. The illustrations throughout the Guide are intended to show best practices for reducing the vulnerability of a home to wildfire.

Inside This Guide

Defensible Space	p. 5	Siding	p. 10	Chimneys	p. 15
Roofs	p. 6	Skylights	p. 11	Fences	p. 16
Roof Edges	p. 7	Windows	p. 12	Glossary	p. 17
Rain Gutters	p. 8	Decks	p. 13	Online Resources	p. 18
Vents	p. 9	Garages	p. 14		

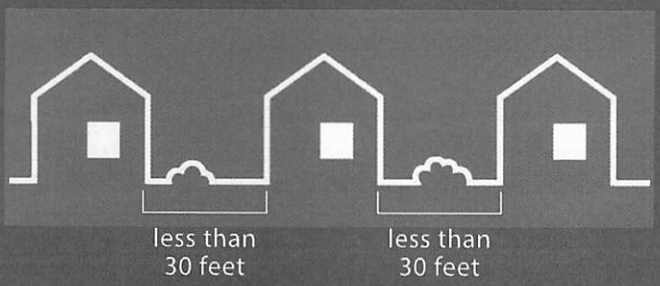
Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

When using this Guide, think about the location and context of the home and how that influences vulnerability to wildfire:



Steep Slopes

When homes are located on steep slopes, decks commonly overhang the slope below, and this downslope area is often heavily vegetated. Prioritize defensible space actions so that flames from burning vegetation cannot reach the underside of the deck and ignite, with subsequent ignition of the home.



Dense Neighborhoods

Dense neighborhoods with homes close together have an increased risk of building to building ignition because of the radiated heat and potential flames that are generated if a neighbor's home burns. Prioritize actions to reduce the possibility of homes igniting each other. Intensify defensible space by thinning trees and shrubs between homes. Engage in neighborhood conversations to encourage all neighbors to take actions to reduce their own vulnerability to wildfire.



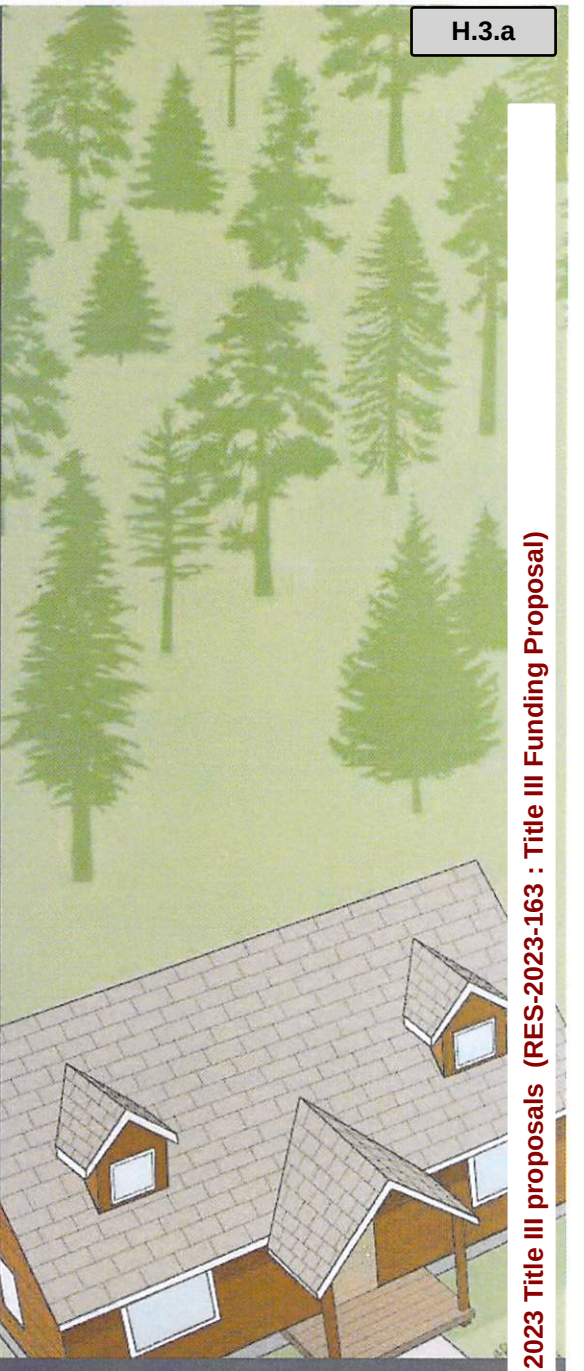
Large-Parcel Lots

When homes are on large parcel lots and neighboring homes are far apart, vegetation and other combustible materials on the property (e.g., wood pile, tool shed) can be a large factor in home ignition. Prioritize creating and maintaining defensible space, including the near-home noncombustible zone, and home-hardening techniques to reduce vulnerability from embers.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Living within the natural environment brings both serenity and responsibility.

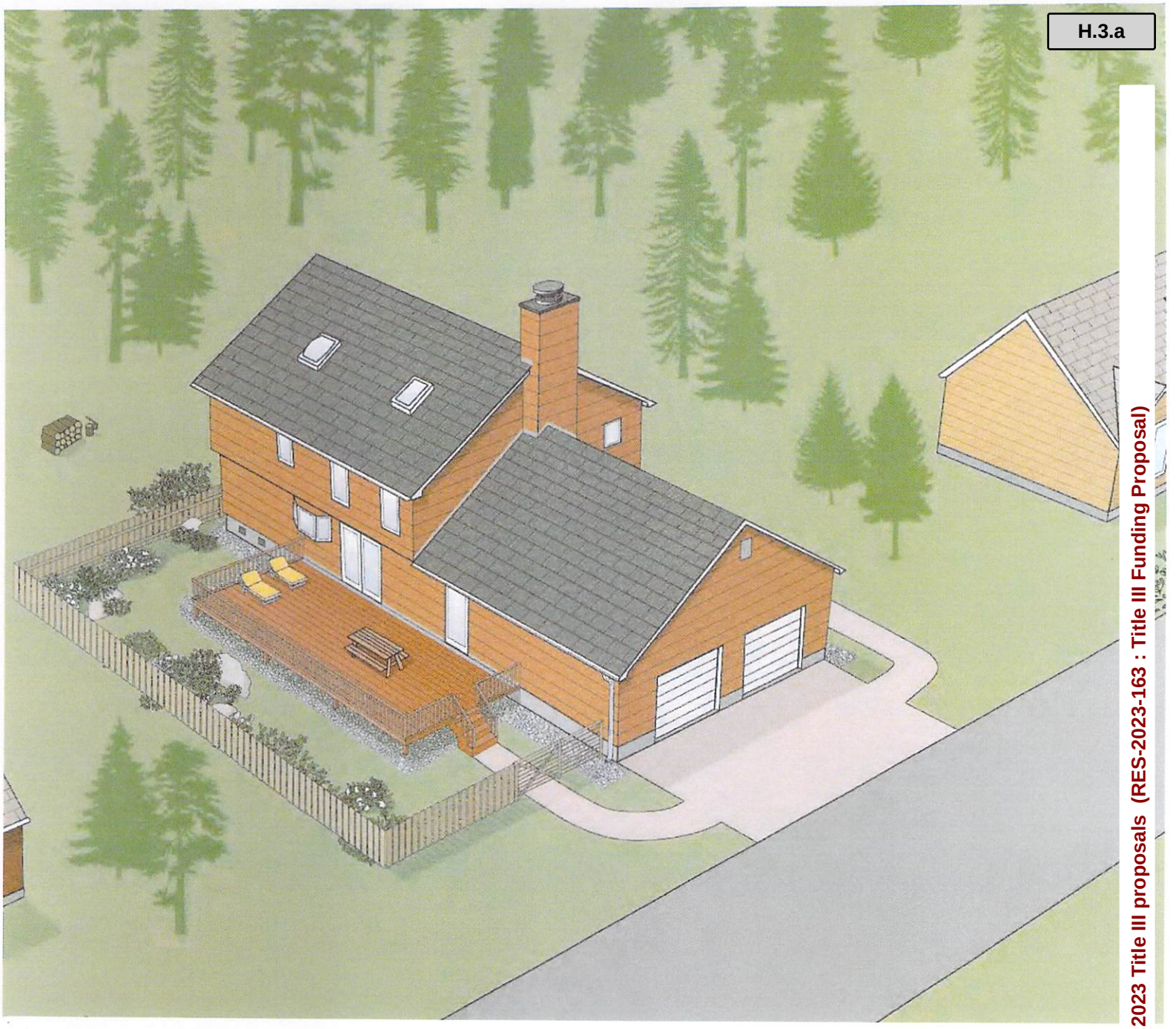
Communities located in wildfire-prone areas need to take extra measures to live safely. There are many ways to prepare communities and properties for wildfire, including creating and maintaining adequate defensible space and hardening homes through altering or replacing the construction components. This guide will help residents and building professionals better understand how to prepare homes and communities for wildfire.



DURING A WILDFIRE, homes can be threatened by **1)** wind-blown embers, **2)** radiant heat, and **3)** direct flame contact.

In wildfire events, 60-90% of home loss is due to embers. Embers can originate from an approaching wildfire or small parts of nearby burning vegetation and construc tion materials (e.g., a home, storage shed, wood pile). Embers are important because of what they can do directly (e.g., ignite materials in an attic after entering through a vent) and what they can do

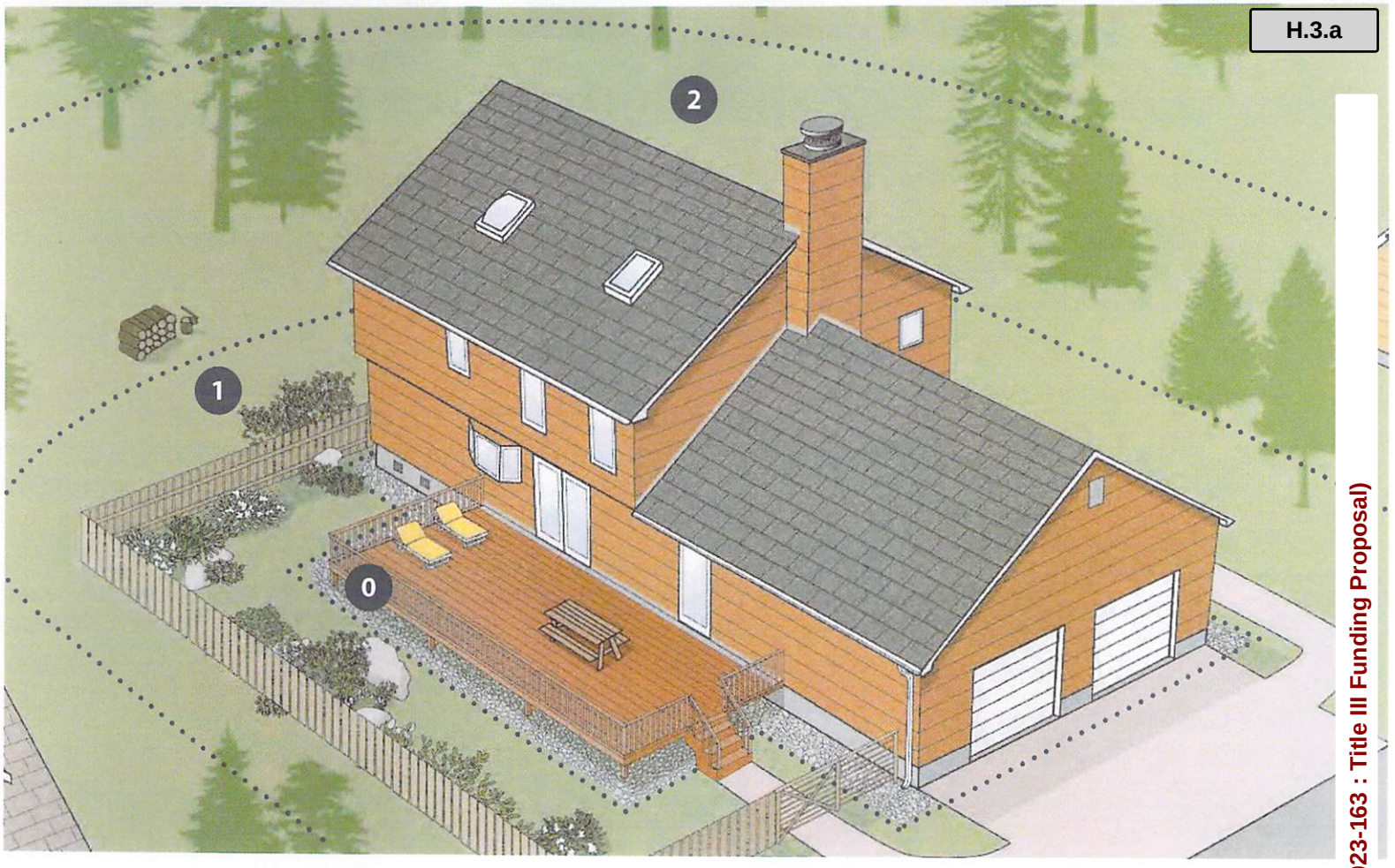
Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



indirectly (e.g., ignite a wood pile or storage shed located close to the home, resulting in radiant heat or direct flame contact to the side of the home). Reducing the vulnerability of homes to ember ignition will increase the chance of homes and neighborhoods surviving a wildfire.

The most effective way for homes to withstand wildfire is a "coupled approach" that considers the exterior construction materials and how they are put together, as well as the surrounding vegetation and other near-home combustible materials. Selection, location and maintenance of vegetation and other combustible materials on a property can reduce the chance of a wildfire burning the home. This Guide provides information and recommendations for retrofitting an existing or newly constructed home with wildfire in mind.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



Protecting a home from wildfire requires continual defensible space actions in three zones around the property.

Defensible Space

0 **THE EMBER-RESISTANT ZONE (Zone 0) | 0–5 feet:** The zone within 5 feet of your home has many different names (e.g., the noncombustible zone, the immediate zone, the zero zone), but the objective is generally the same—to reduce the vulnerability of the home to embers by creating a zone of ember-resistant materials around the home. Gravel, a concrete or brick walkway, or another hardscape feature is commonly used to construct this zone. This ember-resistant zone should include the area under and around any attached deck. Be sure to keep this zone clean of any woodpiles, wood mulch, or flammable vegetation.

1 **THE LEAN, CLEAN AND GREEN ZONE (Zone 1) | 5–30 feet:** The objective of this zone is to reduce the risk of fire spreading from surrounding vegetation to the home. Lean indicates that there is only a small amount of vegetation, if any, present. Vegetation should be grouped in discontinuous islands. Clean indicates that vegetative debris and dead materials are routinely removed. Green indicates that vegetation within this zone is kept green and well irrigated (if appropriate) during the fire season.

Contact local Extension offices for more information about defensible space recommendations specific to different regions.

2 **THE REDUCED FUEL ZONE (Zone 2) | 30–100 feet:** The objective of this zone is to reduce fire spread and restrict fire movement into the crowns of trees or shrubs. Remove dead plant material, lower tree branches and other ladder fuels (e.g., shrubs, lower branches, smaller trees). Locate outbuildings (e.g., for storage) at least 30 feet away from the home and create an ember-resistant zone around all outbuildings and propane tanks.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Roofs

Making a roof "fire-safe" is a big step in reducing the vulnerability of the home to wildfire. There are three fire ratings for roof coverings: Class A, Class B and Class C, with Class A providing the greatest fire protection. The roof rating designation provides information for the roof covering material and does not include where the roof meets other materials at the edge of the roof. A non-fire-retardant treated wood shake or shingle roof covering is unrated and is not desirable—these roof types have less than a Class C rating.

HOW TO REDUCE THE VULNERABILITY OF ROOFS

- Replace a wood shake or shingle roof with a Class A roof.
- Remove accumulated vegetative debris from the roof.
- If there is a space between the roofing materials and roof deck, make sure that the openings between the covering and the roof deck are blocked. Repair areas as needed.
- If the roof consists of Class B or C roofing materials, determine if the underlayment in the assembly provides Class A protection as indicated in manufacturer installation instructions. When viewed from the edge of the roof, these materials would either look like gypsum wallboard or overlapping 4-foot wide sections of an asphalt composition roof covering. Maintain the roof covering and replace with a Class A product when needed.

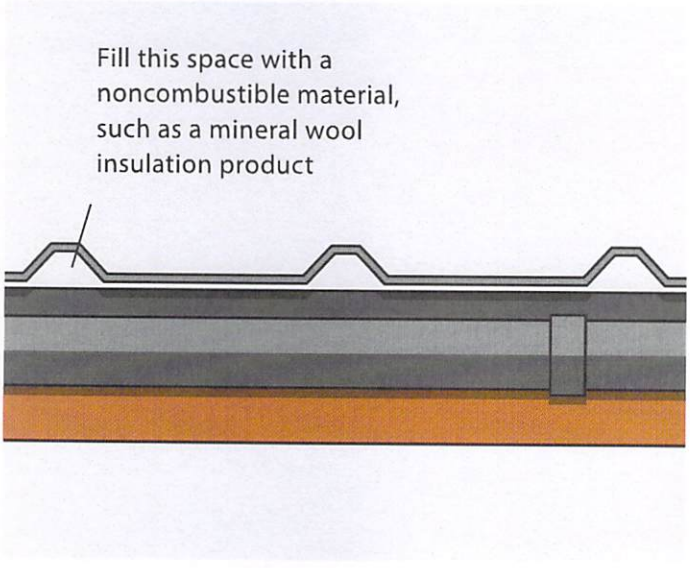
A CLASS A ROOFING materials include asphalt fiberglass composition shingles, clay and cementitious tiles (both flat and barrel shaped), and some metal roofing materials.

B CLASS B ROOFING materials are most commonly exterior-rated, pressure-impregnated fire-retardant treated shake or shingle covering (not allowed for use in many jurisdictions).

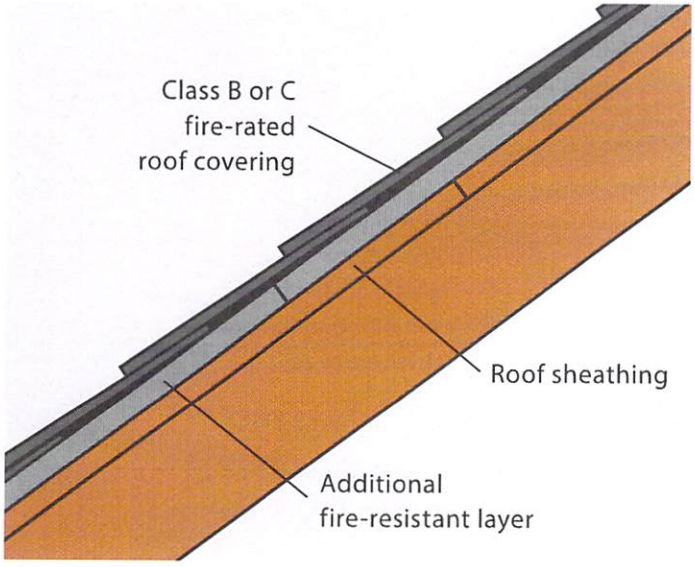
C CLASS C ROOFING materials include recycled plastic, rubber and aluminum.

Class B and Class C roofing materials can have a Class A "by assembly" rating. In these cases, additional materials that enhance the fire resistance of the roof assembly (i.e., the roofing material plus other materials included in the roof assembly) must be installed. In these cases, be sure to follow the manufacturer's instructions.

METAL ROOF



CLASS A "BY ASSEMBLY" FIRE-RATED ROOF COVERING



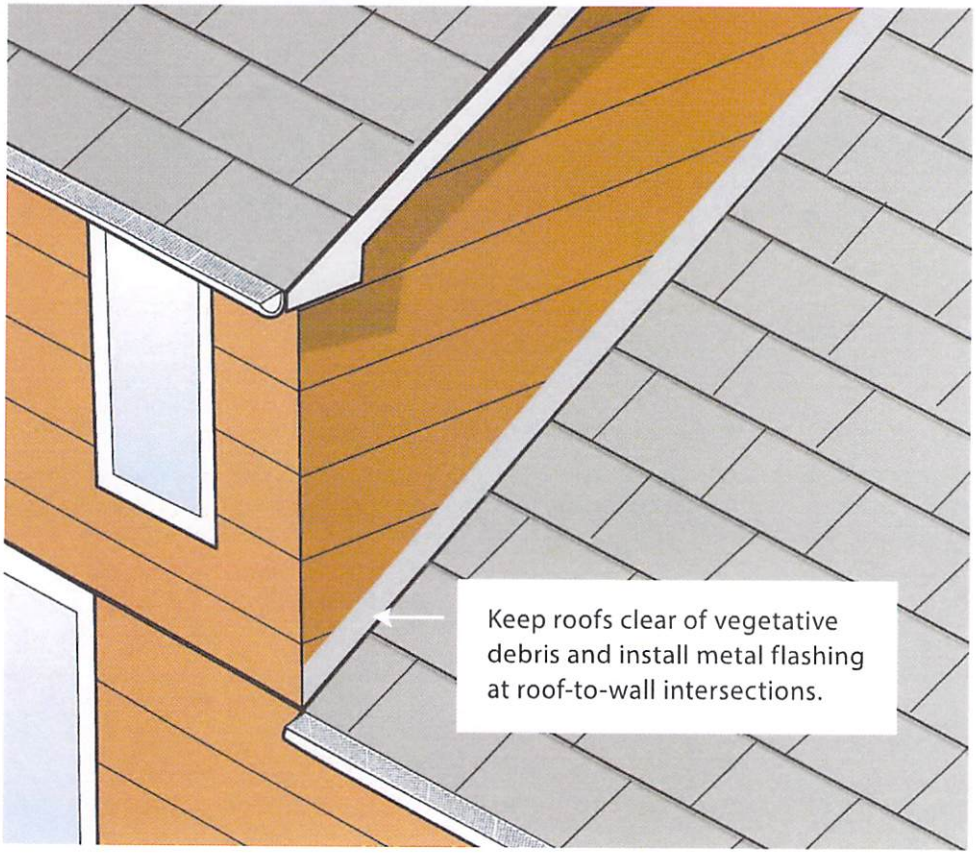
Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Roof Edges

There can be several areas where the roof meets another material, such as at a roof-to-wall intersection in a split-level home or a dormer on a roof. These intersections are vulnerable areas because wind-blown embers will gather at the same locations where vegetative debris has accumulated, igniting the debris. Building materials usually change at edge-of-roof locations. The adjacent materials should provide comparable protection to the roofing material.

HOW TO REDUCE THE VULNERABILITY OF ROOF EDGES

- Remove accumulated vegetative debris from roofs on a regular basis.
- Replace the combustible siding in roof-to-wall locations with a noncombustible option. Replacement of siding only in these locations will be less expensive than replacing all the home's siding. It may be possible to find a noncombustible siding pattern that is similar to the existing siding pattern.
- At a roof-to-siding location, use of metal flashing that extends up the siding at least 6-inches could also reduce the vulnerability of a combustible siding material. Install flashing so that water cannot get between flashing and siding.



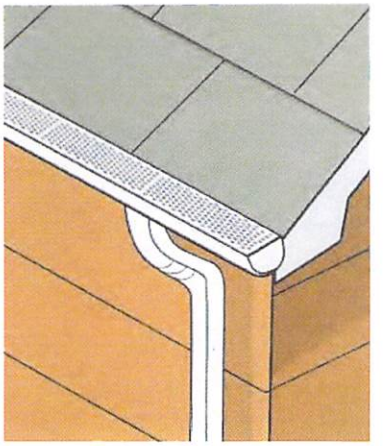
Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Rain Gutters

Roofs can be vulnerable at the roof edge where a gutter is attached. Debris in the gutter can ignite from embers, and flames can ignite other components at the roof edge (e.g., wood-based sheathing and fascia board).

HOW TO REDUCE THE VULNERABILITY OF RAIN GUTTERS

- Remove vegetative debris from gutters on a regular basis during fire season.
- Install a noncombustible and corrosion-resistant metal drip edge to provide protection for the combustible components (i.e., sheathing and fascia) at the edge of your roof.
- Use a noncombustible gutter cover to minimize accumulation of debris in the gutter. Some gutter covers result in accumulation of debris on the roof behind the gutter, so these will still require routine maintenance.

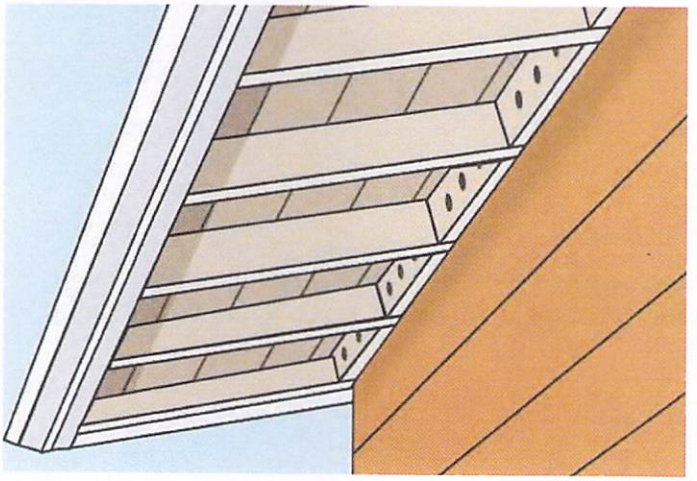


Install and maintain a noncombustible gutter cover (as pictured above) to help minimize debris accumulation in gutters.

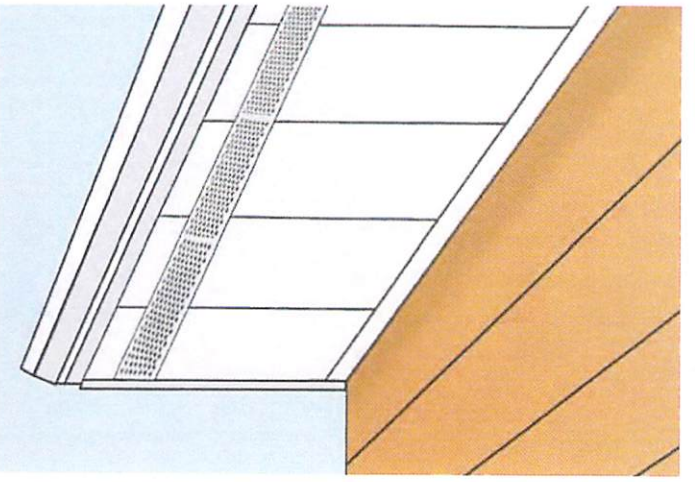
Eaves

The under-eave area provides a point of entry for flames if nearby vegetation or other materials are burning. There are two basic designs for under-eave construction: open-eave and soffited-eave (i.e., one that is boxed in). Open-eave designs are more vulnerable to flames—heat can build up in an area between the roof rafters allowing for more rapid fire spread laterally, which increases the likelihood that fire will find a location to enter the attic. Vents that are in the blocking between rafters in open-eave construction are more vulnerable to the entry of embers than vents in a soffited-eave.

OPEN EAVE



SOFFITED EAVE

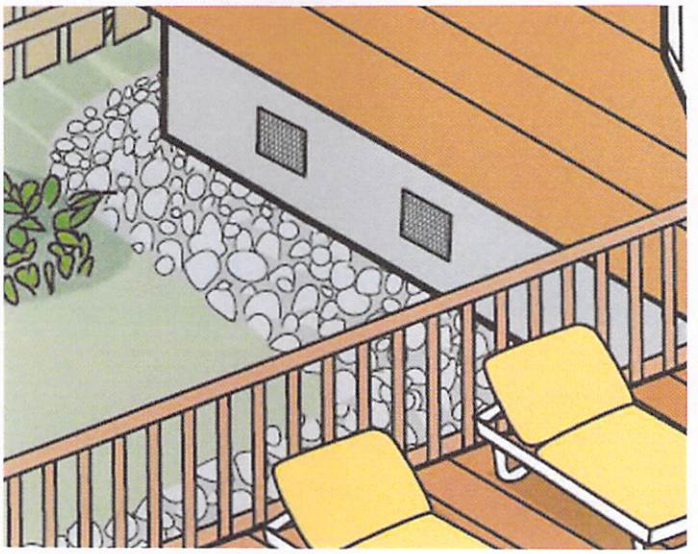


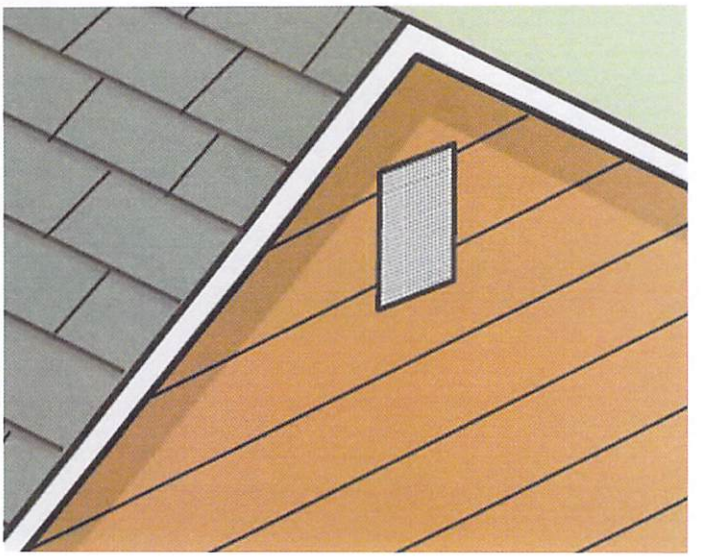
Enclose open eaves to protect attic spaces from ember intrusion.

HOW TO REDUCE THE VULNERABILITY OF EAVES

- Inspect open-eave areas for gaps where embers could lodge or pass through into the attic. All vents should be screened and all other gaps should be filled with durable caulk.
- Enclose under-eave area to create a soffited eave.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)





Cover all vents with ⅛-inch mesh screening.

WHAT IS THE DIFFERENCE BETWEEN VENT SCREEN SIZES?

Small screens (1/16-inch) can reduce both the size and number of embers that can pass through. Because the embers are smaller, they self-extinguish quickly after entering the attic and crawl space. While this screen size is ideal for resisting ember intrusion, it does require more maintenance because it gets easily clogged. Accumulated debris on vents can become a source of embers if not cleaned regularly. Air flow is also reduced with this size screen.

Mid-size screens (⅛-inch) allow more, larger embers to enter the attic and crawl space, but these are still better than 1/4-inch screens. This size screen is a common choice because the maintentance is lower while still being relatively effective.

Large screens (¼-inch) allow many, larger embers to enter the attic and crawl sapace. It is recommended you replace or cover 1/4-inch screeens with a smaller grain.

Vents

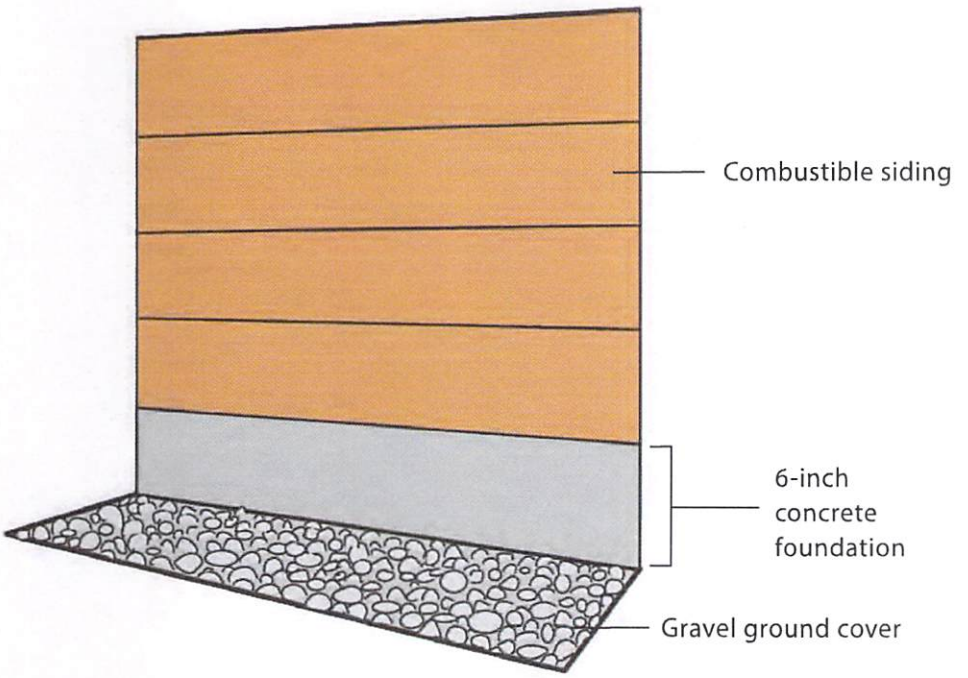
Attic and crawl space vents provide an entry point for embers. Vents should be covered by, at a minimum, ⅛-inch noncombustible corrosion-resistant metal mesh screening. Screening will not prevent the intrusion of all embers but will minimize their size. Finer mesh screening (e.g., 1/16-inch mesh) is more effective at keeping embers out of the home but requires more maintenance because it can become clogged with debris. Vents that meet the flame- and ember-resistant standard are listed on the California Office of the State Fire Marshal Building Materials Listing Program website. These types of vents are appropriate in areas where maintaining defensible space is difficult, combustible materials are closer to the home, or combustible siding is used.

HOW TO REDUCE THE VULNERABILITY OF ATTIC AND CRAWL SPACES

- Avoid storing combustible items (e.g., cardboard boxes, newspapers and magazines) near attic or crawl space vents.
- Inspect vents to make sure they are in good condition (i.e., screen is in good condition with no tears that would result in larger openings).
- If ¼-inch mesh screening is present, replace or add, at a minimum, a ⅛-inch noncombustible corrosion resistant metal mesh screen.
- Consider replacing vents with a flame- and ember-resistant option.

Vent covers that are made ahead of time (i.e., before a wildfire is threatening) can be installed when wildfire is threatening the area. This strategy can be effective, but it does take time and should only be undertaken if ample time is given for evacuation. Preparation activities can be dangerous if evacuation is delayed.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



Siding

If the siding ignites, a fire can: **1)** penetrate through the stud cavity into the home, **2)** spread up the side of the home and enter windows or other openings such as dryer vents, and **3)** spread into the attic at a gable-end vent or an under-eave area. Combustible siding can be ignited from direct-flame contact or radiant heat exposure. Ignition of siding from embers can occur, especially if embers ignite combustible materials close to the home (e.g., bark mulch or wood pile), and if siding extends all the way to the ground.

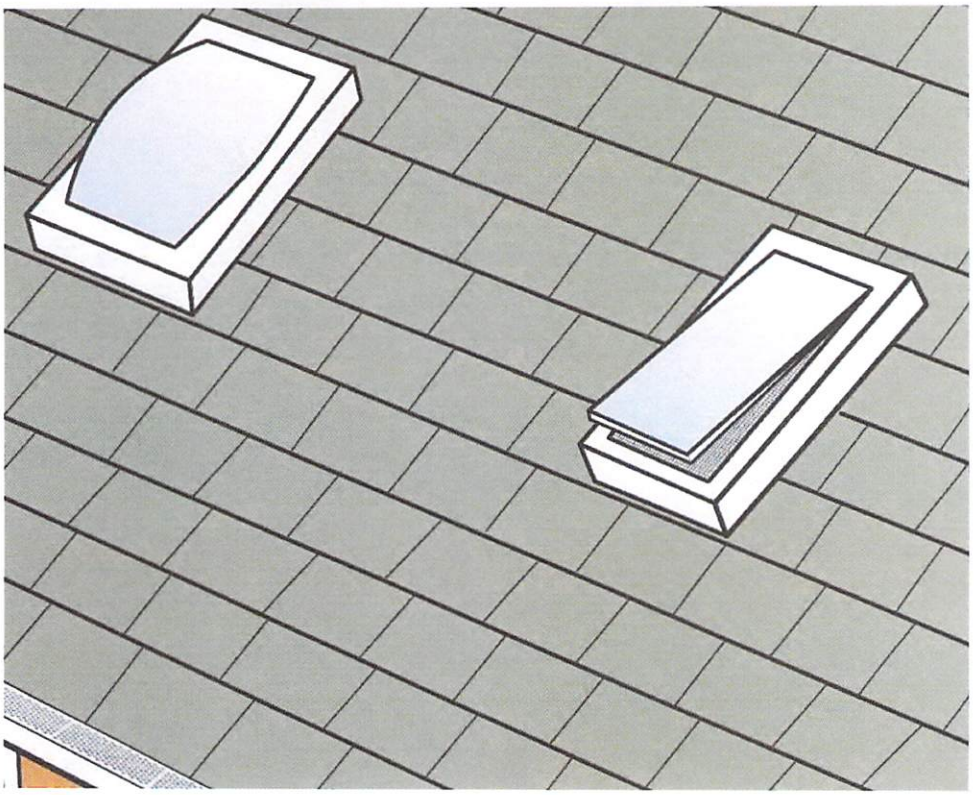
Combustible siding products are widely used, including solid wood, wood composite materials and plastic/vinyl products. Vinyl siding can deform and slough off when exposed to flames or radiant heat. Once this happens, underlying material (e.g., sheathing) becomes important for protection. More complicated lap joints in wood-based siding patterns (e.g., shiplap and tongue-and-groove) are more resistant to fire penetration at the lap joint. Plain bevel joints in wood siding are vulnerable to fire penetration. While fiber cement siding often uses a plain bevel lap joint, it is less vulnerable to fire penetration.

HOW TO REDUCE THE VULNERABILITY OF SIDING

- Use noncombustible siding (e.g., stucco, steel and fiber cement), especially when neighboring homes are within 30-feet of the home.
- Make sure to develop and maintain adequate defensible space, particularly within the ember-resistant zone, to minimize the chance that siding will ignite from embers at the ground level or direct-flame contact from nearby combustible materials.
- In smaller areas that are vulnerable, such as at a roof-to-wall area, replace siding with a noncombustible product.
- For new construction, use of a one-hour wall design, where an additional fire resistant layer is used in the wall assembly, can provide additional protection when a more vulnerable siding material is used.

It is not recommended to use fire-retardant coatings, such as fire-retardant paint, to provide fire protection for combustible siding. Some state, county and local building codes do not allow these coatings. Recent research has demonstrated that their performance is degraded by exposure to the elements (e.g., snow, moisture, sun). Their effectiveness degrades more quickly than reported.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



Clear debris around skylights and make sure to close before evacuating. →

Skylights

Skylights can be a point for ember and flame entry if the cover fails, or if skylights are left open when a wildfire threatens. There are two basic kinds of skylights: domed-style made of plastic and flat-style made of glass. Flat-style, glass skylights have less risk than domed-style, plastic skylights that may melt and burn when exposed to heat from a wildfire. Typically, the glass in skylights consists of two layers, the outer being tempered glass and the inner being a safety glass, such as laminated glass.

Skylights on steeper sloped roofs can be vulnerable to radiant heat and flame contact exposures if nearby combustible materials ignite and burn. Skylights on low-slope (flatter) roofs are more prone to the accumulation of vegetative debris (especially flat-style skylights).

HOW TO REDUCE THE VULNERABILITY OF SKYLIGHTS

- Remove vegetative debris from the roof, including on and adjacent to skylights, on a regular basis.
- On sloped roofs, glass skylights are the best choice because of increased likelihood of exposure to radiant heat.
- If the skylight can open, close it when wildfire is threatening to prevent embers from entering the home. Consider adding a 1/16-inch noncombustible corrosion resistant-metal mesh screening to reduce ember intrusion into the home in case the skylight cannot be closed before evacuation.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Windows

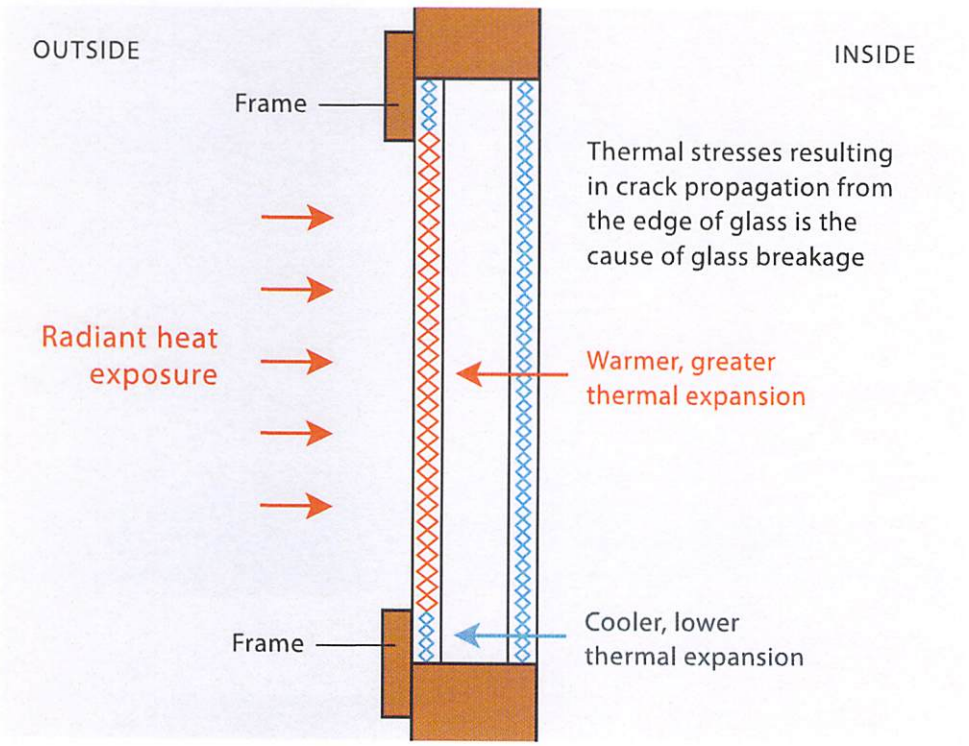
Windows can be a vulnerable component of a home if the framing material ignites or deforms, or if the glass breaks and falls out, both allowing embers or flames to enter the home. The most vulnerable part of a window is the glass. Glass breakage occurs when cracks, propagating from the outer edge inward, occur due to thermal stress that develops when a window is exposed to flames or radiant heat.

Tempered glass is three to four times more resistant to heat exposures than typical annealed glass and is therefore a better choice when selecting windows. Metal and plastic-clad fiberglass window screening will absorb radiant energy, providing additional protection against radiant heat exposure to the glass in your windows. Plastic-clad fiberglass screening will fail if flames contact it, reinforcing the need for an effective ember-resistant zone.

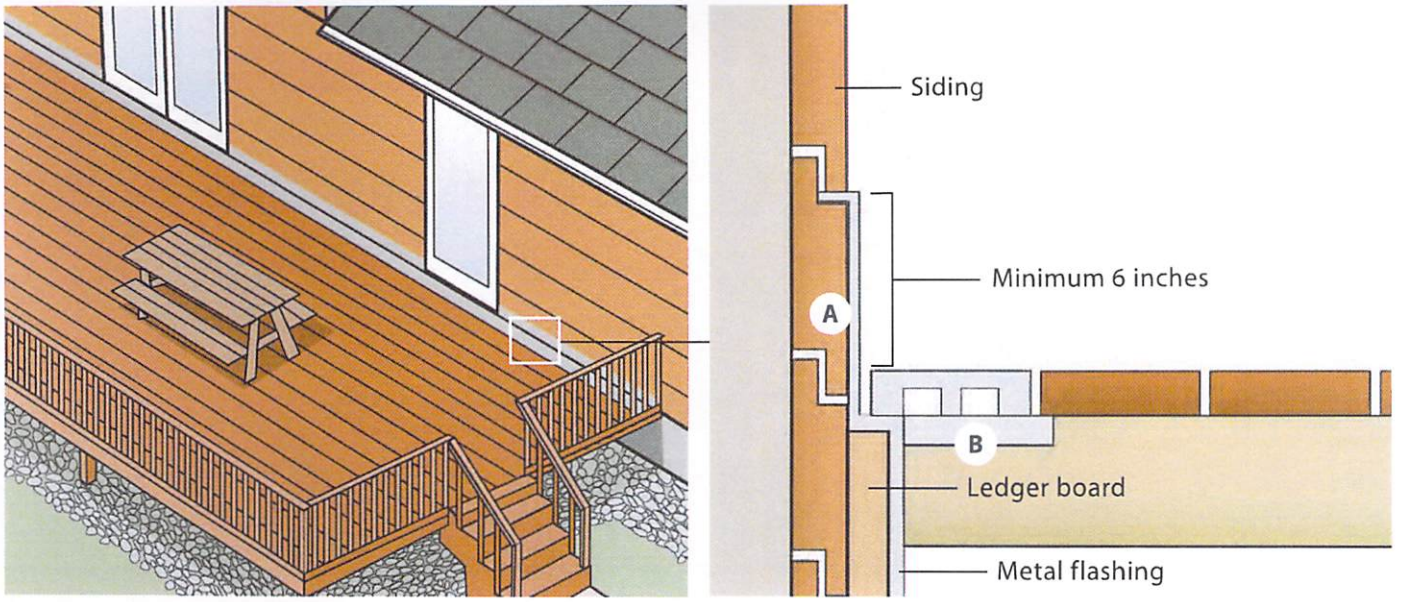
HOW TO REDUCE THE VULNERABILITY OF WINDOWS

- When replacing windows, choose multi-pane options containing tempered glass.
- If neighbors or outbuildings are within 30-feet of the home, consider installing deployable noncombustible shutters to provide additional protection.
- Install screens in all operable windows. Screens increase ember resistance by keeping embers out of the home and also decrease radiant heat exposure.
- Close windows when wildfire is threatening.

DUAL-PANE WINDOW



Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



A *Install metal flashing between the ledger board and joists to protect the combustible siding material. The flashing should extend above and below the ledger board.*

B *Replace the deckboard next to the house with noncombustible material.*

Decks

If a deck attached to a home ignites, the home can be exposed to flames and/or radiant heat. What is stored underneath and on top of decks can also be an ignition source. Depending on the decking material, embers can also directly ignite deck boards. Decks that overhang a slope can be exposed to flames if trees and other vegetation downslope of the deck ignite, resulting in flames contacting the bottom of the deck.

Most commercially available deck boards are combustible. These include redwood, cedar and tropical hardwoods, such as ipe, and all plastic composite lumber decking products. Pressure impregnated fire retardant treated (FRT) wood deck boards are less vulnerable to flames and embers. Higher density hardwood decking and plastic composite decking are less vulnerable to ignition by embers compared to softwood decking (i.e., redwood and cedar). Although some metal deck boards are now available, noncombustible options are typically referred to as solid surface decks because they consist of lightweight concrete, possibly with an additional noncombustible walking surface such as flagstone. Use of noncombustible (i.e., steel) joists in conjunction with combustible deck boards will reduce the overall vulnerability of the deck.

HOW TO REDUCE THE VULNERABILITY OF DECKS

- Create an ember-resistant zone under the footprint of and around all decks. This action will reduce the likelihood of under-deck flame exposure.
- If a deck overhangs a slope, create and maintain an effective defensible space downslope of the deck to reduce the chance of flames reaching the underside of the deck.
- Apply metal flashing or foil-face bitumen tape on top of and a few inches down the side of the support joists. This is an effective strategy to minimize fire growth when a deck is ignited by embers, but would not help if the deck were ignited directly by flames under the deck. Using steel joists also reduces the vulnerability of the deck from both flames and embers.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

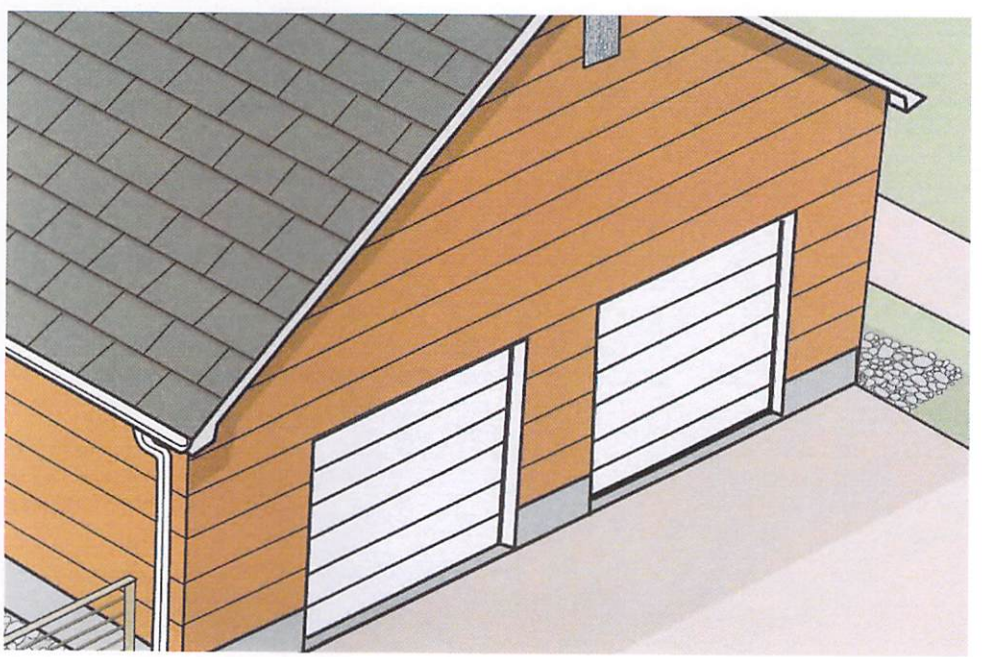
- For cedar and redwood decks, increase the size of the gap between deck boards to ¼ inch so that vegetative debris can fall through rather than accumulate on the deck. Be sure to routinely clear debris from under the deck.
- If a deck is made of combustible decking materials, replace the board closest to the home with a noncombustible material.
- In new deck construction, consider using noncombustible or higher density decking products.
- Move combustible cushions from deck furniture to inside and relocate combustible furniture (especially those with woven components that can trap embers) away from the house.

Garages

Garages, whether attached to the home or detached as a separate building, can threaten homes if the garage ignites. Since it is normal to store combustible materials in a garage, steps should be taken to reduce the ignitability of the garage because embers can easily enter under or around poorly sealed garage doors.

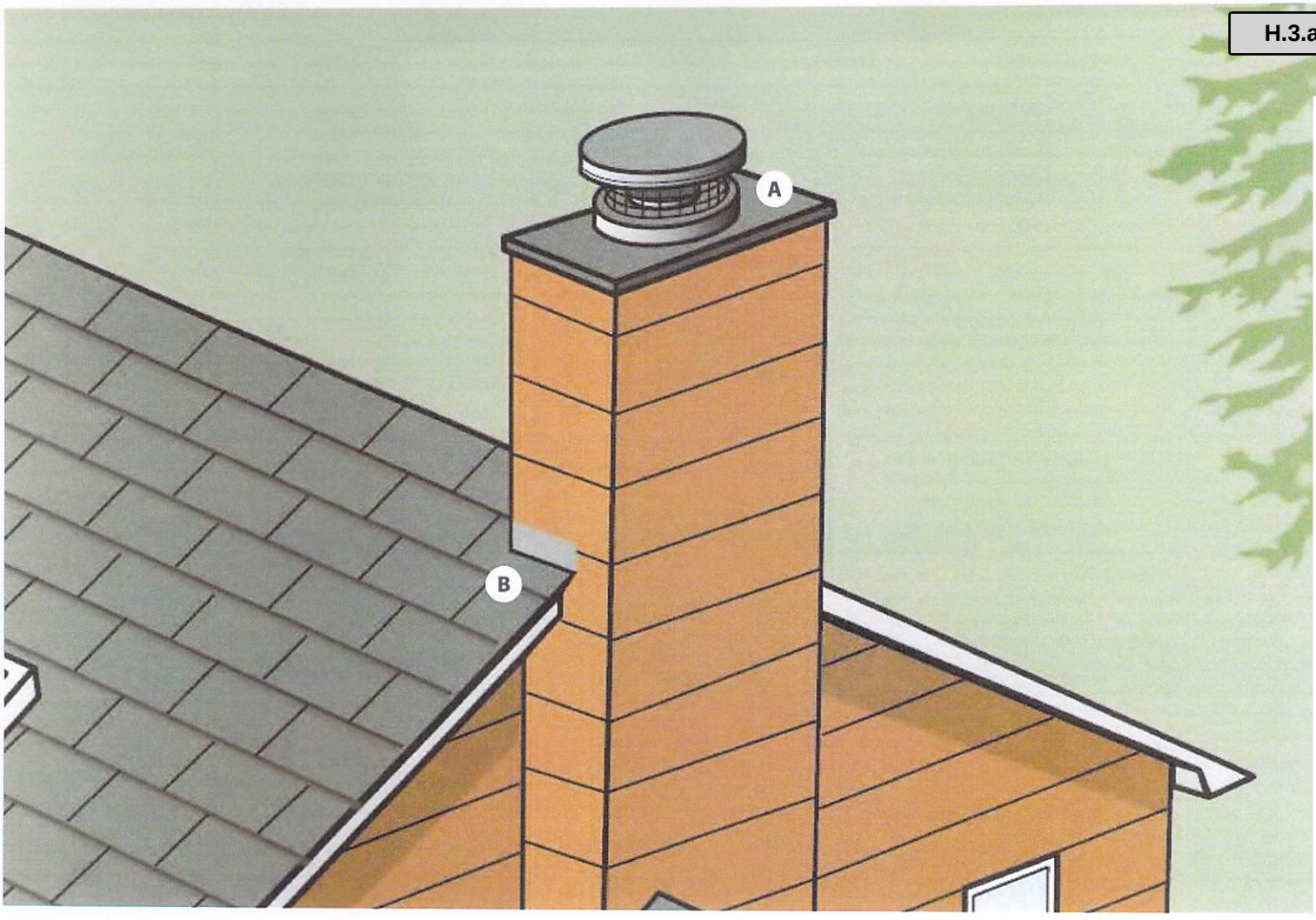
HOW TO REDUCE THE VULNERABILITY OF GARAGES

- Whether a garage is detached or attached, include it in defensible space planning and maintenance, including the ember-resistant zone.
- Make sure the space between the garage door and framing is well sealed to minimize the entry of embers into the garage.
- Garage windows, vents and other construction components should be treated the same as they would be if part of the home.
- Add a battery back-up to the garage door motor so that the garage can easily be opened or closed if power is out.
- Close garage doors when wildfire is threatening.



← *Make sure garage doors are well sealed and closed before evacuating.*

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)



A *Cover the stovepipe/chimney with a metal screen (no smaller than ⅜-inch and no larger than ½-inch).*

B *Install metal flashing at the chimney-roof intersection.*

Chimneys

Chimneys and stovepipes can be a vulnerable part of the home if not installed correctly and properly cleaned and maintained annually. Vegetative debris can accumulate on the roof adjacent to the chimney chase. This is another roof-to-wall connection that can be vulnerable to ignition by embers.

HOW TO REDUCE THE VULNERABILITY OF CHIMNEYS

- Use of metal step flashing at roof-to-siding intersection (flashing extending up the wall) can reduce the vulnerability to embers.
- Cover chimney and stovepipe outlets with a noncombustible screen. Use metal screen material with openings no smaller than ⅜-inch and no larger than ½-inch to minimize embers leaving the chimney.
- Close the fireplace flue during fire season when the chimney is not in use.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

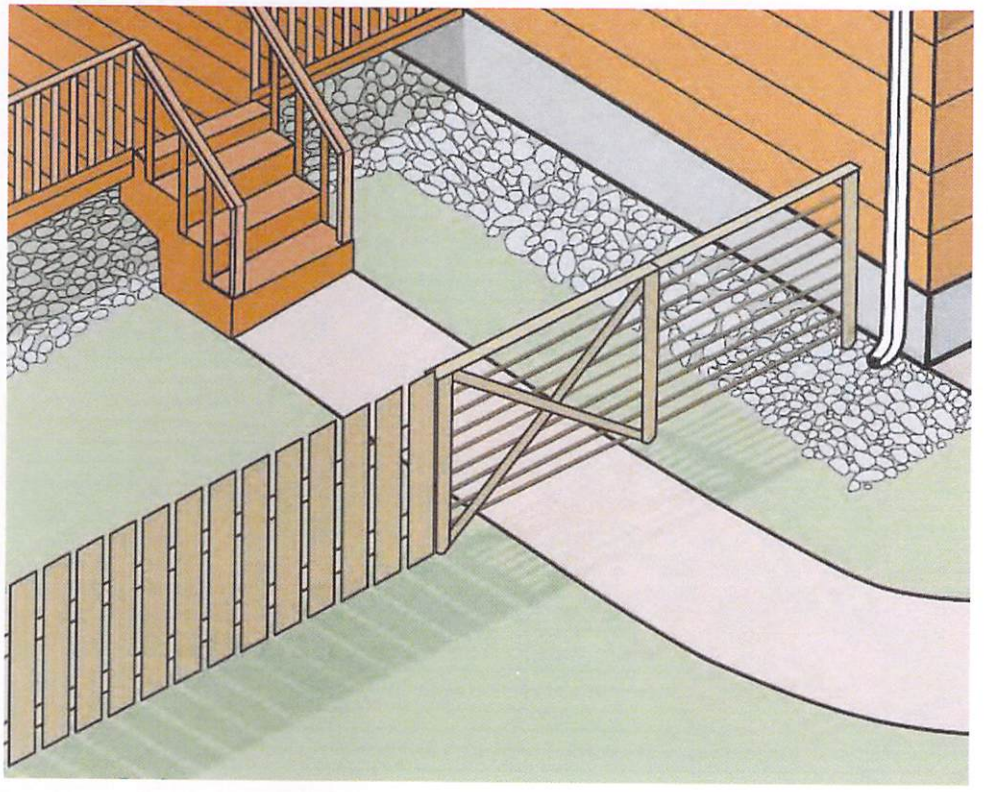
Fences

Combustible fencing can provide a direct path to a home if surrounding vegetation or embers ignite it. Best practice is to separate the fence from the house or upgrade the last 5-feet of the fence to a noncombustible material to reduce the chance of the fence from bringing fire to the home.

Privacy fences (planks all on one side of horizontal supports) are the most vulnerable to ignition because the horizontal to vertical intersection provides a ledge and backstop where embers can accumulate and ignite the fence. Good neighbor (planks alternating) and lattice are more porous, and therefore more difficult to ignite via ember exposure. Vinyl fences are not as vulnerable to embers, but can ignite through direct flame exposure if vegetative debris has accumulated at its base. As is the case with vinyl siding, vinyl fencing will be vulnerable to deformation from radiant heat exposure. All fences are more vulnerable when vegetative debris has accumulated at their base.

HOW TO REDUCE THE VULNERABILITY OF FENCES

- Replace the combustible portion of the fence near the home with a noncombustible section. The noncombustible section should be a minimum of 5-feet long.
- Remove vegetative debris that can accumulate at the base of the fence on a regular basis. Do not use fences as a trellis for plants because plants can create and trap ignitable vegetative debris.



← *Rather than replacing the entire fence, replace the 5-feet closest to the home with a noncombustible option.*

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Glossary

BEVEL JOINT A type of lap joint, typically seen in horizontally applied siding. This lap joint, when used with a combustible siding product, is the most vulnerable to fire penetration.

CHIMNEY CHASE The area or structure around metal flue pipes. The chase is usually built with wood, metal or brick.

DORMER A part of a building that extends beyond the vertical plane of the roof. This extension also has a roof covering and typically incorporates a window on the exterior wall.

EMBER Also called firebrand. Burning (or glowing) particles of vegetation from tree branches, parts of shrubs or chaparral, or other combustible materials (e.g., construction materials) that ignite and burn during a wildfire and are carried in wind currents to locations beyond the wildfire front.

FIBER CEMENT A generic term for a siding product that is made using cement, wood fiber and other additives.

FINE-MESH SCREENING In the context of this document, ⅛-inch or finer screening that is used to cover vent openings and operable windows.

FOIL-FACE BITUMEN TAPE A flashing material whereby an aluminum foil material is part of a bitumen tape system.

GOOD-NEIGHBOR FENCE In the context of this document, this type of fence is one where the vertical planks alternate between the sides of the horizontal support members. A "good-neighbor" fence is usually compared to a "privacy" fence, where the vertical planks are all on the same side of the horizontal supports.

GYPSUM WALLBOARD A panelized product made from calcium sulfate dihydrate. These panels are commonly used for paneling on the interior of homes and buildings. A special type of gypsum wallboard can be used as a fire-resistant component in a one-hour wall assembly.

LADDER FUELS Low-lying branches and vegetation that can help carry flames from the surface into the canopy of trees or shrubs.

LAMINATED GLASS A type of safety glass that consists of two (or more) layers of annealed glass that are connected with adhesive interlayers.

LAP JOINT The type of overlap connection between boards or panels on the siding of a building.

METAL DRIP EDGE FLASHING Also called angle flashing, this material is typically used to protect the edge of the roof where the roof covering meets the exterior (vertical) framing.

MULTI-PANE WINDOW A term used to indicate multiple glass panes in a window. One pane of glass would be indicated by "single-pane."

ONE-HOUR WALL CONSTRUCTION An assembly that provides enhanced resistance to the penetration of fire.

OPEN-EAVE A type of construction whereby roof rafters are exposed in the area where they extend beyond the exterior walls of the building. In this type of construction, wood members, typical nominal 2-inch thick lumber, are used to fill the space between roof rafters.

PLASTIC-CLAD FIBERGLASS SCREENING Commonly used window screening material. Typical screen size is 1/16-inch mesh.

PRESSURE-IMPREGNATED FIRE-RETARDANT TREATED A process whereby a fire-retardant chemical is injected into the material (e.g., wood) under a pressurized process. This process results in a deeper penetration of the chemical into the wood.

ROOF COVERING The part of the roof assembly visible from outside the building. Common roof covering materials include asphalt composition shingles, tile and metal.

SHEATHING The first covering of boards or of waterproof material on the outside wall of the house.

SHIPLAP A type of lap joint used for horizontal and vertical siding. Along with tongue-and-groove pattern, this pattern is a better choice when considering improved resistance to fire penetration.

SOFFITED-EAVE A type of construction where the area of the roof rafters that extend beyond the exterior wall of a building are enclosed, typically by attaching a panelized product that connects the edge of the roof to the exterior wall.

STUCCO A siding material usually consisting of a mixture of sand, Portland cement, lime, water and other additives.

TEMPERED GLASS A heat-treated glass that enhances resistance to heat exposures three to four times over that of regular (annealed) glass.

UNDERLAYMENT A panel or sheet material in the roof assembly, underlying the roof covering, that improves the fire rating of the covering.

VENT COVER A solid material used to temporarily cover a vent opening to prevent the entry of embers.

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

Online Resources

The following websites have resources and information on home-hardening, defensible space, and other tips to prepare for wildfire.

Living With Fire Program - www. livingwithfire.com

University of California Agriculture and Natural Resources - www.ucanr.edu/sites/fire

Insurance Institute for Home and Business Safety–Wildfire - www.ibhs.org

CAL FIRE Ready for Wildfire - www.readyforwildfire.org

Sustainable Defensible Space - www.defensiblespace.org

Acknowledgments

The following individuals provided substantial contributions to the development of the Wildfire Home Retrofit Guide: Amanda Milici (Sierra Nevada Alliance AmeriCorps), Forest Schafer (California Tahoe Conservancy), Mark Regan (NV Energy), and Chris Anthony (CAL FIRE). Graphic design was provided by Maja Thaler and Emma Mitchell of SDBX Studio, LLC. Illustrations were provided by Liz Bradford. We thank members of the Lake Tahoe Regional Fire Chiefs Association, the Tahoe Fire and Fuels Team, and five anonymous peer reviewers for valuable feedback. CAL FIRE awarded funding to develop and publish the Wildfire Home Retrofit Guide. The Wildfire Home Retrofit Guide project is part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy and improving public health and the environment—particularly in disadvantaged communities. For more information about this publication contact the Living With Fire Program at LWF@unr.edu, a program of University of Nevada, Reno Extension conducted in collaboration with numerous partners.

Partner Logos

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

SP-20-11

Authors: Christina Restaino[1], Susan Kocher[2], Nicole Shaw[3], Steven Hawks[4], Carlie Murphy[3], Stephen L. Quarles[2]

[1]University of Nevada, Reno Extension

[2]University of California Cooperative Extension

[3]Tahoe Resource Conservation District

[4]CAL FIRE

The University of Nevada, Reno is committed to providing a place of work and learning free of discrimination on the basis of a person's age, disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, color, or religion. Where discrimination is found to have occurred, the University will act to stop the discrimination, to prevent its recurrence, to remedy its effects, and to discipline those responsible.

Copyright © 2020, University of Nevada, Reno Extension.

All rights reserved. No part of this publication may be reproduced, modified, published, transmitted, used, displayed, stored in a retrieval system, or transmitted in any form or by any means electronic, mechanical, photocopy, recording or otherwise without the prior written permission of the publisher and authoring agency.

A partnership of Nevada Counties; University of Nevada, Reno; and the U.S. Department of Agriculture

EXTENSION
College of Agriculture, Biotechnology & Natural Resources

LIVING WITH FIRE TAHOE

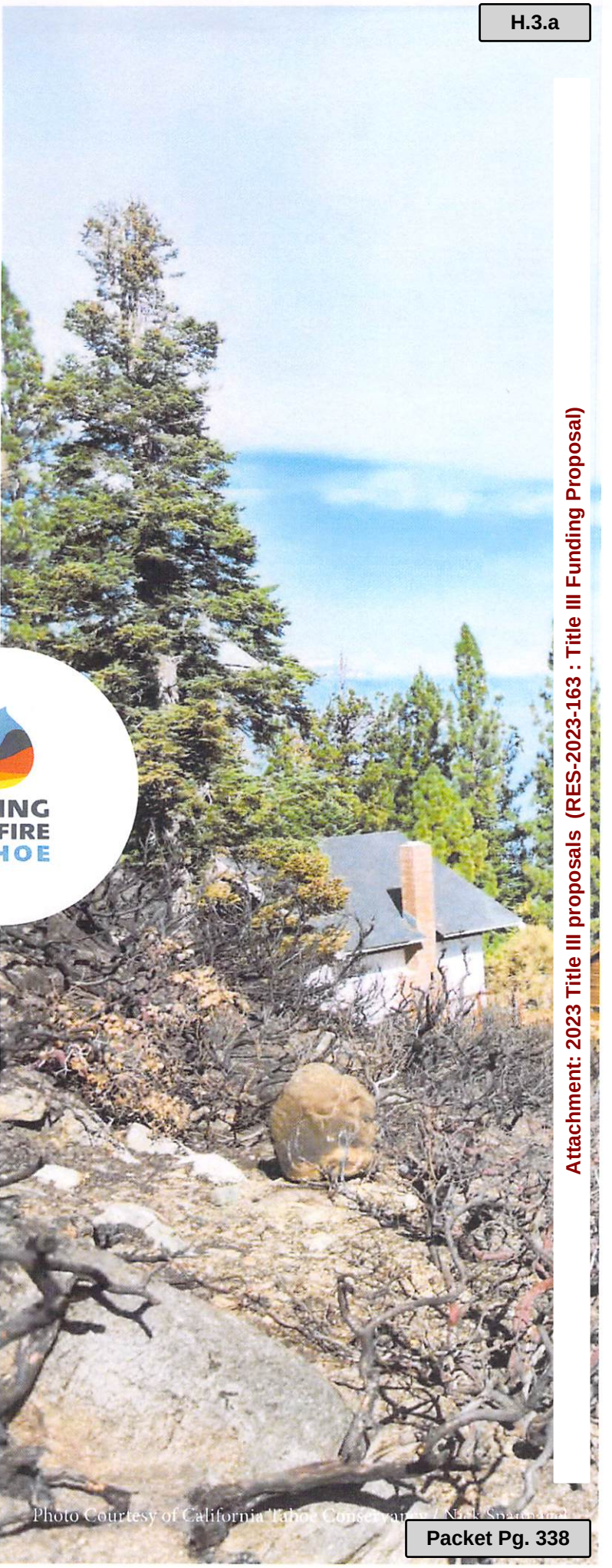


Photo Courtesy of California Tahoe Conservancy / Nick Sparrow

Attachment: 2023 Title III proposals (RES-2023-163 : Title III Funding Proposal)

MARIPOSA COUNTY

Planning · 209-966-5151

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: Status Update: Mariposa Gateway Elements

TITLE OF PRESENTATION:

Receive a Presentation on the Status of the Mariposa Gateway Elements project.

Item is presented to update the Board and public regarding the project.

BACKGROUND AND HISTORY:

The project entails at least two murals on privately owned property and other related physical gateway elements located in Caltrans right-of-way, in the Town of Mariposa. It is a direct implementation of several important community planning and design initiatives, especially the Creative Placemaking Strategy and Economic Vitality Strategy. Indeed, the project builds on both the recommendations and preliminary community design work that facilitated the Creative Placemaking Strategy's interactive, art-driven community planning process. As such, staff recommended pursuing a sole source procurement pathway to hire Atlas Lab, the contractor who led the Creative Placemaking Strategy work, to lead the planning, design, and implementation of the proposed effort.

Atlas Lab's subconsultants include a muralist (Ink Dwell), civil engineer (Provost and Pritchard), and the Mariposa County Arts Council, whose responsibilities involve devising and implementing a stakeholder engagement program for the project. The presentation will focus on the engagement process, its outcomes, and next steps for the project.

Previous Board actions include:

RES-2022-459: Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign the Transportation Art Agreement with Caltrans for the Mariposa Gateway Enhancement Project; and Authorize the Planning Director to Sign Subsequent Agreements Related to Project Implementation Activities (Subject to Approval as to Legal Form by County Counsel)

RES-2022-491: Approve an Agreement with Atlas Lab, Inc. for Gateway Murals in an

Information Item

Amount Not to Exceed $150,000; Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations in the Planning Department Budget to Receive Unanticipated Funds ($150,000)

RES-2021-487: Adopt a Resolution Approving the Creative Placemaking Strategy, Finding the Project is Exempt from CEQA; and Authorize County Departments and Agencies to Pursue Implementing Its Recommendations.

ATTACHMENTS:
230307 Board Update - Presentation (PDF)
Wendy Brown - Public Comment on Murals (PDF)

RESULT: INFORMATION RECEIVED



MARIPOSA GATEWAY ELEMENTS

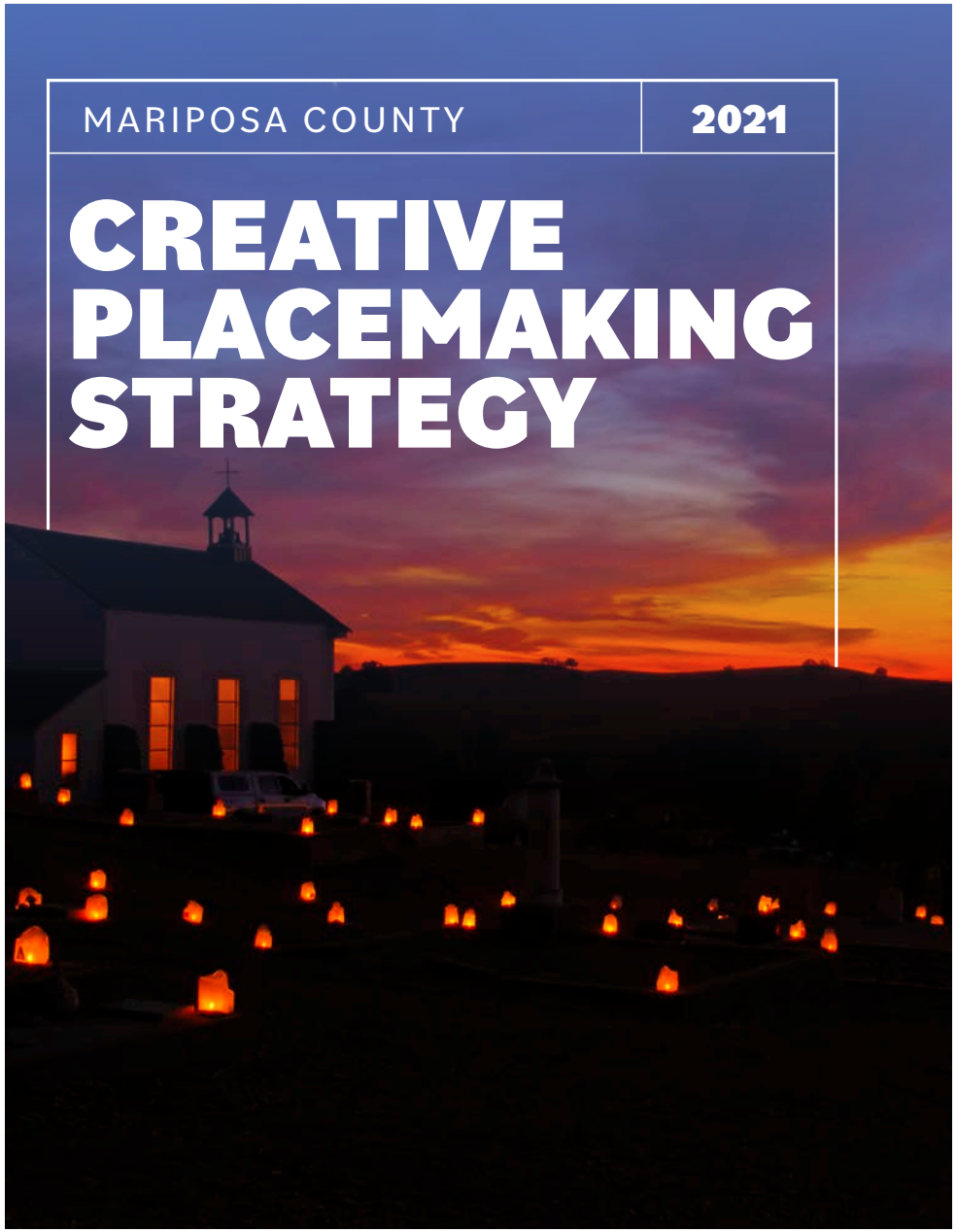
BOARD OF SUPERVISORS UPDATE

3/21/2023

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

BACKGROUND // CREATIVE PLACEMAKING STRATEGY

- FUNDED BY A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS
- LED BY THE CREATIVE PLACEMAKING STRATEGY ADVISORY COMMITTEE
- USED DEMONSTRATION PUBLIC ART PROJECTS TO HELP DRIVE A PUBLIC PROCESS TO PLAN FOR FUTURE PUBLIC ART
- ARTICULATES A VISION FOR FUTURE CREATIVE PLACEMAKING INVESTMENTS THROUGHOUT THE COUNTY, WITH AN EMPHASIS ON NATIVE PLANTS, ANIMALS, AND ECOSYSTEMS
- ADOPTED BY THE BOARD OF SUPERVISORS ON AUGUST 17, 2021



Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

CLEAN CALIFORNIA GRANT // BOARD ACTIONS

- RES-2022-25: APPROVE SUBMITTAL OF AN APPLICATION TO THE CLEAN CALIFORNIA GRANT PROGRAM
- RES-2022-459: SIGN A TRANSPORTATION ART AGREEMENT WITH CALTRANS
- RES-2022-491: APPROVE AN AGREEMENT WITH CONSULTANT TEAM LED BY ATLAS LAB TO DESIGN MURALS AND GATEWAY ELEMENTS
- RES-2023-28: BUDGET ACTION APPROVING TRANSFER OF FUNDS

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2022-219

MEETING: April 5, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Caltrans Cooperative Agreement // Gateways

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving the Framework for (Draft Of) a Cooperative Agreement with Caltrans District 10 for the Mariposa Gateway Enhancement Project; and Authorize the Board of Supervisors Chair to Sign the Final Agreement (Subject to Approval as to Legal Form by County Counsel).

In January 2022, Caltrans District 10 applied for funding from a state-only pool of grant money to support community design and construction of gateway elements on state rights-of-way in the Town of Mariposa. That grant application, which staff contributed to, was funded in March 2022.

The agreement is ultimately needed to accept $1,000,000 in grant funds from Caltrans District 10 to install gateway elements, such as public art, signage, and other similar features, on the Caltrans right-ofway in the Town of Mariposa. The project would also support the installation of at least two murals in the Town of Mariposa that relate to the themes, materials, and other aesthetic qualities of the gateway elements.

A significant portion of the funds would be used to facilitate an extensive community engagement process throughout the summer and early fall of 2022, whereby the community would comment on and select from a variety of conceptual alternatives that explore different components of local sense of place, such as native plants, animals, human history, and/or a combination of these and other topics. In addition to significant participation from the wider community, the project would be driven by the County's Creative Placemaking Strategy Advisory Committee, which will be instrumental in developing and implementing the larger community engagement program.

The project is a direct implementation of several important community planning and design initiatives, especially the Creative Placemaking Strategy and Economic Vitality Strategy. Indeed, the project builds on both the recommendations and preliminary community design work that facilitated the Creative Placemaking Strategy's interactive, art-driven community planning process. As such, staff recommends

REF ID# 12807

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

CLEAN CALIFORNIA GRANT // PRELIMINARY CONCEPTS













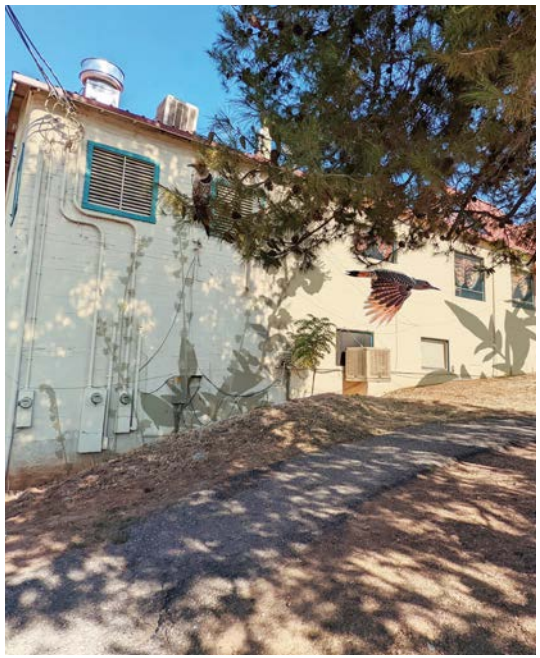
Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

CLEAN CALIFORNIA GRANT // PRELIMINARY CONCEPTS











Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

PUBLICITY // PRINT MEDIA

MARIPOSA GAZETTE FEATURE

GETTING CREATIVE

Arts council, county working to bring town entryways to new life

Editor's note: This is the sixth in an eight-part series about the Mariposa County Arts Council. The stories will appear monthly through the end of the year.

By GREG LITTLE
Editor

It's a perfect match.

How to welcome the millions of visitors to the town of Mariposa while at the same time, making sure what is done is appropriate for the area — and the visitors.

That's the task before many people, including officials with Mariposa County, members of the Mariposa County Arts Council and Caltrans, the state agency which is providing the $1 million for the project.

"This is a real appropriate way for the arts council to be working," said Cara Goger, executive director of the

See **CREATIVE** on page A9



Submitted photo
Mikey Goralnik (Mariposa County Planning Department, Senior Community Designer and Development Planner) and Jane Kim (Ink Dwell Studio) are shown during a site visit to Mariposa.



Submitted photo
Jane Kim (Ink Dwell Studio) and Clay River (Managing Director of the American Indian Council of Mariposa County/Southern Sierra Miwuk Nation) discuss the project through the lens of native traditional culture.

CREATIVE

From page A1

council.

"We are fortunate to have their collaboration and partnering to bring to bear on these types of projects," said Mikey Goralnik, senior community design and development planner for the Mariposa County Planning Department.

The project at hand is something that has been anticipated for many years.

It basically boils down to having two large-scale mural projects at both ends of Mariposa. Both of those ends are the intersections of Highway 49 and Highway 140.

Goger said the overall concept is the projects will be designed "in dialogue with the gateway features in order to tell a welcoming and cohesive story focused on Mariposa's natural landscapes and cultural history."

That is a big, daunting task given the rich history of this county, from the Southern Sierra Miwuk Nation to the Gold Rush era to the development of tourism to Yosemite National Park, which has turned into the heart and soul of the county — including its financial stability.

A major component within the project is the work of the county's Creative Placemaking Advisory Committee, which has been working for several years in an effort to promote not just the arts, but the overall concept of how the town progresses when it comes to welcoming visitors.

Goger said that group has, for the last five years, been a place where the arts council and county can work in harmony, complimenting the expertise of each group in developing such plans.

It now appears it is paying off with the development of the gateway projects.

The county has hired Atlas Lab as a consulting firm on this project. Atlas Lab is based in Sacramento and has a long history of working on similar projects around the state.

Because the funding is already in place, Goger said this is where the arts council can really dig in and provide expertise that is needed. She also emphasized this project is deep in scope because there are so many requirements which have to be meant through Caltrans.

The arts council, she said, is working on partnering with various groups as well as getting as much public input as possible.

"They are doing a great job at helping to develop the approach of how we can get the input from the most amount of people and get insights from a cross-section of the community," said Goralnik.

Goger said currently, the consulting firm is working on extensive research in order to develop an overall concept for what the gateway features will look like, which she said is crucial. That firm, along with Ink Dwell, which specializes in projects like this, will come back with a "handful of preliminary design concepts," said Goger.

Once that happens, she said the arts council will go full speed ahead on engaging the community. That will include in-person and online opportunities for community members "to provide their thoughts on these initial design concepts."

She said feedback from the public will be a crucial part of the final design.

Goralnik said there are many aspects to this project because it involves Caltrans, which maintains the public rights-of-way throughout the state.

But even from a "regulatory standpoint," said Goralnik, it is crucial to "make sure they are artful and beautiful and the community is happy with them."

He added the final design also has to ensure the welcoming murals and related materials "are safe and aligned with the state's requirements for traffic safety, pedestrian safety and visibility."

"The arts council is thrilled to be supporting the community engagement portion of this project," said Goger. "This is an incredible opportunity to bring large-scale public art to the community, but we want to ensure it's reflective of our community in a way that appropriately represents, celebrates and invites further exploration of our natural landscapes and cultural history."

Goger said "public art can be tricky," but added she is "excited to have a team of designers and artists who have the capacity to handle such an ambitious project who are also committed to listening and responding to the community."

Goger also said initial contacts with people in the art community has indicated the "artists are excited" about the project.

She also believes the work that has been done by the creative placemaking committee is now showing how groups like the arts council can partner with government agencies and work toward the same goal.

"It is really nice to be prepared," said Goger.

She also said working with the Southern Sierra Miwuk Nation has been a positive experience and developing that relationship has led to a close partnership, something that is likely to be reflected in the final product.

However, Goger also said it will be a group decision on how the final design is reached.

"I have no preconceived notion," she said.

Goralnik said the project is slated to be completed in 2024, which in the big scheme of things, isn't that far in the future.

"We'll have to crank away," he said.

Goger said the arts council is ready to proceed once everything is in place.

"I'm excited about it," said Goger.

Goralnik said this project shows just how critical it is for local entities to work together to come up with a plan that will benefit the entire community.

"The main thing is they are really tuned into the community," he said. "They are engaging and seeking input so people know what we are doing and can have input. The arts council is doing a great job."

For Goger, this project is in direct alignment with the Mariposa Creek Parkway project, one that has been expanding in the past few years. She said it aligns with the master plan of the parkway as well as shows the benefits of having local people involved in creative placemaking.

DAY

From page A1

After Fr. Rudy leads the blessing of the cemetery participants may place candles at her grave, at the graves of family and friends or at any unlit grave. Fr. Rudy will then celebrate the All Souls Day Mass for the Dead at the historic St. Catherine's Church in the cemetery.

The practice of placing candles at the graves of loved ones on All Souls Day was brought to Hornitos from Mexico by early miners. Doña Candelaria de Sapien revived the practice in the early 1900s.

This procession, which has lately numbered up to 450 participants, has been held every Nov. 2 for as many as 118 years. Friends, history buffs and those who wish to honor the memory of early Hornitos settlers are all invited to join in the candlelight procession.

For more information, call (209) 966-2522.

GENERAL PRESS RELEASE

MEDIA RELEASE

Mariposa County Arts Council
(209) 966-3155
phillips@mariposaartscouncil.org
www.mariposaartscouncil.org

January 12, 2023

For Immediate Release

The Mariposa Arts Council and the County Planning Department invite the public to review and share feedback on initial concepts for Mariposa County's Caltrans' Clean California public art project. Located in the town of Mariposa, this project entails two gateway features located at the southern and northern intersections of Highway 140 and Highway 49 and two murals.

The proposed gateway features and murals will explore Mariposa's native ecological systems and the connection between people and place. This project is in alignment with the Mariposa County's Creative Placemaking Strategy and directly supports priority recommendations in the plan.

To execute this project, the County has engaged Atlas Lab Inc., a landscape architecture, urban design and public art practice firm who have previously worked with both the County and the Arts Council to develop the County's Creative Placemaking Strategy. Atlas Lab will be designing the gateway features and managing the project's team and timeline. Ink Dwell Studio, an renowned studio located in Half Moon Bay known for its murals that explore the beauty and complexity of nature, has been hired to develop and install the murals. Engineering firm Provost and Pritchard is overseeing the project's technical aspects, including issues associated with highway safety and permitting, and the Arts Council is facilitating stakeholder engagement.

Because these projects will exist in the public realm, public investment in the project is critical and the artists and designers are seeking robust feedback from the community to inform their final designs. To facilitate public stakeholder engagement, between January 18 and February 17, 2023, the Arts Council has developed a variety of in-person and online opportunities for people to submit feedback. These opportunities are as follows:

Visit the Arts Council or Mariposa Public Library, between January 18 and February 17, 2023, at your convenience:

- Stop by the Arts Council where preliminary draft concepts and explanatory text will be on physical display. The public is encouraged to visit the Arts Council to talk with staff about the project and provide in-person feedback. The Arts Council is open Monday-Friday from 10am-4pm and is located at 5009 Highway 140, above Chocolate Soup.

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

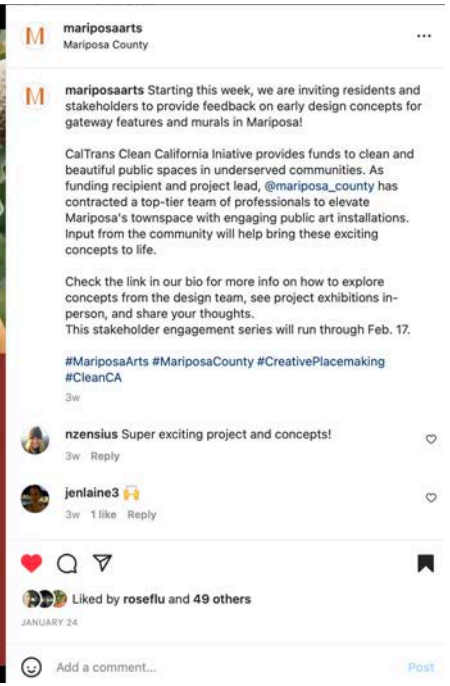
PUBLICITY // SOCIAL MEDIA

Mariposa County
February 7 at 4:00 PM ·

Mariposa County has been awarded funding from CalTrans Clean CA statewide initiative for a new public art project! This project will include two gateway features and two murals.

The team is currently seeking feedback to help refine and bring the concepts to the next phase! Scroll through these graphics to learn more about the project and how you can participate. You can also explore www.mariposaartscouncil.org/CleanCA for more information.





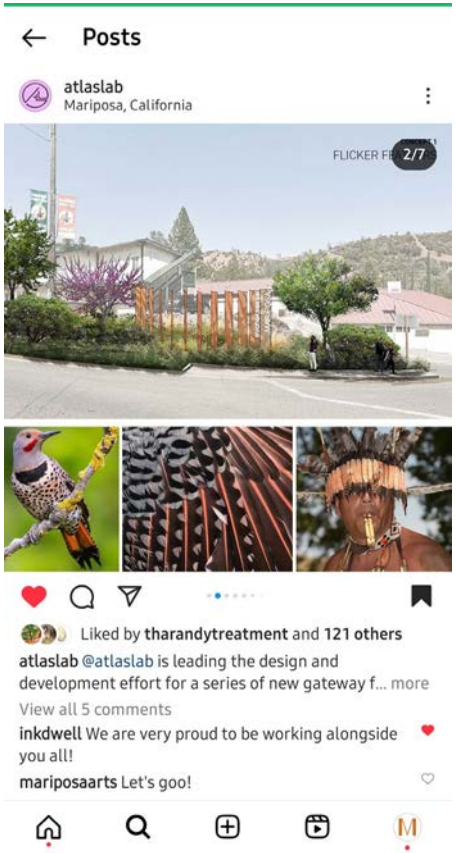

THU, FEB 9
Clean CA Gateway and Mural Project // Co
Mariposa County Library · Mariposa
Event by Mariposa Arts Council

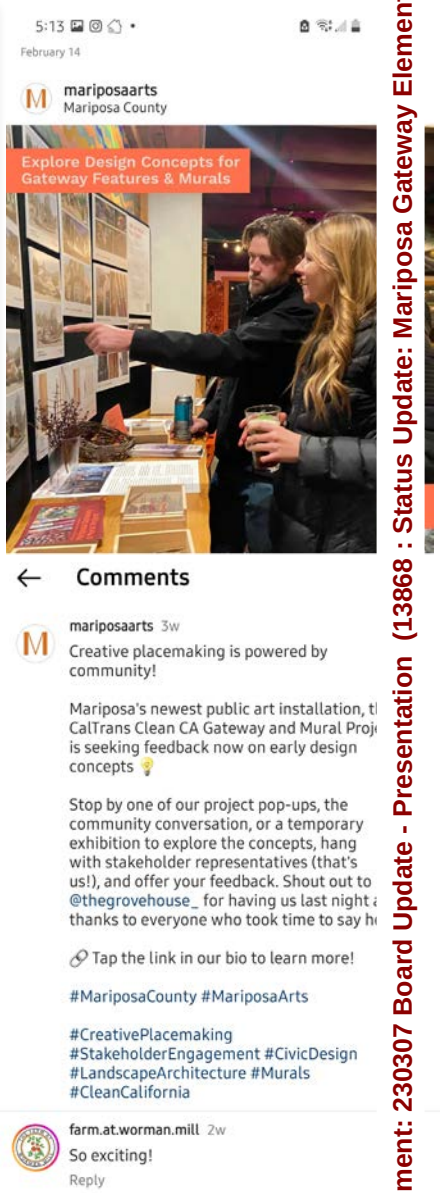

TUE, FEB 7
Clean CA Mariposa Gateway and Mural Pr
The Alley · Mariposa
Event by Mariposa Arts Council


SAT, FEB 4
Clean CA Mariposa Gateway and Mural Pr
Event by Mariposa Arts Council


THU, FEB 2
Mariposa Gateway & Mural Project // Pop-
The Grove House · Mariposa
Event by Mariposa Arts Council



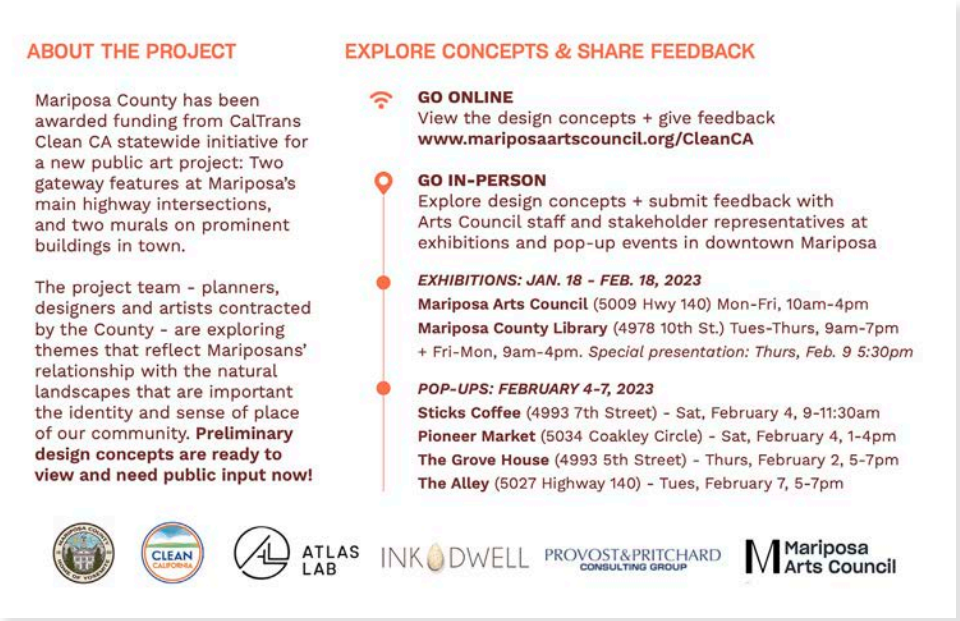




PUBLICITY // OTHER

FLIERS



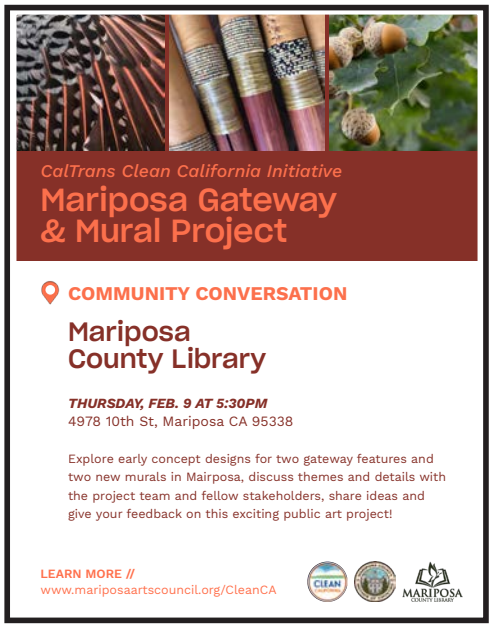


E-NEWSLETTER



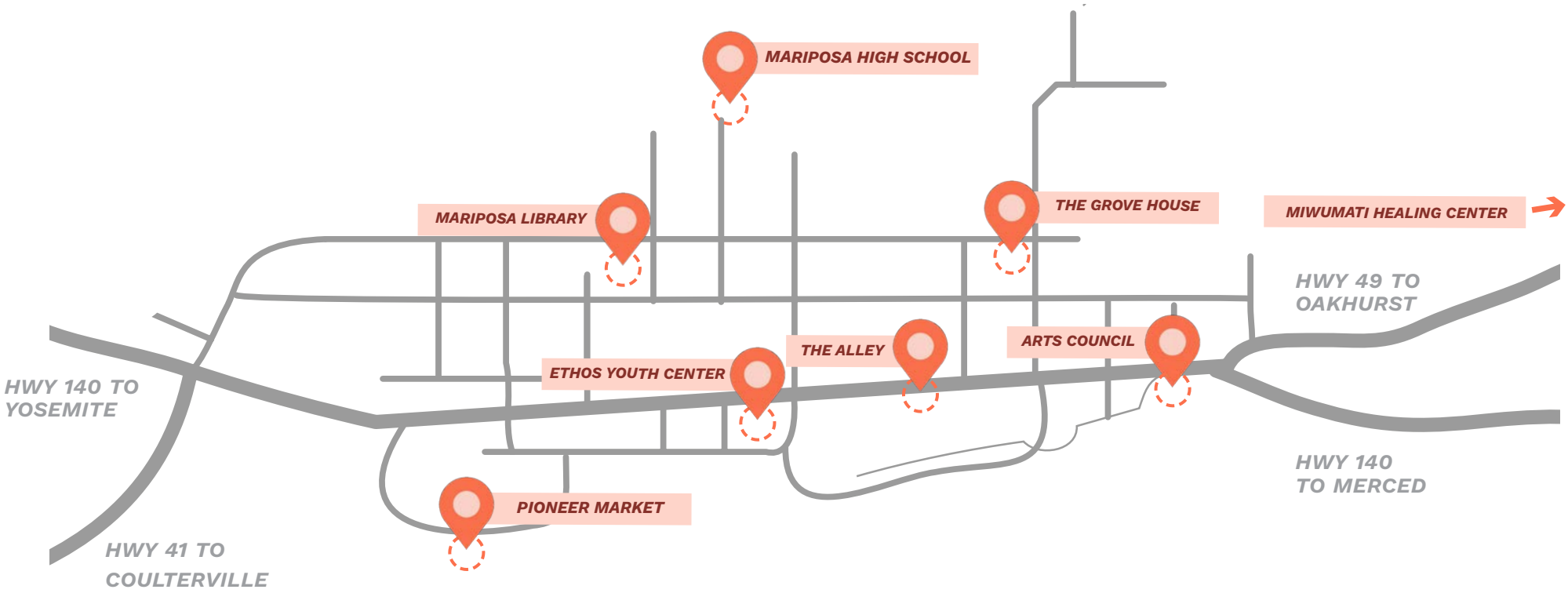


POSTERS



Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

IN-PERSON EVENTS



Temporary Exhibitions: Jan 18 - Feb 17

- Mariposa Arts Council
- Mariposa County Library
- American Indian Council of Mariposa County/ Southern Sierra Miwuk's Miwumati Healing Center

Pop-Up Events: Feb 2 - 7

- The Grove House
- Sticks Coffee
- Pioneer Market
- The Alley

Special Outreach

- Elders Luncheon - Jan. 25, Miwumati Healing Center (Tribal Engagement)
- Community Conversation - Feb. 9, Mariposa County Library
- Youth Engagement - Feb. 10, Mariposa County High School and Ethos Youth Center
- Creative Placemaking Advisory Committee and Historic Sites Committee - Feb. 13

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

IN-PERSON EVENTS



Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

IN-PERSON EVENTS











ONLINE SURVEY

Mariposa Arts Co

About ⌄ Community Programs ⌄ Arts Education ⌄ Policy

CLEAN CA GATEWAY & MURALS



CalTrans Clean California Initiative: Gateway and Mural Project

Mariposa County and Mariposa Arts Council have been awarded funding from CalTrans Clean CA statewide initiative for a new public



STA
ENG
Forr

Mar
awa
CalT
stat
pub
in th

designers. *

Remember that you can view in full-screen, pause, rewind, fast forward through the slide show if you need to!



A I like where this is going and have nothing to add

B I have some ideas and feedback I'd like to share

ops! Please make a

Powered by Typeform

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

FEEDBACK

234 TOTAL RESPONSES

183 PHYSICAL FORMS
51 ONLINE RESPONSES



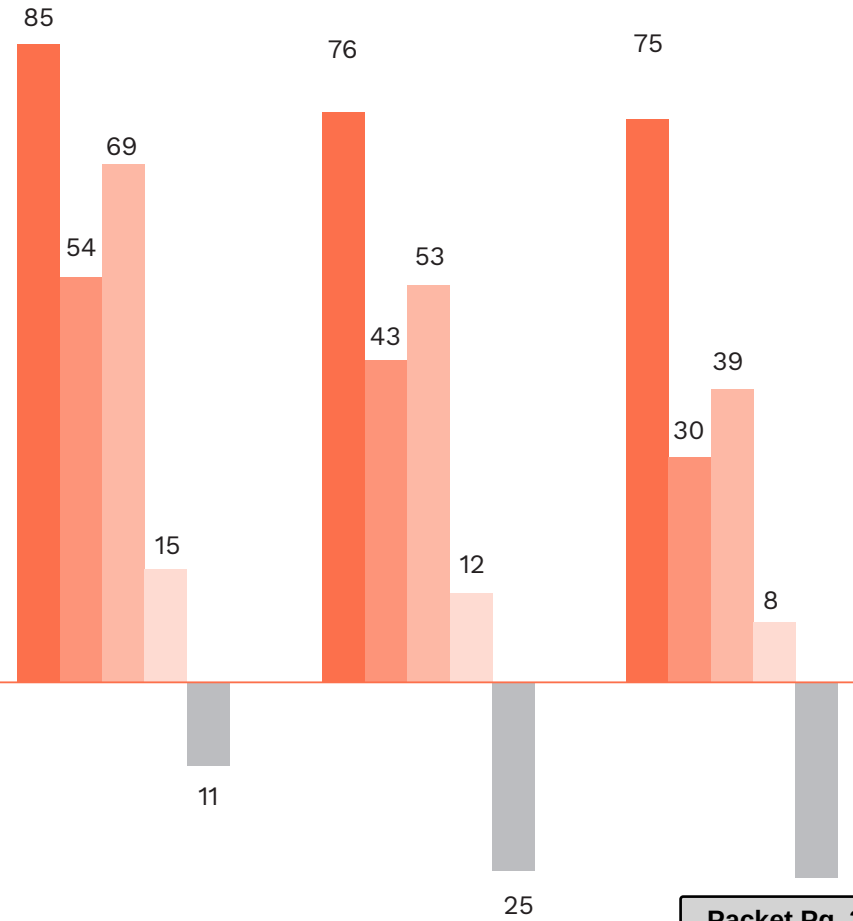
95.3%



89.3%



88.8%



Supportive

- Had nothing to add
- Enthusiastic statements of support
- Offered thoughtful ideas or suggestions
- Expressed interest in mixing and matching this concept with elements of the other concepts presented

Critical

- Expressed concerns/do not support this concept

Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)

FEEDBACK

Not a fan of the font. I like the feather and the first mural but site 2 second mural looks better. Add more monarchs. Some more bears.

Love the connection to the traditional Miwuk head-bands, plus the unexpected joy of finding those bright feathers in the forest reminds me of the unexpected little gems we have here in Mariposa (like Sticks coffee!)

I think that this one shows more natural beauty to our town and, creates a stronger relationship with the animals. But I think the feathers are better for pictures.

I like where this is going but want to know what the giant feather is made of.

I feel like the acorn granaries are cool looking, but at the southern entrance will just look like telephone poles, especially seeing as they are installed right next to a large telephone pole.

The clapper sticks visually sticking up from the ground arent as stunning as the other two. The murals are all great in all the concepts.

I like ‘Uuchum and the idea of it, but I like the basket design of the second concept.

I love the murals on this one, but I’m not a fan of the large single feather. I do like the concept of the panels knowing that as you drive past the feather image changes.

Add small clarification/translation “Home” at bottom right. Possibly phonetic spelling so all can pronouce it. Love the bear.

I think instead of one giant feather, there could be 3 or 4 big feathers kinda fanned out.

NEXT STEPS

- REVISE GATEWAY ELEMENTS + MURAL CONCEPTS BASED ON COMMUNITY FEEDBACK (APRIL 2023)
- RECOMMEND A PREFERRED VERSION TO CREATIVE PLACEMAKING STRATEGY ADVISORY COMMITTEE FOR THEIR APPROVAL (MAY 2023)
- BRING CPSAC RECOMMENDATION TO BOARD FOR APPROVAL (JUNE 2023)
- BEGIN CONSTRUCTION AND INSTALLATION (SUMMER 2023)
- COMPLETE CONSTRUCTION AND INSTALLATION (SUMMER 2024)
- PURSUE FUNDING FOR ADDITIONAL GATEWAY ELEMENTS AND MURALS IN OTHER COMMUNITIES THROUGHOUT THE COUNTY (CURRENT AND ONGOING)



Attachment: 230307 Board Update - Presentation (13868 : Status Update: Mariposa Gateway Elements)


THANKS!

March 21, 2023

Wendy Brown
2684 E. Westfall Rd.
Mariposa, CA 95338

Mariposa County Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

Dear Board:

I was recently surprised how many residents in the town of Mariposa and the surrounding area do not know about a project that is underway for our town. I just found out a short time ago after receiving an e-mail from the Mariposa County Arts Council asking for input. It is called the Mariposa Gateway and Mural Project, and will change the look of our historic gold mining town. Mariposa County received a grant from the CalTrans Clean California Initiative. The funds are to be used to improve the aesthetics of public spaces with transformative beautification projects along the state highway system. So I looked at the examples to provide my feedback and discovered that the murals and placemaking art was all about the Miwuk Nation, which is fine because this tribe has had a very rough time trying to get federal recognition. But, the whole project shouldn't be about them. Mariposa County has a long history of mining, logging, ranching, agriculture, and even firefighting. What the Arts Council is proposing with their art project reflects none of this local history. Many images come to my mind of the historic Cannonball stage crossing Chowchilla Mountain, cowboys, horses, and cattle drives, packers with a string of mules in Yosemite, the Chinese and their impressive rock walls, the Mariposa Grove in Wawona, and firefighters when everything was horse drawn. I feel like our history is being erased and I object to most of this project. I think it looks too modern, and doesn't belong in our historic town. I was so disappointed when the miner panning gold on the billboard coming up Hwy 140 was replaced with that bear. I like the mural on the side of the Pizza Factory. It represents our town a lot better and includes the Native American culture as well. It looks bad right now and needs to be restored. But, after looking at the map provided, it looked like they plan to paint over it.

The Mariposa County Planning Dept. is the funding recipient, and the organization supporting this project is the Mariposa County Arts Council with recommendations from Mariposa County Creative Placemaking. Mariposa County has also contracted a project team to design the gateway features and murals. The designer is Atlas Lab, a landscape architect and "urban" designer. Mariposa is rural. Do we really want it to become urban? The artists are Ink Dwell Studio out of Half Moon Bay. Why are we bringing artists from a place that has nothing in common to Mariposa? I see that Creative Placemaking is looking for local artists of which we have many. I think we should be using our local talent for this project. The Historic Sites Committee had not been contacted for their input, so they requested a meeting with the Arts Council. They were told that their input was not necessary for this project. They

Attachment: Wendy Brown - Public Comment on Murals (13868 : Status Update: Mariposa Gateway Elements)

were contacted to approve the present mural on the Pizza Factory, and they should be involved in any project that affects our historic town.

There are many questions that need to be answered before this project moves forward, so I went to the CalTrans web site for more information. I found that most of this grant money is to go toward trash and litter collection along our roadsides, and to clean local streets and public spaces. They also mention maintenance issues such as the removal of graffiti and rehabilitation and restoration, which brings to mind the Pizza Factory mural. One thing that the CalTrans grant can't be used for is to remove the homeless. Let's at least put some of it toward cleaning up the unsightly trash that is left by the homeless, and some toward removing the graffiti that is beginning to show up in our town.

The Art Guidelines say that the art must "express a community's history, resources, or character." I don't think that the Miwuk art does this. The Art Requirements state that there can be no text, symbols or icons, and be appropriate to the proposed setting and proper scale. There is an extension to the suggested Pizza Factory mural that has some huge lettering that says UUCHUM. This is the Miwuk word for home. How many of us knew that? It is not appropriate to the proposed setting.

The bottom line is that all of this must have public review of acceptance. The Arts Council says they have 200 replies to their outreach effort. I question whether that is an adequate cross section of this community, especially since a committee as important as Historic Sites was not listened to.

Wendy Brown
209-966-3095

Attachment: Wendy Brown - Public Comment on Murals (13868 : Status Update: Mariposa Gateway Elements)

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2023-164

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: Mariposa Gateway Elements Project: Phase 2

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving the Submittal of an Application to Cycle 2 of the Caltrans Clean California Local Grant Program to Fund the Mariposa Gateway Element Project Phase 2; Authorizing the Planning Director to Sign the Application; Authorize the Board of Supervisors Chair to Sign the Grant Agreement and, if Necessary, Associated Agreements with Collaborating Property Owners, If Awarded (Subject to Approval as to Legal Form by County Counsel); and Authorize the Board of Supervisors Chair to Sign the Letter of Support.

The Clean California Local Grant Program is part of a two-year program through which approximately $100 million in funds will go to local communities to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers to clean and enhance public spaces. Through the combination of adding beautification measures and art in public spaces along with the removal of litter and debris, this effort will enhance communities and improve spaces for walking and recreation.

In FY 19-20, the Planning Department and Mariposa County Arts Council jointly applied for and received funding through this grant program to develop the Creative Placemaking Strategy (CPS). That document, which was adopted by the Board on 8/17/2021, contains several priority recommendations that align with the proposed project, in particular Project 1, for which the proposed project is a direct and intentional implementation action. At that time, the Board authorized County departments and agencies to pursue implementing the CPS' recommendations.

This application would provide funding that would enable the project's partnership, which includes the Mariposa County Arts Council, to install two murals on strategic locations in Coulterville and in Fish Camp. As recommended in the CPS, the proposed project is intended to be a coordinated program of thematically and aesthetically consistent public art, rather than an assortment of distinctive, standalone pieces, and are intended to serve additional community building objectives beyond "art for arts sake."

In this case, murals will 1) interpret the local landscape and ecosystem and 2) support active transportation connections through the County and are targeted to activate strategic areas of the built environment. In accordance with the vision expressed in the CPS, anticipated themes and content for the murals involve native plants, animals,

landscapes, and other similar topics related to Mariposa and Mariposa Creek's environment.

In most cases, priority murals are intended to be located on the sides of County-owned buildings. Work will be produced by a selected artist team who would enter into a professional services agreement with the County. Content for each mural will be developed through an engagement process led by the County and Mariposa County Arts Council in partnership with the selected artist team, affected property owners, the Creative Placemaking Strategy Advisory Committee, and the Historic Sites and Records Preservation Committee. Among other considerations, the latter group will provide important insights to ensure that selected murals occur in accordance with the Historic Design Review Overlay where necessary.

Maintenance needs for the proposed murals are low. Using a brush, each mural will be spot sealed with a matte-finished acrylic varnish suitable for outdoor use. In addition to ensuring long-term durability of the artwork, this also enables easy removal of graffiti or other acts of vandalism. Routine maintenance activities entail gentle periodic (annual) pressure washing, which will be overseen and implemented by Mariposa County and the Mariposa County Arts Council.

While the anticipated lifespan of the murals is a minimum of 10 years, empirical evidence based on precedent images indicates that well-sealed and maintained murals will remain vibrant and beautiful for much longer, even in harsh climates. Additionally, the selected artist will provide paint colors in case small touch-ups are needed throughout the life of the project. If needed, the selected artist will also provide a supplemental maintenance plan should any of the murals or specific sites warrant enhanced maintenance protocols.

Announcement of grant award or rejection would occur in August/September of 2023. If successful, grant work would have to be completed by December 31, 2026. Note that the application materials are currently under production and not ready to share at this time. The anticipated amount requested is $800,000, approximately 5% of which is for stakeholder engagement, and 95% of which is for design and production of locally supported gateway elements. There is no required local match.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

RES-2022-459: Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign the Transportation Art Agreement with Caltrans for the Mariposa Gateway Enhancement Project; and Authorize the Planning Director to Sign Subsequent Agreements Related to Project Implementation Activities

RES-2021-487: Approved the Creative Placemaking Strategy, finding the project exempt from CEQA, and authorized County departments and agencies to pursue implementing its recommendations.

RES-2018-026: Established the Creative Placemaking Strategy Advisory Committee, to which members were appointed on 3/13/2018.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action will result in hindered implementation of the Creative Placemaking Strategy.

FINANCIAL IMPACT:
There is no required local match, and if awarded, the grant money would have a positive financial impact on the county's budget.

ATTACHMENTS:
Grant Application Resolution (DOCX)
Letter of Support (DOCX)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

.

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2023-

Resolution of the Board of Supervisors of Mariposa County authorizing the Planning Department to execute agreements with the California Department of Transportation for Coulterville and Fish Camp Beautification Project

WHEREAS, the Board of Supervisors of Mariposa County is eligible to apply for and receive State funding for certain transportation related work through the California Department of Transportation;

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Clean California Local Grant Program;

WHEREAS, Mariposa County wishes to delegate authorization to execute these agreements and any amendments thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors authorize the Planning Director, or designee, to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation and approves the filing of an application for the Clean California Local Grant Program.

APPROVED AND PASSED this 21st day of March, 2023

AYES:
NOES:
EXCUSED:
ABSTAIN:

_____

Miles Menetrey, Chairman
Board of Supervisors

ATTEST:

_____
Danielle Bondshu, Clerk of the Board

APPROVED AS TO FORM:

_____
Steven W. Dahlem, County Counsel

Attachment: Grant Application Resolution (RES-2023-164 : Mariposa Gateway Elements Project: Phase 2)

March 21, 2023

To Whom it May Concern:

As Chair of the Mariposa County Board of Supervisors, I am writing to offer our support for Mariposa County's application to the Clean California Local Grant program Cycle 2. This opportunity will significantly advance our community's efforts to establish Mariposa County as a vibrant, livable destination, supporting area economic vitality while meeting public health and creative placemaking objectives. I am excited to be involved in the project.

Districts I and II contain the towns of Fish Camp and Coulterville, respectively, which are two key historic communities. Thousands of visitors drive through Fish Camp everyday on their way to Yosemite, and Coulterville is rich in mining and agriculture as well as being a historic gateway into the park. Expanding upon the County's network of public art is critical to providing connections between economic, cultural, and public space resources throughout the County, and it will encourage visitors and residents to travel to communities they where they might not typically travel as well as promoting a broader knowledge of Mariposa County as a whole which aligns with the Mariposa County Creative Placemaking Strategy. In addition to beautifying our environment and telling the kinds of place-based stories recommended in the Creative Placemaking Strategy, we are committed to growing and broadening those connections, and we view this project as a strategic and multi-beneficial approach to doing so.

This grant will tangibly and significantly advance a project that will be a service to both Districts I and II, Mariposa County, and a million plus visitors who come to this County annually. It will result in a vibrant local economy, while continuing to make our County accessible to all Mariposans. We endorse the County's application and are proud to offer key areas of County right of way to host these impactful murals.

Sincerely,

Miles Menetrey
Board Chair
Mariposa County Board of Supervisors

Attachment: Letter of Support (RES-2023-164 : Mariposa Gateway Elements Project: Phase 2)

MARIPOSA COUNTY

Administration · 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Department Head Complaint Policy Discussion

RECOMMENDATION AND JUSTIFICATION:

Discussion and Direction of Policy Regarding Complaints Against Department Heads or Other Employees of the Board of Supervisors.

The board of supervisors directly and collectively supervises eighteen department heads. Other staff, such as the public health officer, also have a reporting relationship with the board. The board desires to be diligent in its duty to supervise these staff and conducts annual performance reviews in addition to assigning liaisons to each department head and inviting regular updates.

From time to time, the board of supervisors becomes aware of a complaint or allegation that a department head has acted improperly or contrary to established policies and/or expectations. Though an infrequent occurrence, the board desires to act swiftly in these circumstances to understand the merits of any complaint (or lack thereof) and appropriately address concerns.

Five supervisors sharing supervision of executive staff has inherent challenges. Staff do not work for any one or two supervisors, even the assigned liaisons, so the full board must be included on any personnel decisions. The full board can only consult on items that are publicly agendized, which delays its ability to act on a concern by at least eleven days and as many as sixty days is possible.

While personnel issues may be discussed in closed session, the position being discussed in closed session must be included on the agenda. This means that every complaint receives publicity and speculation, regardless of its merits, and could be a venue for retaliation against and unnecessary embarrassment of county department heads. In addition, the decision to discuss complaints in open or closed session is made at the discretion of the complainant, exacerbating the potential for embarrassment and introducing additional liability for the County.

Current policy and practice also discourage employees who may have valid complaints against department heads from coming forward. In addition to the public attention

Agenda Item - No Resolution Requested

that comes from an agendized item, department heads are currently notified when a complaint is received against them including the nature of the allegations and the name of the complainant(s). This creates a period of at least eleven days when the board is aware of possible harassing or retaliatory behavior against an employee but unable to take any action or give any direction to stop or prevent that behavior.

It should be noted that human resources evaluates concerns and complaints that come to its attention for possible investigation whether or not the board receives a formal complaint. When investigations are pursued and result in sustained findings, the board is notified. County workplaces are intended to be places where all staff are welcome, safe from harassment, and able to be productive. With the board's support, the administration team, including human resources, works closely with county counsel and the clerk of the board's office to ensure the County is doing its due diligence on all matters of which it is aware.

At the request of the board, staff has inquired how complaints against department heads are handled in other California counties. The two most common approaches, practiced in a majority of our fellow counties, are to investigate all complaints through a third party and notify the board only when an investigation substantiates allegations; and to allow human resources to determine which complaints merit investigation and inform the board only when an investigation substantiates allegations.

Both of these approaches allow for more rapid and confidential action, but require a certain comfort level with delegating some duties of supervision to administration and human resources. Most other counties in California have already delegated oversight of department heads to the county administrative or executive officer, even when the board has retained hiring and firing authority, removing the board from direct involvement in a complaint unless the results of an investigation were likely to result in serious discipline or termination. In Mariposa, the board is still department heads' direct supervisor.

Some counties also reported establishing anonymous complaint hotlines, conducting biennial 360 reviews of department heads to solicit performance feedback, and other similar actions. One county reported that they have a closed session with every department head listed on every agenda to allow for personnel discussions to happen at any time. This action adds a degree of confidentiality, but also appears to undermine the Brown Act's intent for transparency.

This discussion and direction item is presented at the request of the board to allow for additional conversation on this topic. As of this writing, no complaints have been received and staff is not aware of any complaints that may be pending. Discussion and direction is related to unknown potential future issues only.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

MARIPOSA COUNTY

Administration · 966-3222

On October 8, 1985, the Board adopted Resolution 85-315 establishing a policy for complaints against County employees.

On September 24, 1996, the Board adopted Resolution 96-427 establishing a policy for complaints against department heads or other employees who report directly to the board of supervisors.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not discuss the process will remain status quo.

ATTACHMENTS:
Resolution 96-427 (PDF)

RESULT: DIRECTION GIVEN

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: AMENDING COMPLAINT PROCEDURE POLICY; RES. 96-427

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on October 8, 1996

ACTION AND VOTE:

Resolution Amending the Complaint Procedure Policy Against Appointed Department Heads or Miscellaneous Employees and Discussion of Adopting a Policy Relative to Complaints Involving Elected Officials (Continued from Forthcoming Policy 10/1/96) (County Counsel)

BOARD ACTION: Following discussion, (M)Pickard, (S)Stewart, Res. 96-427 adopted amending the complaint procedure policy against appointed department heads or miscellaneous employees/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

cc: Nancy Kyle, Personnel
Board of Supervisors Policy Book
File

Attachment: Resolution 96-427 (13590 : Department Head Complaint Policy Discussion)

10-8-96

H.6.a

MARIPOSA COUNTY BOARD OF SUPERVISORS | **AGENDA ACTION FORM** | **DATE:** 9/24/96; 10/1/96 Policy | **AGENDA ITEM NO.:** POLFC

DEPARTMENT: County Counsel **BY:** Jeffrey G. Green **PHONE:** 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__X No__)

1. Adopt the attached Resolution which amends the existing policy relative to the procedures on filing a complaint against appointed Department Heads or other County employees. Based upon recent amendments to the Brown Act, the existing policy is outdated. In the existing policy, the Board considered all complaints in closed session without the presence of the affected employee, unless the Board requested his or her presence. Government Code section 54957 now allows the affected employee the option of having a complaint considered in either an open or closed session of the Board. A copy of the existing policy is attached.

2. Discuss the drafting of a policy concerning complaints that are lodged against elected officials. The existing policy does not include elected officials.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 8, 1985, the Board adopted Resolution No. 85-315 which established a policy relative to complaints against County employees.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1.
- Adopt policy amendment as proposed.
- Revise policy amendment as the Board desires and adopt.
- Do not adopt policy amendment, however, the County will not be in compliance with the Brown Act.

2.
- Direct staff to prepare an elected officials' complaint policy.
- Do not take any action concerning this matter at this time.

COSTS: (x) Not Applicable
A. Budgeted current FY $_____
B. Total anticipated costs $_____
C. Required additional funding $_____
D. Internal transfers $_____

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $_____
B. Reserve for contingencies $_____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: $_____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Amended Resolution.
Resolution No. 85-315

CLERK'S USE ONLY:
Res. No.: 96-427 Ord. No._____
Vote - Ayes: 4 Noes:_____
Absent: Reilly Abstained:_____
(X) Approved ( ) Denied
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
_____ Recommended
_____ Not Recommended
_____ For Policy Determination
_____ Submitted with Comment
_____ Returned for Further Action

Comment:_____

A.O. Initials: MC

Attachment: Resolution 96-427 (13590 : Department Head Complaint Policy Discussion)

MARIPOSA COUNTY RESOLUTION NO. 96-427

RESOLUTION AMENDING THE POLICY RELATIVE TO PROCEDURES REGARDING COMPLAINTS AGAINST APPOINTED DEPARTMENT HEADS OR OTHER EMPLOYEES OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors desires to amend its policy and procedure relative to handling complaints which may arise against an appointed Department Head or other employee of the Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, as follows:

1. All Complaints regarding an appointed Department Head or other employee of the Board of Supervisors (Employee) must be in writing and delivered to the Board in care of the Clerk of the Board, in the County Administrative Office, in a sealed envelope marked "CONFIDENTIAL" with a notation it is a Complaint filed pursuant to this Resolution.

2. The Complaint shall be specific regarding the following:
   a. The allegation of misconduct or wrongdoing.
   b. Citation of State law or County Code, if applicable.
   c. Give dates, times, and places where event or events occurred.
   d. Give names of persons involved and addresses, if available.
   e. Any other information which would help the Board determine if there is a basis for any charge of misconduct or wrongdoing.
   f. The Complaint must be signed by the individual making the Complaint, or by an authorized representative of a legal entity. If it is not signed by the individual or authorized representative of a legal entity, the Complaint will not be considered by the Board.

3. Within five (5) working days of receipt of the Complaint, the Clerk of the Board shall provide a copy of the Complaint to the affected employee and the employee shall be given the election to have the Board consider the Complaint at either an open or closed session of the Board of Supervisors. (Government Code § 54957). The employee shall inform the Clerk of the Board, in writing, within five (5) working days from receipt of the Complaint whether the employee wishes to have the matter conducted in an open session.

4. The matter shall be scheduled by the Clerk of the Board on the Board's agenda within thirty (30) days after the employee has made the election as described in paragraph 3 above. If the employee fails to request an open session timely, the matter shall be scheduled in a closed session.

5. If the Board, after an open or closed session consideration of the Complaint determines there is cause to conduct a hearing, the hearing shall be

Attachment: Resolution 96-427 (13590 : Department Head Complaint Policy Discussion)

conducted as soon as possible, but no later than four (4) weeks from the determination by the Board to conduct a hearing.

6. The Board of Supervisors shall make available to the Complainant, in writing, the action taken by the Board within ten (10) days from reaching an ultimate decision on the Complaint.

7. The procedures outlined herein shall in no way affect the Board's ability to terminate without hearing or cause an employee who serves at the pleasure of the Board

PASSED AND ADOPTED this 8th day of October, 1996, by the Board of Supervisors of Mariposa County by the following vote:

AYES: Balmain, Stewart, Parker, and Pickard
NOES: None
ABSENT: Reilly
ABSTAINED: None

Doug Balmain
DOUG BALMAIN, Chairman
Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
County Counsel

Attachment: Resolution 96-427 (13590 : Department Head Complaint Policy Discussion)

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2023-165

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: Approve the Merced River Trail Vision Plan

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving the Merced River Trail Vision Plan; Finding the Project is Exempt from CEQA; and Authorizing County Departments and Agencies to Pursue Implementing Its Recommendations.

The Merced River Trail Vision Plan summarizes and provides the outcomes of a formal planning process that began in July 2019, when the Board of Supervisors established the Merced River Trail Community Working Group (CWG). This group, which is an official Planning Advisory Committee, was formed to devise, implement, and synthesize the results of a planning process to identify local priorities, parameters, and action steps for achieving a non-motorized recreational trail through the Merced River canyon from Bagby to Yosemite. This plan would build on, rather than replace, existing federal plans by articulating a local vision for this trail which is referred to, though not detailed, in agency management plans that have been adopted by the BLM, USFS, and NPS.

The group is currently comprised of eight voting members, including several who have served on the committee since its inception, and two ex officio members from the Board of Supervisors. Current membership includes and has included, among other expertises: Mariposans who represent a variety of perspectives on public access, conservation, and other issues in the river canyon; those with substantial experience in local and federal planning issues, including those related to natural resource conservation and recreation; residents of multiple areas within the county, including the El Portal community; researchers at area universities with expertise in public land usage; and representatives of the Southern Sierra Miwuk tribal council. The CWG has passed a resolution of support for this draft of the Vision Plan, which is attached here.

The Vision Planning process, which included 37 public CWG meetings, two in-person public workshops, two online public workshops, and two online surveys with a combined 366 responses, resulted in a series of increasingly specific recommendations. First, the vision planning process resulted in a vision statement to define the community's overarching aspirations for the project. Next, the process resulted in eight goals to further articulate stakeholder priorities for the trail. Finally, the plan describes 29 discrete actions (between 2-6 per goal) that Vision Plan participants have identified as priorities for realizing the adopted vision statement.

The CWG was chiefly responsible for developing the materials that were used to solicit input from the wider community in the engagement process; analyzing the input received in that process; and synthesizing the results into consistent and coherent recommendations. CWG members also wrote significant portions of the document, including the history and federal planning context sections in Chapter 1 of the draft Vision Plan.

The outcomes of the planning process provide a community-supported blueprint for balancing the trail's civic benefits, including recreational, educational, and cultural, with the Merced River canyon's environmental significance and unique character. The Vision Plan also includes several original materials, namely the history of the Merced River canyon and description of the canyon's complex federal planning context, which have significant standalone value for the community.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board and LTC has taken a number of actions related to the Merced River Trail Vision Plan and various concurrent implementation efforts, including:

Various other agreements for right to enter and hold harmless between the County and Transition Mountain Properties group
Ratify Letter Requesting Support for the Merced River Trail: RES 2020-101
Merced River Trail Right of Way Acquisition: LTC 2019-22
Establish Merced River Trail Community Working Group: LTC 2019-405
Merced River Trail Master Plan: LTC 2018-8

The Board also established and continuously appoints members to the Merced River Trail Community Working Group when vacancies arise.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives could include further planning work to amend or revise the document. However, there are no funds allocated to further planning activities related to this project.

Negative action would result in delaying implementation of the Vision Plan's recommendations.

ATTACHMENTS:
MRT Vision Plan DRAFT (PDF)
CWG Resolution of Support (DOCX)
NPS-RTCA Support Letter_merced river (PDF)
USFS Formal Letter 1 Signature (eSign) FY 2023 608873 (DOCM)
Resolution (DOCX)
Notice of Exemption (DOCX)
Adoption Presentation (PDF)
LOS_BLM (PDF)
Vision Plan Appendices_DRAFT(PDF)
Vision Plan_DRAFT (PDF)

Ralph M - The Vision Plan for the Merced River Trail - REDACTED (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

.



DRAFT

MERCED RIVER TRAIL

VISION PLAN // February 2023



Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ACKNOWLEDGMENTS

MARIPOSA COUNTY BOARD OF SUPERVISORS

Rosemarie Smallcombe - District I Supervisor
Shannon Poe - District II Supervisor
Danette Toso - District III Supervisor
Wayne Forsythe - District IV Supervisor
Miles Menetry - District V Supervisor

MARIPOSA COUNTY PLANNING DEPARTMENT

Steve Engfer- Planning Director
Mikey Goralnik - Senior Community Design + Development Planner

MERCED RIVER TRAIL COMMUNITY WORKING GROUP

Art Baggett- Chair
Ralph Mendershausen - Vice Chair
Wendy Brown
Susan Clark
Tara Fouch-Moore
Jeffrey Jenkins
Michael Martin
Jessica Thompson

NATIONAL PARK SERVICE RIVERS, TRAILS, AND CONSERVATION ASSISTANCE

Patrick Johnston - Project Manager

BUREAU OF LAND MANAGEMENT

Mother Lode Field Office

US FOREST SERVICE

Stanislaus National Forest

NATIONAL PARK SERVICE

Yosemite National Park

DRAFT

Upstream of Incline

CONTENTS

CHAPTER 1 // OVERVIEW AND CONTEXT // 1-43

VISION PLAN VS. MASTERPLAN // 2

OVERVIEW OF MERCED RIVER CANYON HISTORY - BAGBY TO YOSEMITE // 4

PLANNING CONTEXT // 22

PROJECT GENESIS // 42

CHAPTER 2 // VISIONING PROCESS // 44-65

PRELIMINARY DIALOGUE // 46

MERCED RIVER TRAIL COMMUNITY WORKING GROUP // 47

VISIONING FRAMEWORK // 48

COMMUNITY ENGAGEMENT ACTIVITIES // 50

CHAPTER 3 // ACTION PLAN // 66-132

APPENDICES

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



“Trail development should be minimally intrusive. Let the canyon speak for itself. It should be a trail for exercise, beauty and introspection”

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1. OVERVIEW AND CONTEXT

With "...exceptional scenery in alternating pools and cascades," "evidence that reflects trade, travel and settlement patterns...in an intricate and interconnected landscape of archaeological sites" and rich wildlife habitat, including for a species of salamander that occurs nowhere else in the world, the Merced River canyon is a special place, both globally and locally.

DRAFT

This area boasts a diverse mix of historic, cultural, and ecological treasures that constitute a large portion of Mariposa County's local identity and heritage.

Though recent actions have acknowledged and protected these assets, our current generation is not unique in establishing a connection with the river and its landscape. This chapter begins to place the Merced River Trail in the context of this larger story, and helps set the background for the idea and this specific effort.

The chapter includes a lengthy history—likely the first standalone history of the river canyon—that touches on the area's earliest human inhabitants, its more recent industrial history, and present local efforts to conserve the river and canyon. This understanding is important for the trail process, both in order to effectively convey the river canyon's history through future trail elements like interpretive signage, furnishings, and other storytelling elements, and to inform a knowledgeable, respectful approach to engaging with this special landscape.

Realizing that others have had big ideas and grand intentions for the Merced River canyon connects the present effort to its rich past. It also helps ensure that the Vision Plan and its recommendations are properly situated in previous planning efforts. This chapter describes related local, state, and especially federal planning and prioritization efforts, to both clarify this planning project's limits, and identify opportunities to integrate prior work into the current effort.

All of this grounding establishes the Vision Plan's parameters, and equips the project to continue a long legacy of attachment to, and stewardship for, this cherished resource.

VISION VS. MASTER PLAN //

The existing and planned segments of the Merced River Trail are located almost entirely within federal jurisdiction, with each major federal land management agency—Bureau of Land Management (BLM), US Forest Service (USFS), and National Park Service (NPS)—each administering sizable portions of the trail corridor and its surrounding landscape. Additionally, the river and its immediate environs are federally designated as Wild and Scenic, meaning that Congress has taken action to formally acknowledge and protect the outstandingly remarkable values, including scenic beauty and recreational opportunities, that define this landscape and help make the trail project both so attractive and, to many, so timely.

Its status as a Wild and Scenic River set amongst vast tracts of federal public land means that the river/trail corridor is protected by strong, clearly formalized regulations and policies. However, while this planning process unfolded with the collaboration and input from federal land managers, its content have been reviewed by BLM, USFS, and NPS staff, and its recommendations have been confirmed as valid and attainable in those jurisdictions, the Merced River Trail Vision Plan **is not** a federal planning document.

Indeed, as will be discussed later in this chapter, there are already federal plans that discuss and recommend the Merced River Trail: each agency's Wild and Scenic River Management Plan explicitly mentions and recommends a non-motorized multi-use on the historic Yosemite Valley Railroad grade as a use that is both consistent with the Merced's designated outstandingly remarkable values, and desirable in these areas of BLM, USFS, and NPS jurisdiction.

The premise of this plan is not to duplicate those federal planning efforts, each conducted by the appropriate lead agency and subjected to the federal environmental compliance process outlined in the National Environmental Protection Act (NEPA).

DRAFT

3	~23	14
FEDERAL AGENCIES WITH JURISDICTION IN THE RIVER CANYON	MILES OF WILD AND SCENIC RIVER BETWEEN BAGBY AND EL PORTAL	DEVELOPED RECREATION AREAS IN THE RIVER CANYON



INTERAGENCY JURISDICTION
The existing and future segments of the Merced River Trail, which follows significant portions of the historic Yosemite Valley Railroad in the Merced River corridor, occur in Bureau of Land Management, US Forest Service, and National Parks Service jurisdiction, with key pockets of private right of way mixed in.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Rather, this process was initiated and facilitated by Mariposa County, to articulate the preferences and priorities of county residents who have long relied on, celebrated, and fought for this project and trail, and who will most intimately experience its benefits and impacts. Put another way, the visioning process (Chapter 2) and the recommendations that it revealed (Chapter 3) provide locally supported specificity and guidance for the agencies, building on existing plans to articulate the local communities' vision for this trail that is referred to, though not detailed, in adopted federal management plans. Importantly, this document also identifies strategies for addressing some of the longstanding implementation hurdles that have historically plagued the project, including key right of way issues and long-term maintenance and management questions.

The vision expressed in this document and its recommendations will be instructive for guiding future actions related to the Merced River Trail. However, this document falls shy of being a master plan, which would include more technical, rigorous, and granular recommendations for tasks like trail work, signage, and habitat restoration at specific locations along the trail. This document takes a birds-eye perspective on the trail project, zooming out to describe community preferences for larger issues and opportunities and laying the basis for a more detailed, collaborative, inter-agency Merced River Trail master plan in the future.

For these reasons, this document is best described as a Vision Plan. The recommendations here support future actions by the Mariposa County Board of Supervisors and county staff, but its adoption does not expressly authorize, implement, or fund any specific projects or actions. Likewise, this document does not compel or commit BLM, USFS, or NPS to carry out any actions to which they are not already committed through previous NEPA-compliant federal planning processes.



VISION PLAN → MASTER PLAN

Blending input from the community at large with direction from a working group of community members that report to the Mariposa County Board of Supervisors, this project makes a series of increasingly specific decisions that reflect local preferences for the Merced River Trail. The final deliverable, the Merced River Trail Vision Plan, has some overlap with, but ultimately lays the foundation a more technical master plan in the future—including establishing overarching goals, defining priorities, and identifying partners.

It does, however, set the stage for continued and expanded collaboration between the federal agencies, Mariposa County, and non-profits, institutions, and other local trail advocates to achieve the vision and its recommendations. As will be detailed in Chapter 2, this plan was co-created by a partnership of interagency stakeholders, Mariposa County residents and organizations, and staff from multiple county agencies. The visioning process helped nurture and strengthen these relationships, which will need to be maintained in order for the recommendations to be implemented and sustained.

Finally, this vision and recommendations were derived from targeted community dialogue and project-specific engagement that took place over nearly three years, and represent consensus and trade-offs among a variety of interests in the Merced River canyon. However, though this process was extensive, its outcomes represent a moment in time. As demographics in Mariposa County shift, as trends in outdoor recreation change (often in response to federal land management decisions), and as a changing climate alters the hydrological, biological, and ecological conditions in the river canyon, this vision and these takeaways will need to be revisited, reassessed, and likely revised in the future.

For now though, the Merced River Trail Vision Plan provides a community-supported blueprint for balancing the trail's civic benefits, including recreational, educational, and cultural, with the Merced River canyon's environmental significance and unique character.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

OVERVIEW OF MERCED RIVER CANYON HISTORY - BAGBY TO YOSEMITE //

The Merced River Trail combines a National Wild and Scenic River, a major highway to Yosemite National Park, much history, and remarkable natural and scenic areas. The long-abandoned railroad grade of the Yosemite Valley Railroad provides an inviting and unique 30-mile recreational resource in the Merced River canyon between Bagby and Yosemite. Today most people drive the upper 15 miles above Briceburg and appreciate its scenic beauty and the phenomenal spring floral displays. Except for the highway, it appears relatively pristine, yet this canyon has a long human history.

The Merced River Trail Community Working Group was tasked with writing a history of the canyon to include in the Vision Plan. This task was led by Dr. Ralph Mendershausen, who, with input from other CWG members, prepared the following history narrative in 2022. Dr. Mendershausen is a long time county resident and the author of a history of the South Fork Merced. He carried out the County's Historic Sites Survey for the Planning Department (1980-81) and played an active role in the designation of the Merced River as a National Wild and Scenic River. His drafts were written by him alone and are submitted here with the unanimous approval of the CWG. Note that a bibliography for this history and a historic timeline are included as Appendix A and Appendix B, and that the section on Early Trails is based on recent work by Ephriam Dickson.

DRAFT

THE SOUTHERN SIERRA MIWUK //

The native people of this watershed are known collectively as the Southern Sierra Miwuk. For thousands of years before the Gold Rush period the river played a central role in the lives of the Southern Sierra Miwuk whose territory, like those of their neighbors included a major watershed. Their ancestors may have migrated into this area originally from the coast unknown millennia ago. The river was called *wakaalmuto**. In Yosemite Valley, it may have had a slightly different name. The river and the watersheds were important in the remarkable trade practices of the Southern Sierra Miwuk. It is striking that the obsidian flakes so common in the area originated on the east side of the Sierra as native trade goods called "blanks". These they received in exchange in return for acorns and shells. This trade route existed for millennia. Generally, the lives of the Southern Sierra Miwuk and other foothill tribes were very local, but in this case some must have travelled these trade routes regularly and over thousands of years.

The river and the streams also determined the general west to east run of migration in the course of the late spring and summer as smaller groups (tribelets) moved to higher, wetter, and cooler ground collecting a variety of foods. The river played a central role in native basket making, being the locus for redbud, willow, and sedge root. The river played a role as well in belief and society, ie. the concept of a water side and a land side. North of the Merced was considered the land side, and south, the water side. Frequently this was a guide to naming, marriage, and rituals.

And finally, the river was a giver of life. We can take this life giving quality quite literally for the river, at least below Yosemite, contained salmon in great numbers until at least the end of the 19th century. This was an important part of life in many of the winter villages of the Southern Sierra Miwuk. These winter villages were often located along the Merced and the South Fork and had Miwuk names. They were extensive and permanent.

Salmon was an important addition to the already abundant Miwuk diet. Salmon, for example, were just one of four anadromous species available to them in 1849. The salmon were caught in large numbers using a great variety of methods; the catch was often dried. In the fall of 1854, Nicolas Perlot, an unusually observant gold miner, noted this activity, and its smell, at "Round Valley" on the South Fork of the Merced. He also noted how they dropped everything, including searching for gold on the North Fork of the Merced to catch the salmon run on the South Fork. Drying made it possible to have the fish in powdered form during the rest of the year. Salmon seems to have entered Yosemite Valley in dried/powdered form. At the latest, the spring and fall salmon runs ended with the construction of the original Exchequer Dam by Merced Irrigation District in 1926. John C. Fremont put his first dam on the Merced in 1859, calling it Benton Mills (Bagby). It was doubtless put on top of a major named native settlement for this was a wider spot in the river and relatively easy to ford.

The Southern Sierra Miwuk and their ancestors, like many other native Californians, boasted a rich and complex relationship with their landscape. In the past, this relationship has often been described as passive, just "living off the fat of the land", but we know today that it was active, intentional, and consistent over a very long time. Their land-based lifeways provided abundant

*Native names/words are important to native peoples. This one is provided here for historical accuracy; it should not be misappropriated.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

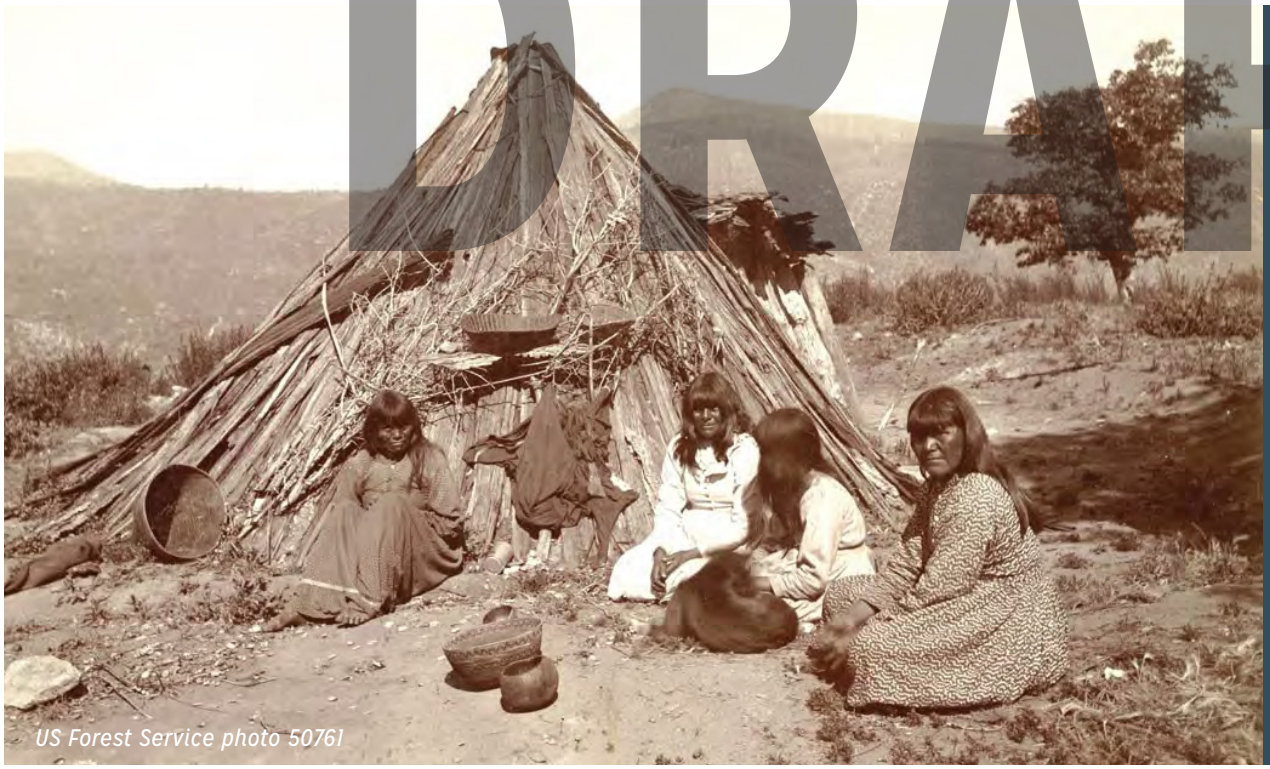
physical, cultural, and spiritual nourishment that was cultivated through a complex interaction with the natural environment over millennia. While “farming” was not their way, they did use fire and care for trees in a systematic way. They feared large fire and practiced burning as a way to enhance seed grasses and game while reducing brush. They cared for the oak trees that sustained them well with the staff of their lives, acorns. Catastrophic fires in the canyon such as the Telegraph Fire, the Detwiler Fire, and the Ferguson Fire are terrifyingly of our time. Nor should we ignore the intense education and training it took for typical Miwuk to know some two hundred plants by name and use.

Well before the Gold Rush, in the Spanish and Mexican periods, the Miwuk were decimated by European diseases such as malaria and cholera even though the Spaniards and the Mexicans themselves never reached this part of the Merced River. The river itself, however, was given the name we use today by a Spanish force pursuing fugitive Indians in 1806. Refugees from the missions and ranchos surely did reach the Sierras, and infectious disease would have also travelled with trade.

The decimation of the Miwuk population of our region increased dramatically with the Gold Rush. Decimation through various means continued for decades (to 1900) and eventually reached to at least 74% of the population of all three major Sierra Miwuk groups. Southern Sierra Miwuk numbered about 2700 in 1849. Sometimes death took the form of murder; at least 200 Miwuk are known to have been killed by miners outright between 1847 and 1860. Native lives lost most of their economic value in the Gold Rush period. Spanish and Mexican institutions exploited the Indians harshly, but they depended on them for labor as well. The limited protections of mutual need fell away rapidly after 1849.

For a brief while the Miwuk sought to continue their traditional life, but this quickly proved impossible because of the onslaught of miners and farmers which rearranged streams, prairies, and resources. Perlot documents their frequent participation in mining activities in the early 1850’s. The actual extermination of the Indians was preached by

DRAFT



US Forest Service photo 50761

ANCESTRAL LANDS OF THE SOUTHERN SIERRA MIWUK

This photo was taken by Forest Supervisor of Sierra National Forest Charles H. Shinn. Originally set aside in 1893 when the Forest Reserve Act authorized the President of the United States to set aside timbered public lands, this landscape was re-designated as a National Forest in 1907. The neighboring Stanislaus National Forest followed a similar timeline. The Merced River is the boundary between the northern boundary of the Sierra and the southern boundary of the Stanislaus.

Just before 1907, a federal study found that, in the lands soon to be known as Sierra National Forest, there were nineteen discrete locations with Indigenous people living in groups of 10-100 individuals. Shinn himself noted that “The little Indian homes are scattered here and there, wherever a spring can be found and a little pasturage for a few horses.”

Indigenous inhabitants were not consulted in the establishment of these public lands, nor were they afforded legal rights, protections, or government support. The Merced River Trail must grapple with this legacy.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

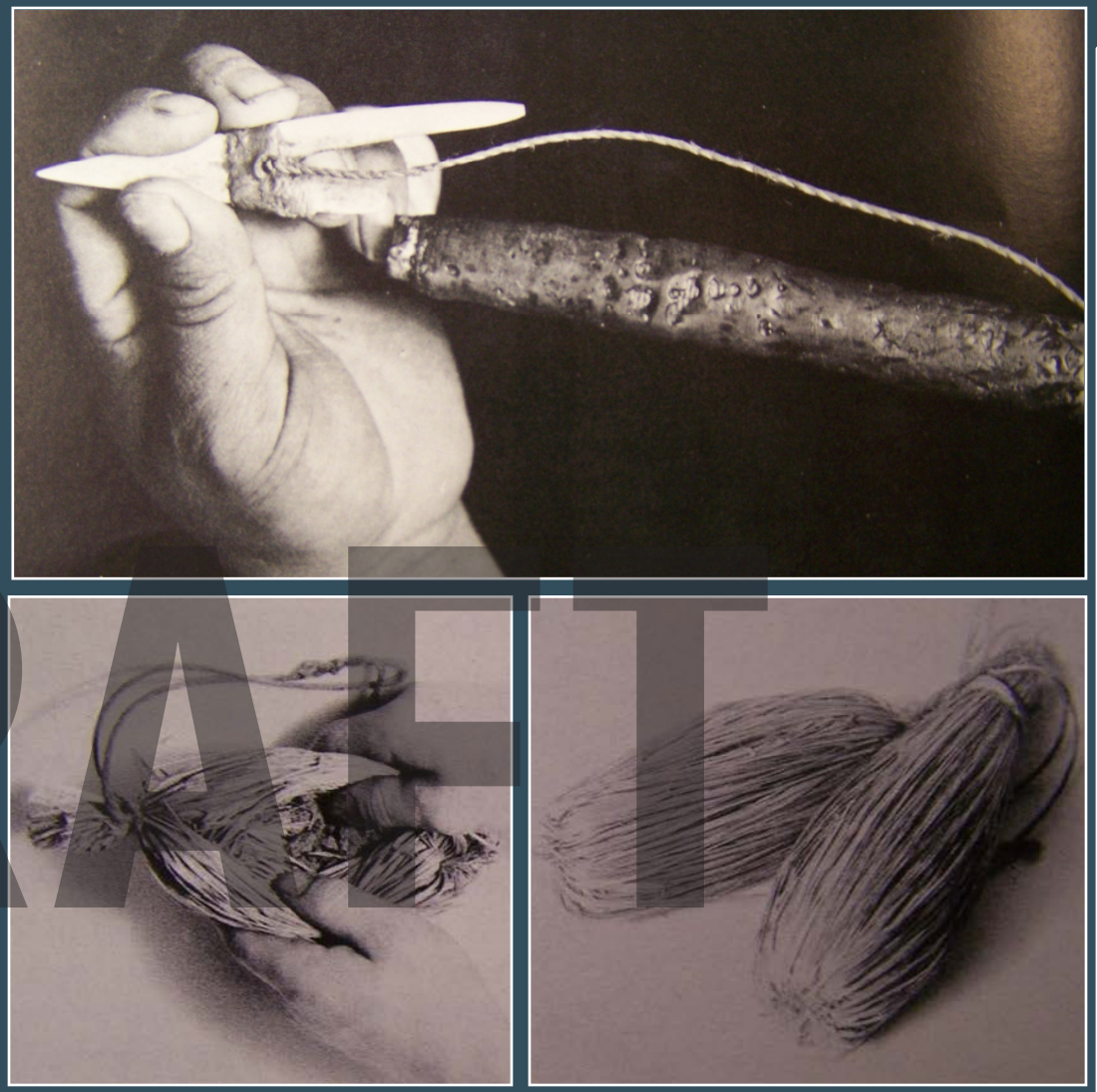
California Governor Peter Burnett and their extermination was commonly believed to be inevitable. In some rare cases bounties were placed on native scalps, but this did not occur locally.

Many local natives sought to or had to join the Gold Rush itself. Locally and somewhat ironically they sought protection in the mining fiefdom of men like James Savage. His brief empire was centered on the Merced watershed where he established an early trading post at the confluence of the South Fork and the main stem. This local *caudillo* was a paternalistic overlord to local tribes; he sought to protect them for his own profit first as miners and then as prisoners in a brief but failed reservation system in need of beef. His self-serving efforts were out of step with the profound individualism of the Gold Rush. Use of slaves and native labor crews were simply anathema to the mining ethic. Savage died trying to control "his people's" food supply on a federal reservation.

The reservation failed; the natives wandered homewards. The result was that after Savage's murder nothing stood between the uprooted Indian and the new State of California which had no use for them at all. Miners saw Indians as "dangerous animals". The 1850 California "Act for the Government and Protection of the Indians" established virtual slavery; children could be obtained legally as servants, and adults could be indentured. Their right to life was not respected by those using the law to acquire or sell Indian labor. They had no civil rights and could not testify in court. To avoid starvation, they gravitated more and more to the (dangerous) edges of towns in search of low-wage, menial, day work. Their chances of survival as indentured agricultural workers were poorer than if they had not worked in the fields.

Today the Miwuk constitute about 3% of the local population and play an active part in the life of the County. They are still here. No reservation was established for the Southern Sierra Miwuk and tribal recognition has not been bestowed by the federal government. They have been seeking such recognition since 1982.

DRAFT



Courtesy Yosemite Research Library

RIVER-SHAPED LIFEWAYS
Indigenous fishers developed sophisticated and effective tools to access the nutritional and culinary benefits of the Merced's salmon fishery. This includes spears with hooks made of bone and line made of milkweed (top), and fish-worm carriers ("huk-ken"), made of blue grass (bottom). The implements shown here belonged to Southern Sierra Miwuk Chief Lemee.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

EARLY TRAILS //

With natives largely driven from the foothills during the 1850's, miners pushed up the Merced River canyon, making several important gold strikes along the river between present Briceburg and the entrance to Yosemite Valley. By 1860 more and more mining took the form of hard rock mining. In 1860, Elijah and Ephraim Ferguson and their cousin Charles Pease discovered quartz veins containing gold on the north side of the Merced River, about one mile above the mouth of the South Fork. A mile further up the river, James Wilson and the Rutherford brothers, Thomas and Adam, also found gold bearing rocks that same summer. In 1862, John R. Hite and J. C. Wilson located gold bearing quartz on the South Fork at what became known as Hite's Cove. Additional smaller claims were established over the next several years along this stretch of the Merced River.

Rudimentary trails were initially developed to these mines for packing in supplies and equipment by mules. While the mining operation at Hite's Cove was reached by a trail from Mariposa, the mines along the north side of the Merced were supplied by a trail from Coulterville and Sonora. Only wide enough for animals to move in single file, this trail traversed through very difficult topography with high, steep canyons and tumbles of boulders from rock slides. Traces of this early route can still be seen today on the canyon walls.

In November 1865, the Mariposa County Board of Supervisors approved a trail, designed and built by A.W. Bolton, as a public highway extending from Black's Store on Bull Creek to Jenkins Mill on the Merced River, then up the river past Green's Store at the South Fork confluence, to Ferguson's Mill, and finally ending at Rutherford's Mill, then the furthest mining operation up the river. This trail or "road" grew out of a petition of the various hard rock mining interests active in that portion of the canyon.

DRAFT



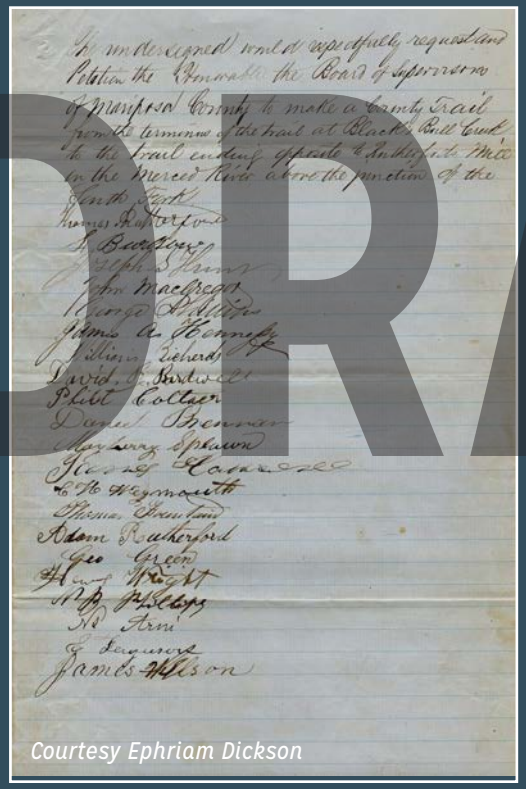
HISTORIC FOUNDATIONS
In the mid-late 19th century, local miners built trails on the north side of the Merced River to provide access to claims in the canyon. These trails became the basis of the Yosemite Valley Railroad, and later the Merced River Trail.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Then in 1871, Bolton proposed to expand his previous trail to the boundary of Yosemite National Park, and was granted authority to extend the existing county trail from Ferguson's Mill further along the north bank of the Merced to its junction with Cascade Creek. The trail was inspected in May 1873 and approved by the Board. The toll rate for equestrians was one dollar per head, 50 cents for a pack animal, and 25 cents for hikers. Tolls were payable at the booth Bolton built on his 80-acre claim near Cascade Creek. Bolton's extension of the county road along the river was the first all-weather route to Yosemite for tourism purposes.

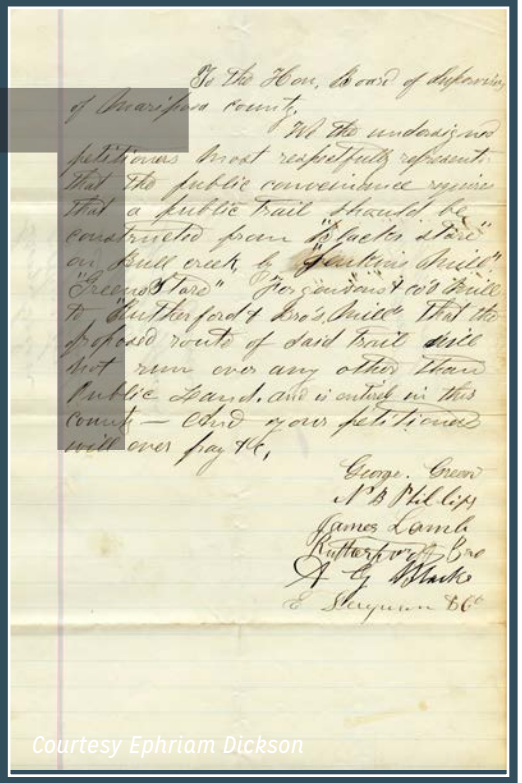
The rugged canyon topography posed a major engineering challenge to developing this trail into a wagon road. Attempts were made to fund a wagon road along the Merced River in the 1880s and 1890s, but ultimately this was not accomplished until the All Weather Highway (State Highway 140) was finally completed in 1926.

"The undersigned would respectfully request and petition the honorable Board of Supervisors of Mariposa County to make a County trail from the terminus of the trail at Black's Bull Creek to the trail ending opposite to Rutherfords Mill on the Merced River, above the junction of the South Fork."



Courtesy Ephriam Dickson

"We the undersigned petitioners most respectfully represent that the public convenience requires that a public trail should be constructed from "Blacks's store" on Bull Creek, by "Jenkins Mill", Greens store", Fergusons & Co's mill to Rutherford & Bro's Mill," that the proposed route of said trail will not run over any other than public land, and is entirely in this county – And your petitioners will even pay &c."



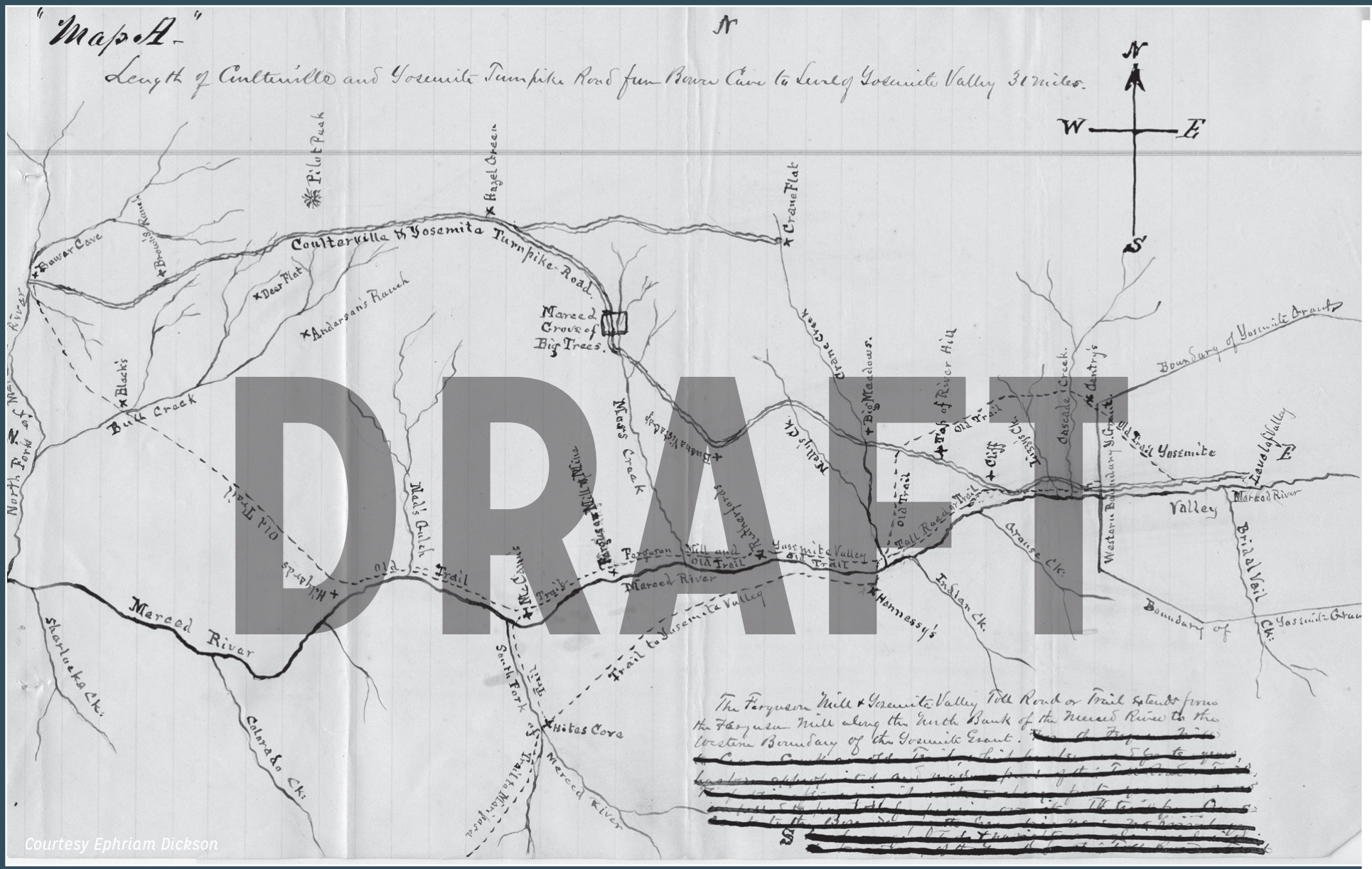
Courtesy Ephriam Dickson

19TH CENTURY LOCAL TRAIL ADVOCACY

These archival documents, discovered by Ephriam Dickson, show Mariposa County residents formally petitioning the Board of Supervisors to allocate County funds to support a public trail along the Merced River in 1865. Like the later Yosemite Valley Railroad route and the current/proposed Merced River Trail, this early trail, whose route is depicted on the opposite page, was located on the north side of the river.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

Courtesy Ephriam Dickson

ARCHIVAL TRAIL DOCUMENTATION

The 1865 trail ran from Black's Store on Bull Creek, near its confluence with the North Fork of the Merced, down to the Merced River at Hilyard's Mill near Ned's Gulch, and then up the river past Ferguson's Mill to the Rutherford Mine and Mill, both located on either side of Moss Creek. It is possible that it was not constructed until 1866.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Courtesy Jack Burgess

INDUSTRIAL ROOTS FOR RECREATIONAL TRAIL

The existing and planned Merced River Trail primarily follows the course cleared for the Yosemite Valley Railroad along the northern banks of the Merced River. In the 20th century, the imperatives for moving both the materials to support resource extracting industries and their outputs, especially mining and timber, led to the establishment and maintenance of a corridor suitable for a train to regularly move through the Merced River canyon. Today, portions of that same route supports a non-motorized recreational trail, the appropriate extension and dedicated conservation of which have long been an aspiration for many in Mariposa County.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

THE INDUSTRIAL MERCED RIVER CANYON 1849-1950 //

The Gold Rush of 1848 thrust the river canyon into the industrial era. It brought placer, lode, and some hydraulic mining to the area. Virtually every side creek was explored, and some were diverted to pursue better gravels. Before long, small hamlets, mining centers, or farms (Hennessey Ranch) were established. The river itself became an engine of industry, and the canyon was filled with mechanical sounds, such as of stamp mills. This extractive industry expanded over the next century and drew to a close around 1950.

During the heyday of heavy industry (1911-1940) as many as 2000 people lived and worked in the river canyon. This was also a time when there were several little company towns at Bagby, Mountain King Mine, Briceburg, Emory (Miller Gulch), Clearinghouse, and El Portal. These were all supported by the Yosemite Valley Railroad, and as they came and went at different times, their materials were repurposed, usually upstream. Whereas in 1848 it was usually an individual miner, or pairs, or companies seeking gold through placer diggings on side streams, it was not long before mining became largely industrialized; this statewide process actually began in Mariposa County. Colonel John C. Fremont brought industrial mining to the state and to this river.

DRAFT



Courtesy Jack Burgess

Fremont's Merced River project was not just a mill and dam at the river; it required transportation to and from the river. The first incline on the river lowered full ore carts down the fall line from Bunnell Point to a river powered crushing mill. This mill was named Benton Mills for Fremont's prominent father-in-law, Senator Thomas Hart Benton. Unlike later inclines in the canyon the empty carts were pulled up the grade on rails. Mules provided the power. Rails then ran down the route of today's Highway 49 below Pine Tree Mine and over a curving trestle to make the hairpin turn. The mill below eventually reached 80 stamps.

The river took out its first dam, Fremont's, in the flood of 1861. Other dams followed, but as the mines deepened they flooded more, and ore quality was not consistent. In 1873, the bold, "can do" engineering idea of drilling from the river to Mariposa town hitting a series of gold mines at their bottoms failed to pay for itself after 3300 feet of trying.

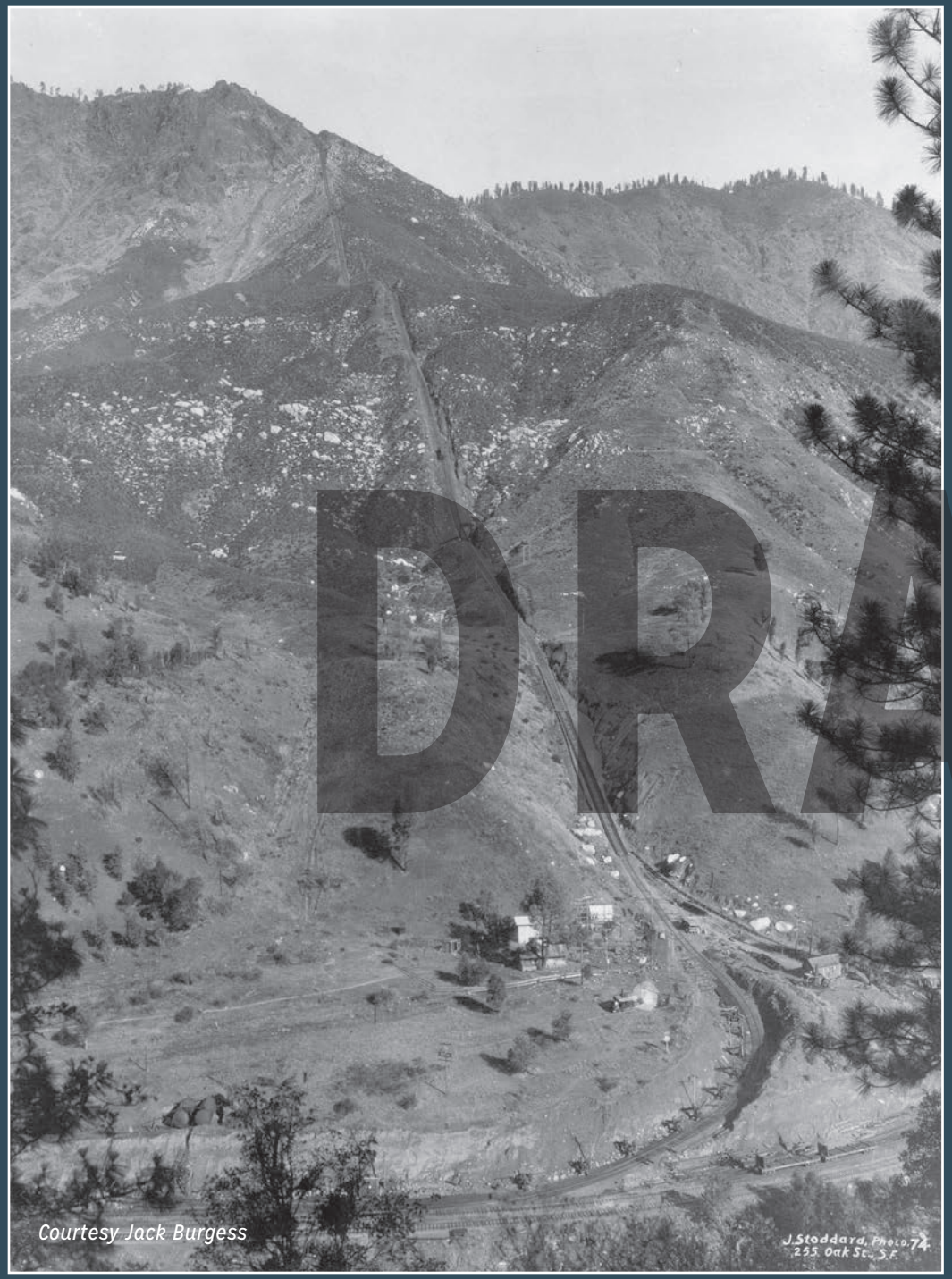
The Benton Mills dam was replaced by others, and the last dam there was for purposes of electrical generation. By then the post office was called Bagby. The Mariposa Commercial and Mining Company built this early electro project to serve their mines about 1900. They soon sold to San Joaquin Light and Power Company. Fire destroyed most of the plant in 1922. Only the bridge was replaced.

By 1923 power from San Joaquin Light and Power was reaching mines and mills at the upper end of the canyon. In 1967 the Merced Irrigation District's second Exchequer Dam flooded the Bagby area and most of its cultural and historic sites. The last hydro projects in the watershed (1980's) were precluded by

INDUSTRIAL LOGGING

The lumber harvested from the Merced River watershed in the early 20th century was transported along the rail grade to industrial centers in the Central Valley, where it was used to build cities throughout California.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



National Wild and Scenic River designations for the main stem and the South Fork of the Merced.

The canyon's inclines are the most visible reminder of the remarkable feats of its industrial era. Inclines further up canyon used the fall line from the source of the raw materials, but they lowered and raised heavy loads at the same time. The loads passed each other at a switch. The keys to the operation were the giant hoist, a heavy cable, and a switching point. Steam donkey engines provided the initial power source. Inclines had to be long, very steep, and moved massive amounts of material.

The Yosemite Logging Company's south incline 1911-12 was 7800' long and had a grade, at one point, of 78%. Stunning tonnages of steel, locomotives, and other machinery were hauled up the track and one key part, the donkey yarder, hauled itself up over the course of three months only to fail at the point of maximum grade. The yarder was demolished; the engineer perished; the lumber company was exonerated. Two others died in 1914, killed by falling limbs, with other fatalities among the loggers.

This illustrates the remarkable human effort and risk the industrial period brought to the Canyon. 35,000,000 feet of lumber went to the mill in 1913. And the later numbers sometimes were much higher. Everything used at the top was hauled up this incline; when the Yosemite Lumber Company ran out of timber near Wawona in 1923, equipment and the infrastructure above was brought back down and moved five miles downriver to the north side of the river.

The second incline across from Indian Flat was 8300' and had a maximum grade of 68%. A second 1600' 45% grade incline had to be constructed above the first. These operations were electrified, with a substation at what is now Indian Flat. The hoist was

RIVER CANYON INCLINES
Remnants of the inclines used to transport raw materials, especially timber, from higher elevations to the rail grade below, are visible in many places throughout the canyon today.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



RIPARIAN FLOODING AND INDUSTRIAL DESTRUCTION
Though contemporary observers likely think of wildfire as the most significant threat from natural disasters in the river canyon, catastrophic wildfire appears to have been relatively uncommon in the river's recent past. Rather, major floods—especially this one in 1937, which inundated the rail grade and destroyed industrial infrastructure throughout the rail corridor—were the biggest concern. 60 years later, similar flooding along the river would have enormous consequences in Yosemite, resulting in significant changes to park operations and policies that shape life in the canyon today.

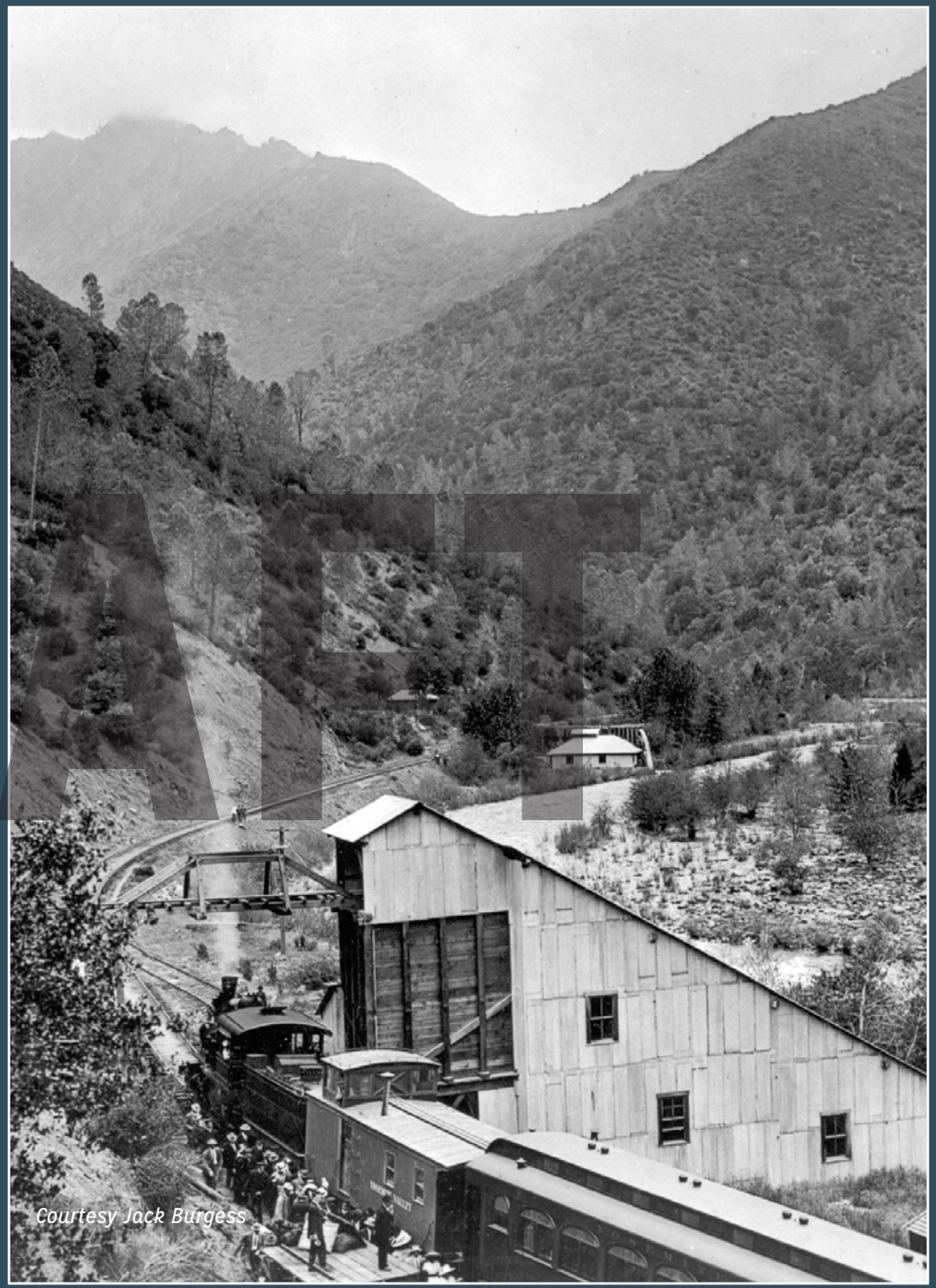
Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

completely electric. In 1924, without missing a season, the new operation produced 60,000,000 feet of lumber; the next year it was 85,000,000. Five hundred men were employed in the woods.

Other inclines were employed at various times downriver. The limestone quarry (Miller Gulch) used to supply a cement plant in Merced, and was active in the 1920's and 1930's. Another shorter incline operated at the Mountain King Mine (gold) which had its heyday in 1915-17. All have left their marks on the river canyon long after the industries shuttered.

The later industrial phase of the inter-war years included gold and barium as well. The first was represented by the Clearinghouse Mine whose buildings remain on lower Incline Road. This was one of the few gold mining areas that, despite the boom and bust of mining, managed to produce in all three boom phases of area gold mining. By the end of its life, however, its gold ore was becoming considerably less profitable. Both the Clearinghouse and the National Lead Company's barium mine (1.5 miles below El Portal on the north side of the river) did well in the 1930's only to diminish later. Gold mining was non-essential in wartime, and better grade, more accessible, barium was available in Nevada.

Mining runs deep in the history of Mariposa County and the Merced River canyon. The abandoned mines in the canyon, most of them quite small, some of them extensive, are potential sites for physical accidents and chemical contamination due to the presence of mercury, arsenic, and acid rock deterioration. These may negatively affect the river. One such example is the private property at Miller Gulch above Briceburg. The old limestone quarry outbuildings burned down in the Ferguson Fire of 2018 and are immediately next to the Wild and Scenic River. As discussed later on in the Vision Plan, the planning process revealed an interest from community participants for leveraging the trail project to



CLEARINGHOUSE MINE
The mine mill shown in the foreground here was one of several sizable buildings that supported operations at the Clearinghouse mine. Many of the structures from that era still exist in that location.

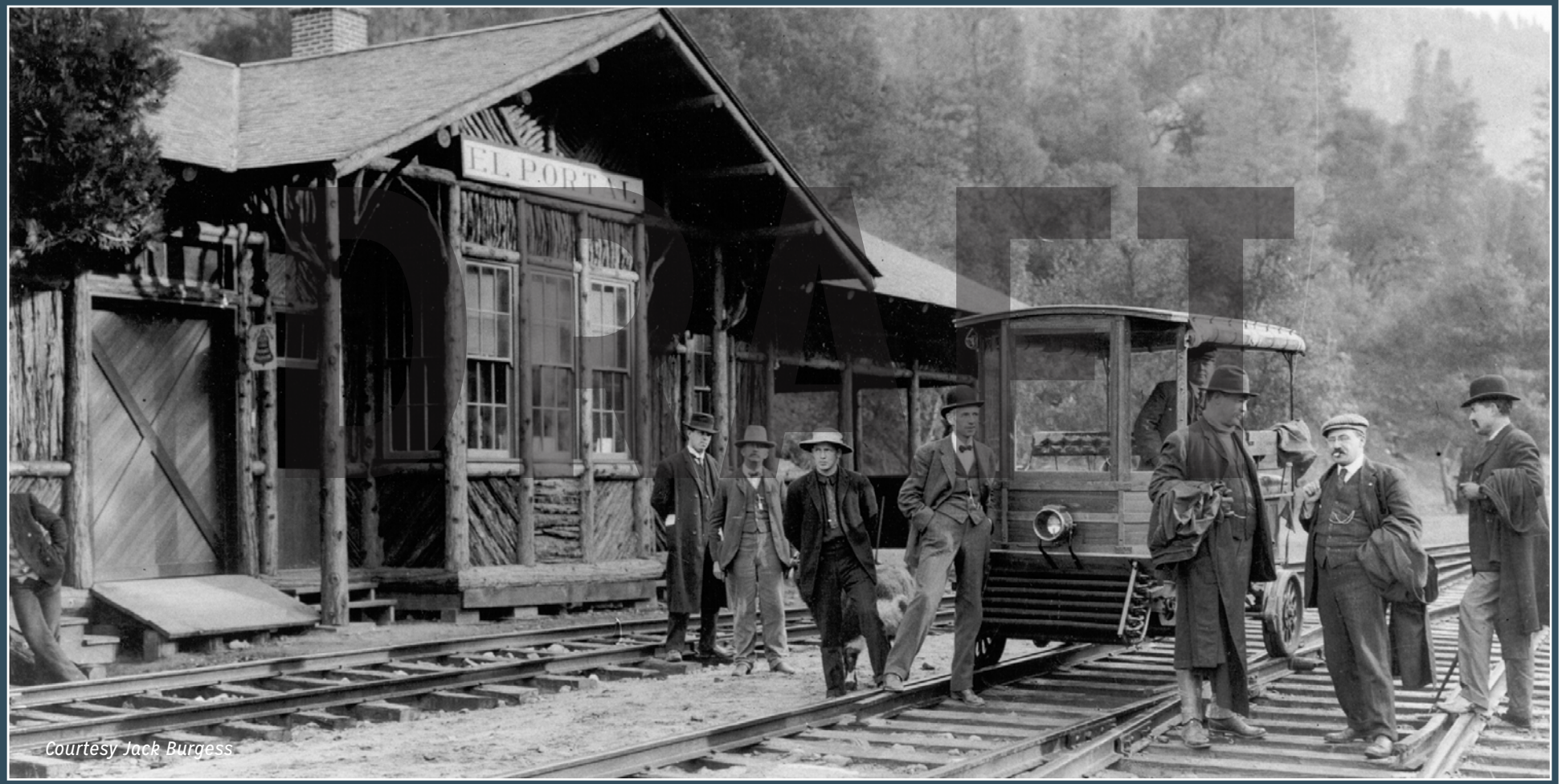
DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

facilitate restoration and enhancement activities on former mine sites in the river canyon such as this one. Many old mines have historic and wildlife values that are more positive.

The heart of the industrial phase of the Canyon story was the Yosemite Valley Railroad (YVRR) which operated from 1906-1945. The railroad, mining, and logging lobbies must have played a significant role in the reduction of Yosemite's western boundaries which had never enjoyed much support in Mariposa. The successful rollback of those boundaries was no guarantee of economic success. The railroad's initial pitch was as a passenger line to Yosemite, but that only worked well for the first 20 years. They later, somewhat desperately, expanded this service to include the automobiles of the wealthy. YVRR played a central role in the development of all the industrial operations touched on above.

Along with electrification, the railroad underlay modernization



Courtesy Jack Burgess

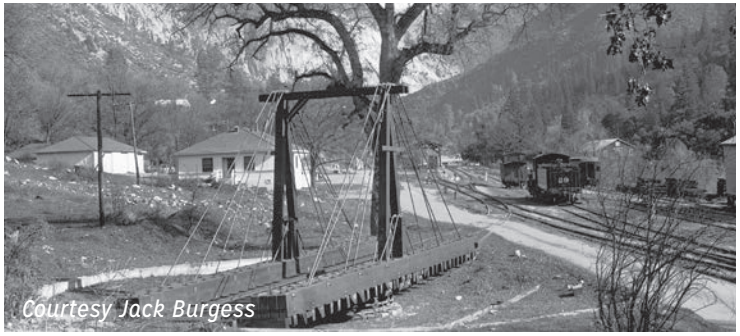
PUBLIC LANDS HOSPITALITY
During the rail's twilight years in the 1940's, the Yosemite Valley Railroad provided passenger service from the Central Valley to Yosemite National Park via El Portal. The station's design, with its heavy emphasis on cedar bark and logs, references the "rustic" architecture that linked it to the park's aesthetics.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

of industrial infrastructure in the canyon. The railroad's peak years were 1925-1926 after which it began a gradual decline to closure in 1945. Root causes of this decline were: the loss of passenger traffic to cars after the opening of Highway 140 in 1926, the decline of freight revenues when the Yosemite Sugar Pine Company sold its holdings to the government to protect Yosemite (Rockefeller Grove purchase), and the costs of repairs after the great flood of 1937. The last but inadequate customers were the limestone quarry and the barium mine.

The closure of the gold mines by the federal government at the outset of World War II did not help the railroad. Had the railroad somehow survived it would have been destroyed again and again by fire and flood. The little towns it spawned with mills, dorms, housing, school, and store are all gone, except for El Portal, which has been completely repurposed to serving tourism.

The canyon is generally very narrow, forcing industry to gamble on what the high water mark would be. Throughout the industrial phase on the Merced River, flood and fire constituted persistent threats and added unforeseen costs to all industrial activity. The single most destructive flood was probably 1937. This wrought havoc with rails, roads, mines, dams, generators, and bridges. Just about every operating industry in the canyon suffered significant loss from fire at one time or another, or repeatedly.



PRESERVED RELICS OF THE PAST
Iconic elements of the canyon's industrial past, such as this turnstile currently located in El Portal, animate the area's present, and provide the basis for historic interpretation through the trail project.

RANCHING AND CATTLE //

Grazing cattle on a permit basis grew out of earlier movements of cattle from the lower foothills to the Sierra by several local ranching families such as Chase, Westfall, Pate, and Meyer. The nature of that changed with the creation of the National Park and the Forest Reserve (which would become the National Forests). After the 1905 withdrawal of 430 square miles from the west side of the original 1890 Park boundary, those lands, which reached to Jenkins Hill and the current US Forest Service western border, became Forest Reserve. These lands were open to industrial exploitation and also grazing. This withdrawal of 1905 was very popular with the mining, logging, and railroad interests. Grazing too was affected.

The Horace Meyer cattle drives and grazing permits may well have been the longest lasting in the Merced River canyon, though it is not clear when they began. The family's lease ended only in 2006. The purpose of grazing was to maintain and expand the stock of cattle rather than for beef. The bulk of this permit grazing occurred between the end of World War II and the mid-1980's. Grazing was facilitated by the failure of the railroad. Today, grazing in the canyon proper appears to be over, though it is not legally excluded.

The following is based on conversation with and a text from Betty Meyer Mankins (b.1937), Horace's daughter. The Meyers were one of three families that grazed the north side of the canyon, which was more sloping, and offered better grass with its sunnier exposure. They always used horses and dogs in their operations, but in more recent days vehicles were used to pick up and deliver stock as well. They paid a fee to the Forest per head to graze their animals. Initially the Meyers grazed from Ned's Gulch upriver to El Portal while the Jenkins Family of the Bull Creek area grazed downstream from there to the North Fork. The Schillings grazed below that to Bagby. Horace lost the Big Meadow operation to the Park in the mid-1960's and eventually moved his grazing below Ned's to cover Bagby to Miller Gulch. Horace worked with and eventually took over the Schilling and Jenkins permits downstream to Bagby. The Forest Service granted permits and "counted in" the cattle at Meyer's corral in El Portal (Rancheria Flat) at the beginning of the season.

Betty writes: "Around 1941 the Meyer's Ranch moved the operation to Hornitos Road and leased land in Whitlock, where Horace (my father) turned-out in March. Then in May, Horace drove cattle from the Summit up Hwy. 140. He camped in the flat below the Octagon and at the PG&E lot above Indian Flat. He then moved onto the gravel pit and swam the cattle across the river. He would turn in a holding field located on Rancheria Flat where the cattle were counted by (the) Forest Service. Rent was determined per animal. Following the count, the cattle were scattered down the river along the railroad grade to Ned's Gulch. When the grass dried, the cattle were moved up Ned's Gulch, Moss Canyon, and Old El Portal Road toward Foresta/Big Meadow. When Highway 140 became too busy

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

"Then in May Horace drove cattle from the Summit up Hwy 140. He camped in the flat below the Octagon and at the PG&E lot above Indian Flat. He then moved onto the gravel pit and swam the cattle across the river....

When the grass dried, the cattle were moved up Ned's Gulch, Moss Canyon, and Old El Portal Road toward Foresta/ Big Meadow. When Hwy 140 became too busy for cattle drives the cattle were hauled by truck to Rancheria Flat and counted by Forest Service, and then scattered along the river canyon."

BETTY MEYER MANKINS, DESCENDANT OF RIVER CANYON RANCHING FAMILY

for cattle drives the cattle were hauled by truck to Rancheria Flat and counted by Forest Service, and then scattered along the river canyon." These Hwy 140 drives involved about 200 head of cattle and were managed by cowboys on horseback: one in front, two in the middle, two or three in back. The riders did their own counting along the way. 2-3 dogs were always along.

After the loss of Big Meadow (mid-1960's) the Meyer operation moved down river, sharing and then acquiring the permits of the other two cattle families. The delivery of stock to the Lower River, Bagby, was also arduous. In this case, the drives went from Meyer's Hornitos properties to Bagby by way of the Bear Valley Road and then down to the river via the Pine Tree Mine. After the construction of the current Bagby Bridge they had to follow the Hell Hollow route of Highway 49 North and then cross the bridge to turn up the abandoned railroad grade. Here they were dispersed to graze. Before the current bridge they found a new use for the Fremont incline road down the fall line from Bunnell Point. This is the spot north of the Pine Tree Mine site from which Half Dome is visible. "That was the shortest way." The cattle were usually taken out by way of Bagby and Bear Valley, but some were taken out by truck from Briceburg in later years. Meyer had a small corral there.

Grazing continues to be legal in the steep Merced River canyon, and there is an active permit (but no actual cattle). Permitting has become more complicated and current permits come with a fencing requirement. Merced Irrigation District has no interest in having cattle by the water, and BLM is primarily focused on the recreational uses in the canyon itself. The logistics and economics of grazing cattle on the steep slopes may not make sense today. While legal and theoretically possible, grazing in the BLM portion would have to satisfy the requirements of both BLM and MID. According to BLM sources, there remain a few feral cattle from earlier leases. These can cause problems and occur on both sides of the Lower Merced, ie, in the Sherlock Creek Area about 7 miles below Briceburg.

DRAFT



Courtesy Betty Mankins

BIG MEADOW CATTLE PENS
When browse became more scarce in lower elevations in the foothills, some Mariposa-area ranching outfits moved herds to higher elevations, where mountain meadows provided forage for cattle in the warmer months. Some families moved herds through the Merced River canyon to access landscapes like Big Meadow near Foresta.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CONSERVATION AND RECREATION: THE CANYON TODAY //

Highway 140 is one of three western access routes to Yosemite National Park, and while it is used less than the others, it is still used heavily, particularly during the winter and spring. It is the preferred all-weather route at the time of year when tourism is reduced somewhat. Day use is the norm today.

The rapid expansion of short-term vacation rentals in the Mariposa area testifies to the popularity of day use. Heavy use of the highway has already had consequences in the canyon. One hears the sounds of the river from the road, but one also hears the sounds of the road from the river. Dispersed camping on the western edge of Yosemite is limited so there are occasionally inappropriate campsites. Pressure on canyon resources will increase as park visitation expands. Today, Yosemite directs visitors to the canyon as a recreational option. Park closures also seem to increase the interest in canyon recreation.

The Merced River canyon today did not have to look the way it does now. Despite its industrial past it remains largely undeveloped and unmarred by commercial development. It provides a spectacular access to the park in all seasons. Especially amazing are the flower displays in the spring. There is little of the industrial past left to see. And if we cherish the canyon as it is now we should be grateful for that.

In 1983 Merced Irrigation District wanted to put a large dam on the South Fork, and Mariposa came to expect water from the same. The necessary infrastructure and the dam itself would have completely altered the wild and steep South Fork canyon. This project, along with other smaller hydro projects on the Merced River itself, were prevented by the designation of both the Merced River and its South Fork as National Wild and Scenic Rivers.

Designation was the work of a national campaign doggedly pursued by the local Merced Canyon Committee. The push for dams in the 1980's grew out of the Energy Crisis and Oil Embargo, but in the Western US this push came up against a countervailing need to protect the few remaining undammed river miles. Today less than a quarter of one percent of the country's river miles are in the National Wild and Scenic River system.

Many of those miles are in California, and since 1992, 114 miles are in Mariposa County. The Merced River above Briceburg was added to this system in 1987 by Act of Congress and signed into law by President Reagan. It takes an Act of Congress to change an Act of Congress, so the designation seems fairly secure. Had the Merced Irrigation District (MID) project gone through and been built it would doubtless have been severely damaged or destroyed in the Ferguson Fire of 2019 and the flood of 1997. As described in the following section, the designation of the river as a National Wild and Scenic River is now the basis of planning in the Merced River canyon. The management and protection of the outstanding qualities of the rivers is left to federal land management agencies.

Mariposa County's claim to the water of the South Fork was as old as the county itself but had proved impractical. The Wild and Scenic designation finally created the opportunity for a greater realism, which was realized in the Saxon Creek Project in the early 1990's. For this reason, in part, the Merced River below Briceburg was not designated until 1992. This functional twelve-inch "straw" in the river was worth much more than a fantasy and helped get Mariposa town through the severe water shortage of 2015. The Saxon Creek Project pumping station now sends Merced River water to Stockton Creek reservoir. It is buried deep below the incline road a mile down from Briceburg. BLM insisted on an almost invisible project. BLM also used the five year delay to bring an end to a obvious tendency by some miners to lay private claim to public lands, ie. discouraging public access. Today mining rivers and streams using dredges is illegal in California according to the Fish and Game Code.

A number of major resource issues have arisen since designation. This includes, of course, the required management plans from BLM, USFS, and NPS, wherein the agencies laid out their goals and objectives for the Wild and Scenic Merced and South Fork (USFS). The


Dalton. PAGE TEN

Citizens Group Formed

El Portal Hydro Meeting

Eighty people attended an important public meeting at the El Portal Community hall on Thursday, April 28. The meeting was largely an informational one with Dr. Ralph Mender- a "ripoff" of Mari County. He stressed the South Fork of Merced is one of State's few Wild T Streams and has po tial Wild and Sc River status nation

LOCAL CONSERVATION LEADERSHIP
In the 1980's, Mariposans organized to advocate for the conservation and protection of the Merced River, and secured federal designation of the upper portions of the river and its canyon as Wild and Scenic. Continued citizen leadership will be necessary for the Merced River Trail vision to be realized.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

plans are discussed elsewhere in this section. The Ferguson Slide repair of Highway 140 has also to contend with the problem of "emergency" buttresses in the river, a clear violation of the Wild and Scenic Rivers Act. The South Side rock shed fix to the slide is the best way to protect the river and is the present solution.

MID has tried to raise its lake level through various means, but this too has come up against the protected status of the river. Although MID has not abandoned its effort for a slight increase in capacity, it has yet to make any progress, even during a most politically favorable time (2016-2020). It is not clear why they have not pursued the matter recently.

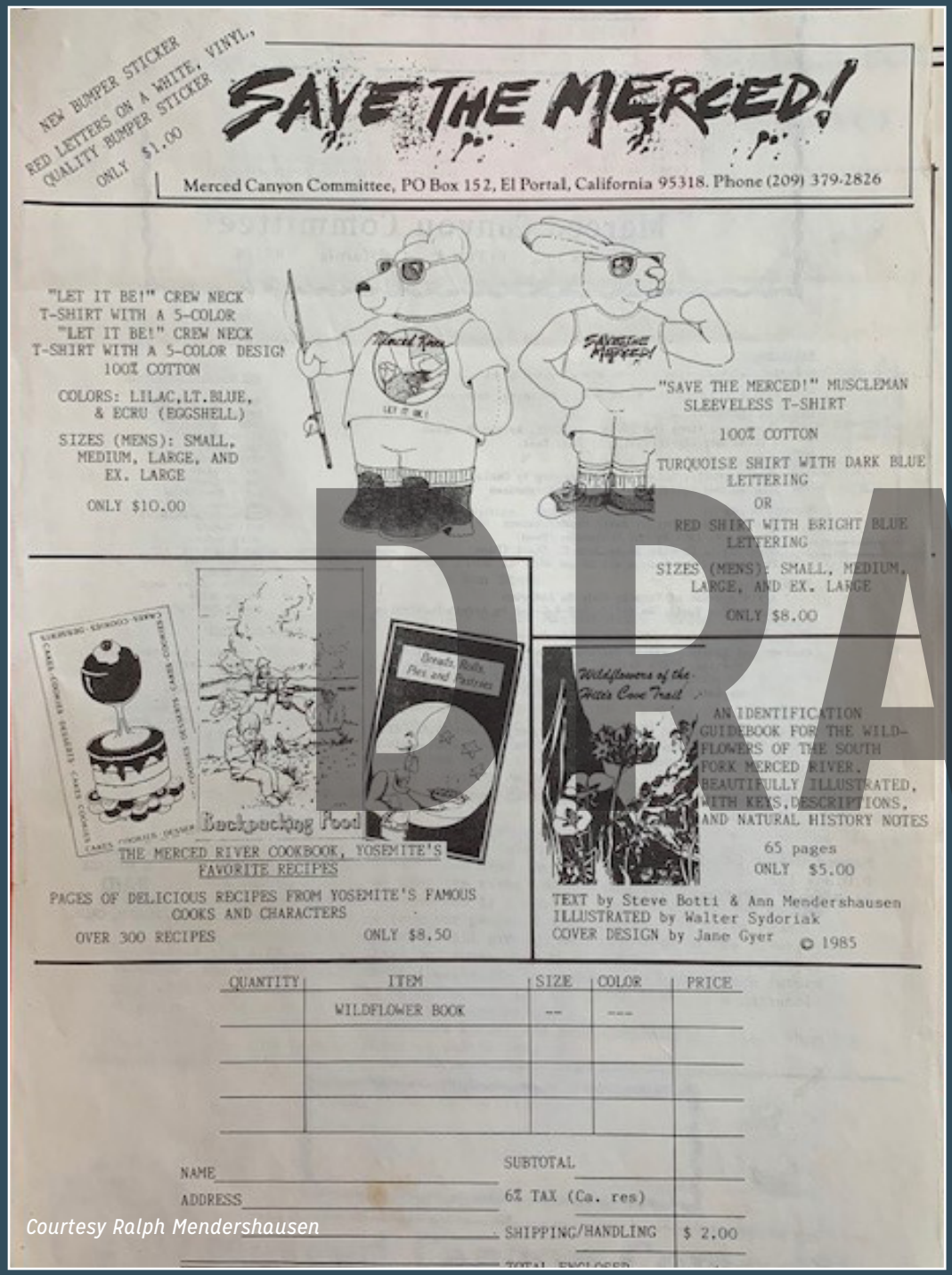
The Merced River Trail itself emerges as a distinct planning concept with the Wild and Scenic designation of the Merced River. In early August 1989 the National Park Service's Western Region released a 30-page report marking a collaborative planning effort by NPS, BLM, USFS, MID, and Mariposa County: "Merced River Trail: Opportunities and Constraints." The first paragraph in the report reads: "The Merced River Trail combines a Wild and Scenic River, one of the nation's premier national parks, a fascinating history, and important ecological areas into an exciting opportunity for a hiking, bicycling, and equestrian trail. The abandoned Yosemite Valley Railroad bed provides a route that, with very little additional work, can become a prime recreational resource in the Merced River canyon." The full study is included in Appendix M.

Thirty years later we can see that the initial concept of the trail was heavy on the opportunities of the situation. Today Mariposa County is partner with other agencies seeking ways to provide opportunities while protecting the many outstanding and remarkable values of the Merced River Canyon.

NON-PROFIT ORGANIZATION AND ACTION

After the industrial era, several local non-profits, including the Merced Canyon Committee, Merced River Conservation Committee, and Upper Merced River Watershed Council have formed to serve the river and its landscape.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Courtesy Ralph Mendershausen

PLANNING CONTEXT //

This Vision Plan does not stand alone as the only or even primary planning document for the Merced River Trail project. Rather, it exists in a wider context of federal, local, and state/regional planning efforts that this project builds upon, directly implements, and/or must take into account in order to be both appropriate and actionable. This section summarizes the specific implications of these previous planning efforts for the Merced River Trail.

FEDERAL PLANNING CONTEXT //

Nearly all of the Merced River Trail is located in the public domain, on lands managed by the Bureau of Land Management, US Forest Service, and National Park Service. Since the river is designated as Wild and Scenic (WSR) in all of these jurisdictions, each agency has their own WSR management plan, and each has direct relevance to the Merced River Trail. Understanding these previous federal planning efforts and their handling of the Merced River Trail concept is essential to developing a feasible Vision Plan and recommendations for the trail that aligns with federal priorities and authorities.

WILD AND SCENIC RIVER ACT



APPROXIMATELY

23 MILES

OF EXISTING AND POTENTIAL MERCED RIVER TRAIL IN WILD AND SCENIC RIVER JURISDICTION

The Merced River is a component of the National Wild and Scenic Rivers System (NWSRS), which was established by Congress in 1968 through the passage of the Wild and Scenic Rivers Act (WSRA; Public Law 90-542; 16 U.S.C. 1271). The Act protects rivers with outstanding natural, cultural, recreational, and similar values for the enjoyment of present and future generations.

The law preserves the free flow and excellent water quality of rivers in the national system, while allowing for appropriate use and development that does not adversely affect the river's outstandingly remarkable values (ORV). As noted in the Act:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (Wild & Scenic Rivers Act, October 2, 1968)

The WSRA requires federal agencies to "protect and enhance" ORV, establish legal boundaries for designated areas, and classify federally administered rivers in the NWSRS. Section 2(b) of the WSRA defines the following river classifications:

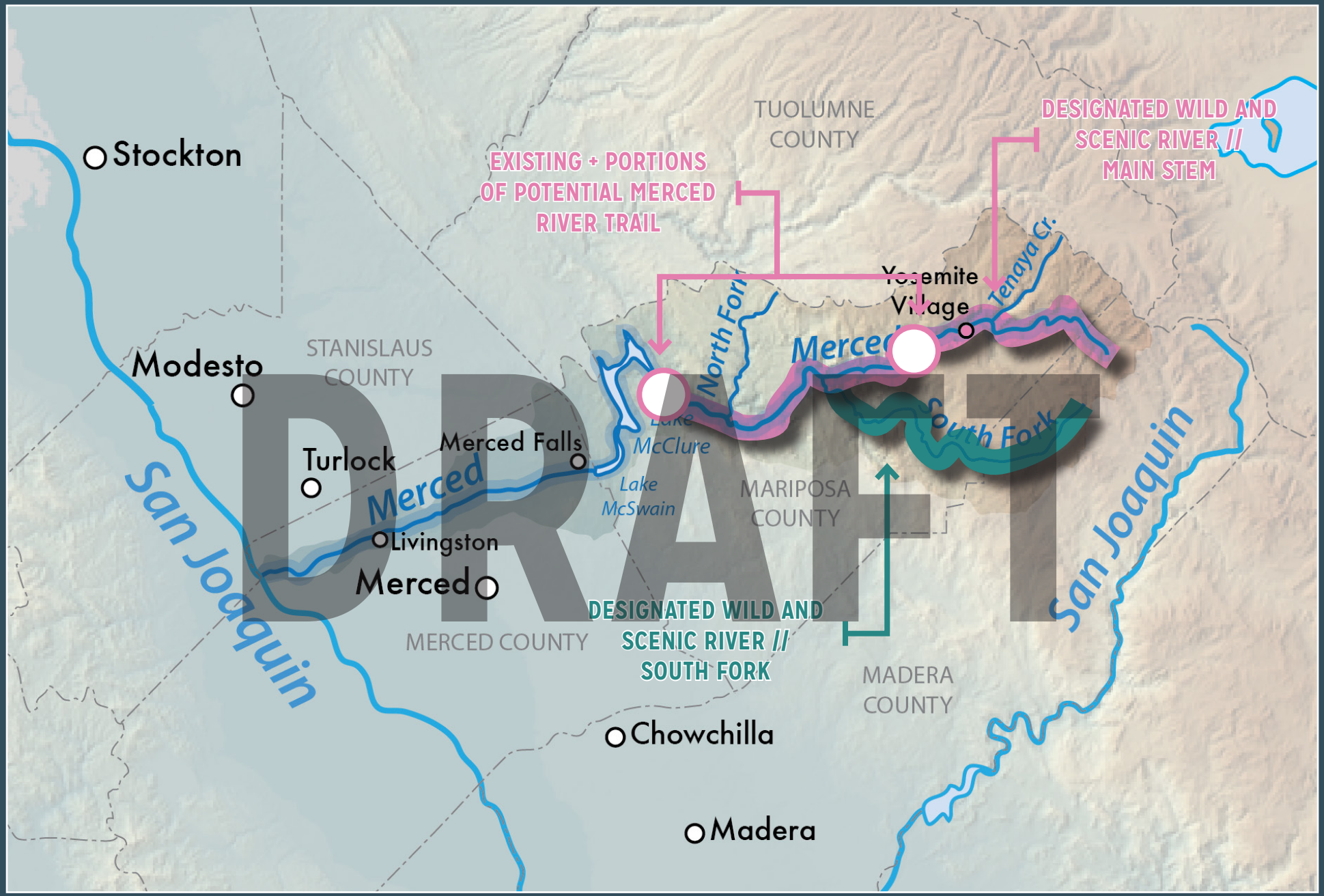
Wild River Areas:
Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic River Areas:
Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational River Areas:
Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ENHANCED FEDERAL PROTECTION

The Wild and Scenic Rivers Act affords significant protections to preserve the "natural, cultural, and recreational values" of river segments in the United States, including 122.5 miles of the main stem and South Fork of the Merced River. The existing segments of the Merced River Trail and much of the proposed trail follows the designated areas of the main stem.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Section 4(d) of the WSRA establishes river corridor boundaries for administering agencies, mandating protection of the free-flowing nature, water quality, and unique ORV, regardless of classification. The legal boundary established for Section 4(d) "shall generally comprise that area measured within 1/4 mile from the Ordinary High Water Mark on each side of river." (WSRA, October 2, 1968)

Section 7 of the WSRA requires a rigorous process to ensure that proposed "water resources projects," implemented or assisted by federal agencies within the bed and banks of designated rivers, and/or the tributaries to the main stem, do not have a "direct and adverse effect" on the values for which the river was designated. "Water resources projects" include non-Federal Energy Regulatory Commission (FERC) licensed projects, such as dams, water diversions, fisheries habitat and watershed restoration, bridges and other roadway construction/reconstruction, bank stabilization, channelization, levees, boat ramps, and piers that occur within the bed and banks of a designated WSR, and those that affect the river's free-flowing characteristics. Water resources projects that may have a direct and adverse effect on the ORV must either be: redesigned and resubmitted for a subsequent Section 7 determination; abandoned; or may proceed following written notification of the Secretary of Interior and the United States Congress.

"From its source on the south side of Mount Lyell at 13,114 feet, through a glacially carved canyon within Yosemite National Park, the river flows downstream to Lake McClure Reservoir.

The Merced, including the South Fork, flows through exceptional scenery—glaciated peaks, lakes and alpine and subalpine meadows—in alternating pools and cascades. Wildflower displays are spectacular."

MERCED RIVER WILD AND SCENIC DESIGNATION

MERCED WILD AND SCENIC RIVER DESIGNATION

On November 2, 1987, Public Law 100-149 amended the WSRA by including 114.5 miles of the Merced River in the National Wild and Scenic Rivers System. The designation applies to the section of river extending from the headwaters in Yosemite National Park (YNP) to a point 300 feet upstream of the confluence of Bear Creek (71 miles), and the South Fork of the river from its headwaters in YNP to the confluence with the main stem (43.5 miles). Specific sections are administered by the Secretary of the Department of Interior (DOI), and the Secretary of the Department of Agriculture (DOA). The National Park Service (NPS) and Bureau of Land Management (BLM) are agencies within the DOI, and the U.S. Forest Service (USFS) is an agency within the DOA. On October 23, 1992, Public Law 102-432 amended the WSRA, to include 8 additional miles of the lower Merced River into the NWSRS, administered by the BLM. This lower segment begins near Briceburg, and ends at Lake McClure, totaling 12 miles under BLM's management responsibility. Following the 1992 amendment to WSRA, a total of 122.5 miles of the Merced are included in the NWSRS.

This segment was proposed for designation after the initial designation of the upper Merced River for two reason. First, BLM was tasked with removing illegal occupation and adverse mining activities along the lower Merced. Second, a multiple agency planning effort was needed to design and approve a drinking water system for Mariposa County. The Sierra National Forest (SNF) manages 29.5 miles of the Merced WSR corridor (including the South Fork Merced River). BLM manages the whitewater rafting program in the Merced River corridor from Redbud put-in downstream to the WSR boundary.

Today, the Merced River Trail formally exists along nearly 12 miles of the main stem of the federally designated Merced Wild and Scenic River. The existing trail is located entirely in BLM jurisdiction. As will be described elsewhere in this Vision Plan, an additional 11.5 miles of trail and—about 8.5 miles in USFS jurisdiction and about 3 miles in NPS jurisdiction—are included in the recommended trail route between Bagby and Yosemite National Park. Additional miles of the recommended trail route are in the Merced River watershed, but not located adjacent to the federally designated river and therefore are outside of the WSR area.

Nonetheless, the individual and collaborative WSR planning initiatives for each of these federal agencies are extremely relevant to the community's vision for the Merced River Trail, and are described in more detail in the following sections.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

BLM // USFS JOINT AGENCY PLANNING

As neighboring federal agencies with shared responsibilities to administer the Wild and Scenic River Act on the Merced River, BLM and USFS collaborated, with USFS as lead agency, to jointly develop several planning and environmental compliance documents for the river in their respective jurisdictions. These include:

- "South Fork and Merced Wild and Scenic River Final Environmental Impact Statement, March 1991 (MWSR FEIS)"
- "South Fork and Merced Wild and Scenic River Record of Decision, November 1991 (MWSR ROD)"
- "South Fork and Merced Wild and Scenic River Implementation Plan, November 1991 (MWSR IP)"

The plans were developed while considering the following responsibilities: "(1) Protect the free-flowing condition of the river, preserve and protect the values for which it was designated; (2) Provide recreational opportunities within the capability of the resource" (USFS and BLM 1991). The MWSR Boundary EA established and documented the wild and scenic river boundary, and the associated segment classifications (i.e., "wild", "scenic", and "recreational" segments) for both agencies. The 1991 MWSR FEIS plan described wildlife/fisheries, vegetation, geologic, historical/cultural, recreational, and scenic ORV that will be protected and enhanced through the plan implementation. They are:

the geologic/mineral ORV, which emphasizes a metamorphic belt of steep metasedimentary and metavolcanic rocks of Paleozoic and Mesozoic ages; placer gold deposits in stream alluvium, and gravel terraces above the river;

the scenic ORV, which describes the entire WSR corridor, highlighting the river's free flow, scenic steep-sided gorges, and heavily dissected ridges and deep narrow canyons;

the wildlife/fisheries ORV, which includes a diverse range of native and introduced fish species, abundant bird and animal species. The rarest species within the river corridor under BLM's jurisdiction is the limestone salamander (*Hydromantes brunus*), listed as threatened under the California's Endangered Species Act. Their range is restricted to a 20-mile stretch of the Merced from Sweetwater Creek to the headwaters of Lake McClure;

the vegetation/rare plants ORV, which consists of special status species occurring within the Merced River corridor between El Portal and Briceburg, to include: Yosemite onion (*Allium yosemitense*), Congdon's lewisia (*Lewisa congdonii*), Merced clarkia (*Clarkia linqulata*), Congdon's wooly sunflower (*Eriophyllum congdonii*), and shaggyhair lupine (*Lupinus spectabilis*);

the cultural resource ORV, which is described as recorded Indian grinding rocks and habitation sites (midden and bedrock mortars) overlain with historic features, such as building remnants and grave sites, historic cabins, and other nineteenth century lode gold mining features.

Two historic properties are located in the corridor under BLM's management authority: (1) Yosemite Valley Railroad operated between 1907-1945, carrying passengers and freight through the canyon, from Merced to El Portal; (2) The historic Briceburg Inn, now used as a BLM visitor center, is an architecturally significant building constructed in 1927. Prior to its construction, the parcel was the site of Camp E, a convict labor camp for prisoners who constructed the Yosemite All-Year Highway (now State Route 140); and

the recreation ORV includes unique whitewater boating, camping, fishing, hiking, swimming, and recreational mining for gold.

The 1991 MWSR USFS/BLM ROD documented the agencies' decision to select Alternative C for managing segments within their respective jurisdictions. The MWSR Implementation Plan provides a consistent vision for future management of the wild and scenic river, while addressing specific resource management questions, and resolving conflicts of use within the river corridor.

Plan objectives, with areas of particular relevance for the Merced River Trail **highlighted**, include:

- Provide for the long term protection for ORV, free-flow, and water quality of the MWSR.
- **Manage segments for visitor use and enjoyment, while leaving areas unimpaired for future use and enjoyment as a natural setting.**
- **Establish levels of hiking, camping, fishing, off-road vehicle, grazing, and mining use that prevent degradation of the area's character.**
- Provide varying levels of accessible, barrier-free facilities and programs for all recreation users.
- **Coordinate management of lands within the WSR with other agencies, and maintain relationships with the public and user groups.**
- Provide cost-efficient fire management program; maintain fuel load conditions consistent with natural fire ecology within the river corridor.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



FEDERAL DESIGNATION AND PROTECTION
The Merced River's designation as a Wild and Scenic River compels the federal agencies with jurisdiction over the designated segments—in this case, Bureau of Land Management, US Forest Service, and National Park Service—to plan and take action to conserve and enhance the river qualities that make it worthy of federal designation. These include ecological, historic, and recreational values that have serve as the foundation of the Merced River Trail Vision Plan.

- Manage stream channels and riparian zones to provide quality habitat for self-sustaining trout populations.
- Implement practices to retain soil stability, productivity, and water and air quality.
- Manage the MWSR corridor effectively, while responding to compatible economic and social needs of the public and local communities.
- Maintain or enhance the habitat of threatened, endangered, rare and sensitive plants and animals within the area.

The implementation plan calls for specific recreation-related objectives for the main stem MWSR corridor (classified as "recreational"), including several with particular relevance for the Merced River Trail, which have been **highlighted**.

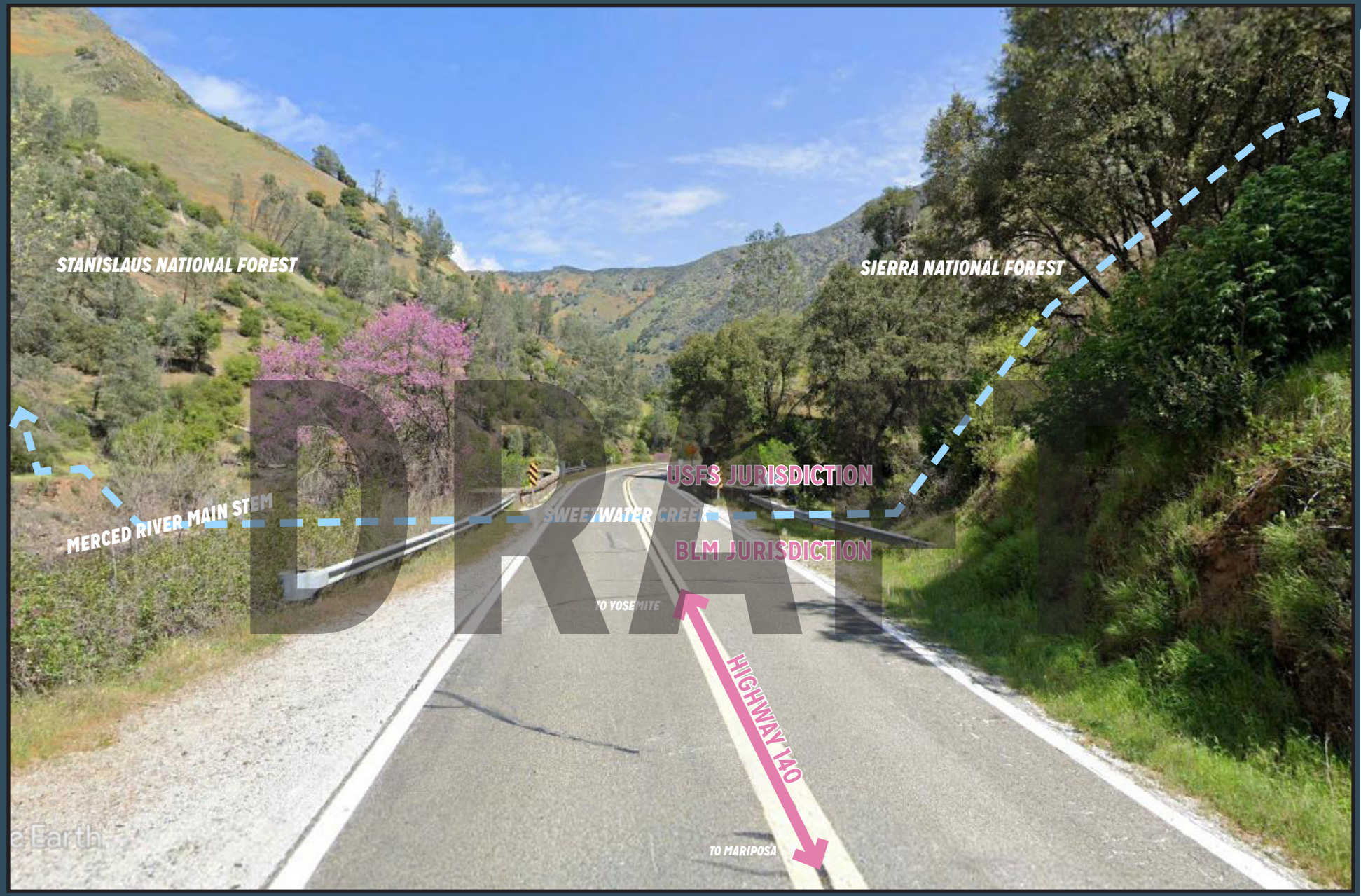
- **Allow the potential multi-agency "Merced River Trail" on the old Incline railroad grade to be implemented on USFS and BLM administered lands. Manage for foot, horse and mountain bicycle use. Develop trailhead and parking at designated road access points. Recreation capacity would increase from the current levels of use within the MWSR "recreation" zone if the trail is constructed. This action would include a planned monitoring approach, public use controls and sanitation facilities to mitigate potential negative effects.**
- Identify new or existing trails that require re-construction or rehabilitation; **analyze and identify types of uses permitted on the trail system**; when possible, provide separate trails for equestrian and bicycle use, while permitting hikers on both systems.
- Identify and interpret significant cultural resources that are not subject to damage from increased use.
- Construct new recreation facilities in existing development areas to meet existing needs.
- **Obtain easements for public access across private lands; acquire scenic easements, or purchase private lands within corridor boundary.**
- Complete fire management, water monitoring and protection, and visual resource monitoring plans.
- Prohibit motorized access in or across all "wild" segments, with the exception of private landowner's legal right-of-way.
- Establish whitewater allocations based on existing carrying capacity of the river recreation resources.
- Maintain trails consistent with Recreation Opportunity System (ROS)* at levels determined designated river opportunity class or zone.
- Develop a carrying capacity for the river corridor; adopt Limits of Acceptable Change (LAC)**, monitor and adjust capacities, permits, and/or allocations to protect ORV. Monitoring system findings may trigger future management changes.

*The Recreation Opportunity Spectrum is a recreation management process, an approach to assessing carrying capacity that agencies use for decision-making regarding the type of conditions that will be permitted.

**The LAC is used for classifying areas in relation to the types of recreation opportunity experiences that are or can be provided, and the settings in which they occur.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

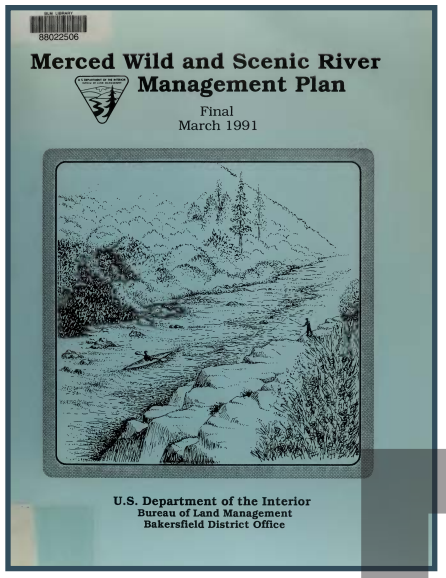


JURISDICTIONAL CONFLUENCE

The boundary between BLM (downstream) and USFS (upstream) jurisdiction in the Merced River canyon is located roughly where Sweetwater Creek meets the main stem of the Merced River. Additionally, within USFS jurisdiction, the Merced serves as the boundary between Sierra and Stanislaus National Forests, with both units having management and operational responsibilities in the area. This mix of administrative roles emphasizes the importance of collaborative interagency planning in the canyon.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

BUREAU OF LAND MANAGEMENT



APPROXIMATELY
12 MILES
OF EXISTING MERCED RIVER TRAIL IN BLM-MANAGED WILD AND SCENIC RIVER JURISDICTION

The Federal Land Policy and Management Act of 1976 authorizes BLM to enforce laws relating to the public lands or their resources. In compliance with the WSRA, BLM and USFS identified the river corridor boundary and classified river segments under their legal jurisdictions (USFS 1989).

BLM completed a MWSR Management Plan in March 1991, for the 12 miles of river under their authority, outside of USFS and NPS boundaries, including commercial boating management of river segments within the Merced River corridor, from Redbud put-in (Foresta Bridge) to the Briceburg segment (near confluence of Bear Creek). Although the plan was finalized prior to the addition of 8 miles of the MWSR under their administration, the plan assumed that segment of river would be designated. River segments solely administered by BLM, which together include all of the existing Merced River Trail, are classified as follows:

Recreational segment (4 miles):
from the USFS/BLM boundary, to 300' upstream of confluence of Bear Creek and the Merced River.

Recreational segment (5 miles):
300' upstream from confluence of Bear Creek and the Merced River to Mountain King Mine

Wild segment (3 miles):
Mountain King Mine to Lake McClure at the 867' level,which is the reservoir height of the impoundment by the new Exchequer Dam.

The 1991 BLM MWSR Final Management Plan lists specific area objectives for the segments of river within the agency's sole jurisdiction. Those with particular relevance to the Merced River Trail have been **highlighted**.

- Preserve and enhance the quality of the viewshed and watershed.
- Preserve and enhance riparian habitat.
- Maintain and enhance water quality.
- Maintain and enhance wildlife and fisheries values with special emphasis and priority given to the limestone salamander and its habitat.
- Maintain a diversity of land based and water based recreation opportunities.
- **Minimize long term human influence outside of existing and proposed development sites.**
- Meet Mariposa County water management needs with minimum environmental impact to the river.
- Eliminate and prohibit residential occupancy of the wild and scenic river corridor on public land.
- **Acquire private land within the wild and scenic river corridor by exchange, easement, sale or other voluntary means.**
- **Maintain an appropriate level of use in order to provide the desired recreational experience.**

Additionally, the BLM "Sierra Resource Management Plan" (SRMP), and its ROD released in 2008, documents where and how the agency's Mother Lode Field Office will administer the public lands within the Sierra Resource Management Area. The SRMP states the agency will manage the Merced River, a Special Recreation Management Area (SRMA), in accordance with the BLM MWSR Management Plan, 1991.

The river will be managed to preserve and protect ORV, and recreational opportunities will be provided as appropriate. Land use conflicts will be examined and resolved in favor of the preservation and enhancement of natural resources. Recreational and other uses will be managed to minimize use conflicts and to maintain a high degree of user satisfaction. The plan states that the agency will "build/support development of a non-motorized trail between Bagby and El Portal" (SRMP 2008).

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



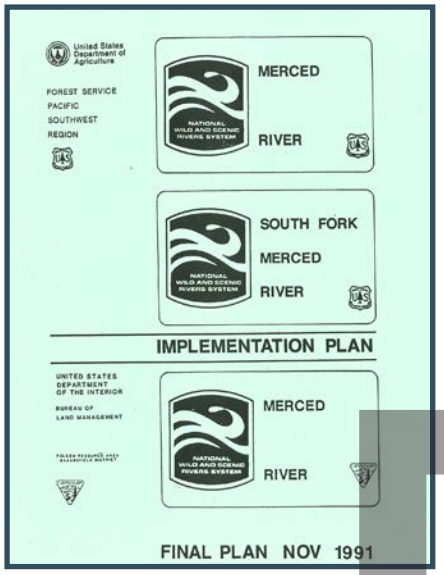
DRAFT

BLM PLAN IMPLEMENTATION

Since the agency's Wild and Scenic River management plan was adopted, BLM has implemented and currently maintains a trail along the historic Yosemite Valley Railroad grade within the agency's jurisdiction, which includes nearly 12 river miles of Wild and Scenic river.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

US FOREST SERVICE



APPROXIMATELY

8.5 MILES

OF POTENTIAL TRAIL IN USFS-MANAGED WILD AND SCENIC RIVER JURISDICTION

The USFS was established in 1905, with their mission is to sustain healthy, diverse, and productive forests and grasslands for present and future generations.. The BLM/USFS MWSR Implementation Plan guides the management of MWSR segments within BLM and USFS jurisdictions.

The Merced River forms the boundary between the Stanislaus and Sierra National Forest, with both forests assigned jurisdiction of the Merced River corridor. However, as authorized by a special agreement, the SNF administers the MWSR corridor under the jurisdiction of both forests. As written in their implementation plan, the MWSR and its immediate environments will be managed to protect the ORV, while providing opportunities for public recreation based on the classification of each river segment (USDA USFS 2017).

SIERRA NATIONAL FOREST

The SNF manages the following MWSR segments on the main stem and South Fork of the Merced.

On the Merced River main stem:

Recreational (12 miles):

From the boundary of the Stanislaus and SNF and the El Portal Administrative Site, to the BLM/USFS boundary downstream.*

On the South Fork of the Merced:

Wild (3 miles shared):

From Johnston Creek to Madera/Mariposa County line. SNF administers the south side of the river, and YNP administers the north side.

Wild (12 miles):

From YNP/SNF boundary to 1.5 miles east of Hites Cove (two private parcels in segment)

Scenic (2 miles):

From 1.5 miles east of Hites Cove, to .5 miles downstream west of Hites Cove

Wild (3 miles):

From 1.5 miles downstream west of Hites Cove to .5 miles upstream from confluence with the main stem

Recreational (.5 miles):

From confluence with the main stem to .5 miles upstream on South Fork

Note that the 12 recreational miles on the main stem of the river include the historic Yosemite Valley Railroad grade, which is identified in agency planning efforts as the location of the future Merced River Trail. However, as will be discussed in greater detail in Chapter 3, the trail has not yet been formally designated in USFS jurisdiction.

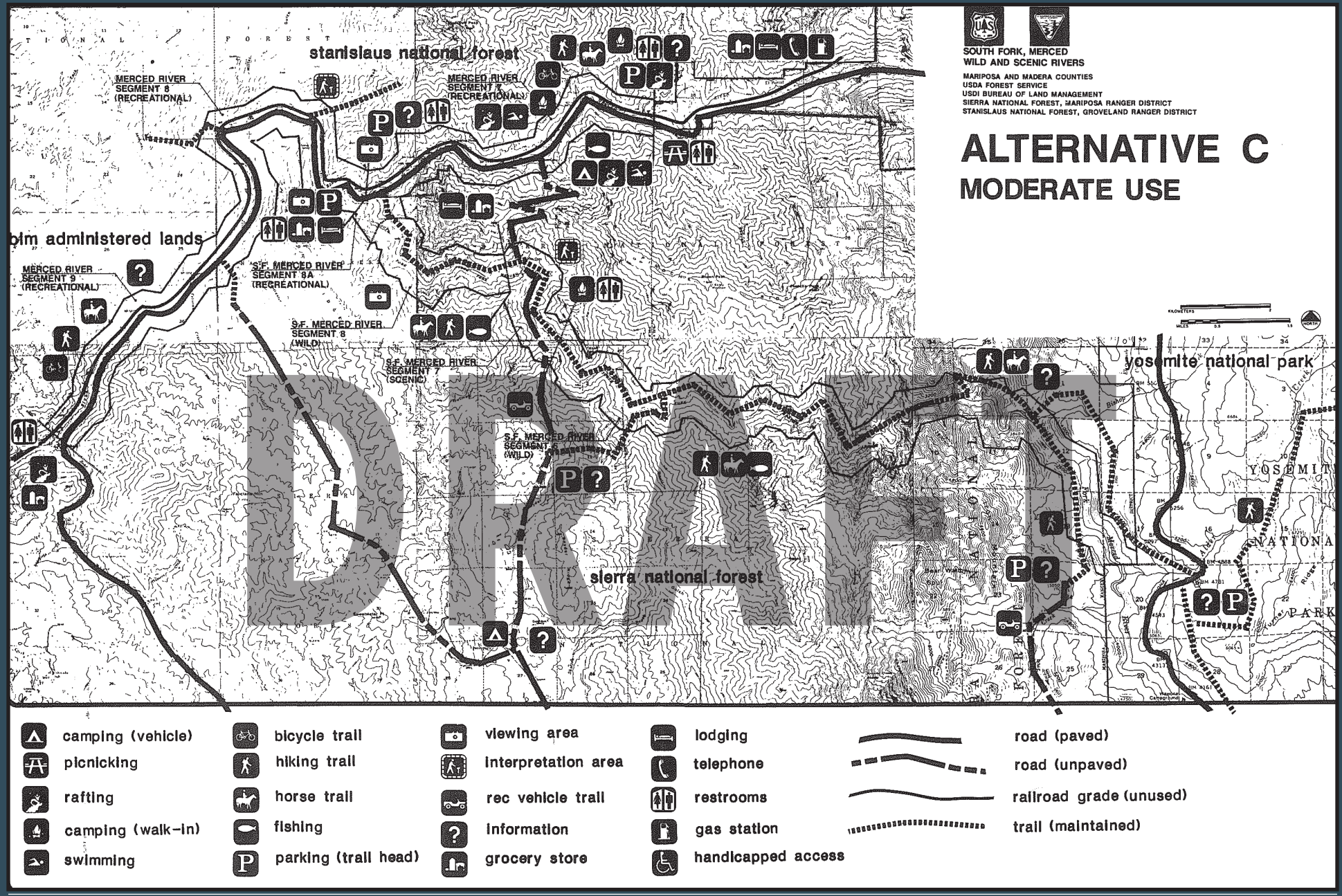
Additionally, though the South Fork includes world-class natural and cultural resources, this portion of the WSR is not directly related to the Merced River Trail project. However, while the South Fork is not specifically addressed in this Vision Plan, the Hites Cove Trail along the South Fork is keenly relevant for several recommendations described in Chapter 3.

In June 2022, SNF released the “Land Management Plan for the Sierra National Forest” (Forest Plan), a tool guiding

*BLM administers the commercial boating program for that segment and the additional 4 miles downstream under their authority.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



JOINT US FOREST SERVICE ROLE

The main stem of the Merced River is the boundary between Stanislaus National Forest (north of the river) and Sierra National Forest. Since the historic Yosemite Valley Railroad is on the northern banks of the river, the trail itself is in Stanislaus National Forest. However, existing USFS recreation facilities along the river in the Stanislaus are managed, through agency agreements, by the Sierra, meaning that both forests have responsibilities in implementing the preferred management alternative in the USFS Wild and Scenic River plan.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

management and decision-making involved with lands under their jurisdiction. All projects and activities must be consistent with the Forest Plan, which identifies long-term or overall desired conditions and provides general direction for achieving them. The 2022 Forest Plan revises the 1991 version, and focuses on the following purpose and need, with topics of particular relevance to the Merced River Trail **highlighted**.:

- Reduce the risk of large high-intensity wildfires to communities and assets; increase the ability to manage wildfires to meet resource objectives, and reduce smoke impacts on communities.
- Restore the resilience of terrestrial, aquatic, and riparian ecosystems to fire, drought, and climate; restore wildlife, fish, and plant habitat and diversity, while reducing the risk of wildfire impacts on species and habitat.
- Provide **sustainable and diverse recreation opportunities**, considering population demographics. Reflect desire of local communities, and **avoid overcrowding and use conflicts to minimize resource damage.**
- **Protect cultural resources,** and update management direction for wilderness and wild and scenic rivers.

The Forest Plan management direction includes protection of free-flowing conditions and the ORV identified for the eligible and existing segments of wild and scenic rivers, and provides guidance for current use and potential projects proposed on SNF land and waterways. Project proposals must first meet the described suitability of an area; if appropriate, relevant design criteria, standards, and guidelines are used. If the project is not consistent with the Forest Plan, it may be redesigned or rejected.

Additionally, proposed recreation-related projects within the SNF, such as the Merced River Trail, should not conflict with the following desired conditions:

- *The design, condition, function, and accessibility of recreation facilities accommodate diverse cultures*
- *Recreation information is current, connecting people to the forest through contemporary means*
- *Recreation opportunities provide a high level of visitor satisfaction, while minimizing user conflicts*
- *Recreation opportunities are balanced with management capacity to manage sites to agency standards*
- *The forest provides a variety of activities with minimal impact on sensitive environments and resources*
- *Visitors can connect with nature, culture, and history through a range of sustainable outdoor recreation opportunities and are committed to resource stewardship*
- *A sustainable system of trails provides access to destinations, and opportunities connecting to a larger trail system; provides linkages from local communities to the national forest; facilities are planned, designed, and managed to be compatible with other resources*

Forest Plan objectives recommend coordinating with local and national partners early in project development to elicit collaborative input on sustainable recreation opportunities, needs, and potential conflicts.

STANISLAUS NATIONAL FOREST

The USFS completed the STF Land and Resource Management Plan (Stanislaus Forest Plan) and Environmental Impact Statement in October 1991. The STF "Forest Plan Direction," released in July 2005, presents the current management direction based on the original 1991 Stanislaus Forest Plan, and modified by the current Forest Plan amendments.

The Forest Plan Direction lists many forest goals accompanied with strategies and management practices to achieve them. Relative to the Merced River Trail proposal, the goals associated with wild and scenic rivers; recreation; and aquatic and riparian ecosystems and associated species apply:

Wild and Scenic Rivers

Manage WSRs and their immediate environments to preserve their free-flowing condition and to protect their ORV. Provide opportunities for public recreation and other resources based on the classification of each river segment.

Recreation

Provide a wide range of recreation opportunities directed at various experience levels to meet current and projected demand, including campgrounds, hiking trails, picnic areas, off-highway vehicles (OHV) trails, etc; develop recreation management plans for existing and potential areas of concentrated public use; develop and implement programs to inform forest users about recreation opportunities; interpret forest management activities and the forest environment for visitors;

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

provide OHV recreational opportunities, while protecting wildlife and other resources, including non-motorized recreation.

Aquatic, Riparian, and Meadow Ecosystems and Associated Species

Goals in this topic area include, but are not limited to:

- Maintain and restore water quality to meet goals of the Clean Water Act and Safe Drinking Water Act, providing water that is fishable, swimmable, and suitable for drinking after normal treatment.
- Maintain and restore habitat to support populations of native and desired non-native plant, invertebrate and vertebrate riparian-dependent species.
- Prevent new introductions of invasive species; work with State and Federal wildlife agencies to reduce impacts to native populations.
- Maintain and restore the distribution and health of biotic communities in special aquatic habitats to perpetuate their unique functions and biological diversity.
- Maintain and restore connections of floodplains, channels, and water tables to sustain diverse habitats.
- Maintain and restore the physical structure and condition of stream banks and shorelines to minimize erosion and sustain desired habitat diversity.



McClendon's Beach



Cranberry Flat

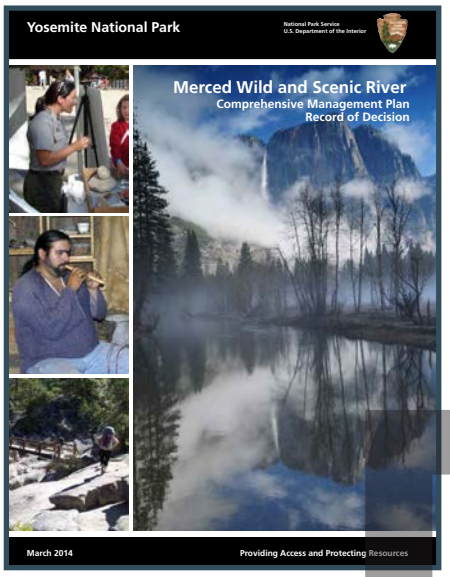
EXISTING DEVELOPED RECREATION AMENITIES

In addition to a campground in Jerseydale near the South Fork of the Merced, USFS provides both day use and overnight recreation facilities on both sides of the main stem of the river. Already popular among trail and river users today, these facilities will likely take on higher use and added significance when the full vision for the Merced River Trail is realized.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

NATIONAL PARK SERVICE



APPROXIMATELY

3 MILES

OF POTENTIAL TRAIL IN NPS-MANAGED WILD AND SCENIC RIVER JURISDICTION

The NPS Organic Act, passed by the U.S. Congress in 1916, provides fundamental management direction for all units of the NPS. It states the purpose of the National Parks: "...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

In addition to these key management-related statutes, federal management decisions must be consistent with national laws. In accordance with WSRA and NEPA, Yosemite National Park (YNP) released the Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement in February 2014, addressing the MWSR's 81 miles (South Fork, 22 miles; 3 co-administered with USFS; and 56 miles of main stem) flowing within YNP and the El Portal Administrative Site. The plan is the guiding document to protect and enhance river values and manage use within the river corridor for the next 20 years (NPS 2014).

Prior to the release of the 2014 Final Record of Decision for the Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement (hereafter, "YNP WSRP") , the NPS had completed two previous draft Merced Wild and Scenic River plans. Both were challenged in federal courts by plaintiffs claiming document deficiencies, including inadequately addressing user capacity, kinds and amount of use in river corridor, river corridor boundary, and ORV protection.

The final planning effort began in 2009, addressing noted deficiencies, and in 2014, the YNP WSR Final Comprehensive Management Plan and Record of Decision were released. The plan:

- *Establishes the WSR boundaries and segment classifications, and provides for protection of the river's free-flowing condition*
- *Presents the river's ORV; documents their condition (water quality and free-flowing condition included).*
- *Identifies management objectives for the river, and specific actions that will be implemented to achieve the objectives*
- *Commits to a program of ongoing studies and monitoring to ensure management objectives are met*
- *Establishes a visitor use/user capacity management program addressing kinds and amounts of public use that the river corridor can sustain while protecting and enhancing ORV*

The YNP WSRP describes and lists ORV according to several river segments in which they occur. YNP administers the following segments of the Merced River and the South Fork Merced River:

On the Merced River main stem:

Wild (37.7 miles):

Above Nevada Fall to headwaters of the Merced River

Recreational (6.11 miles):

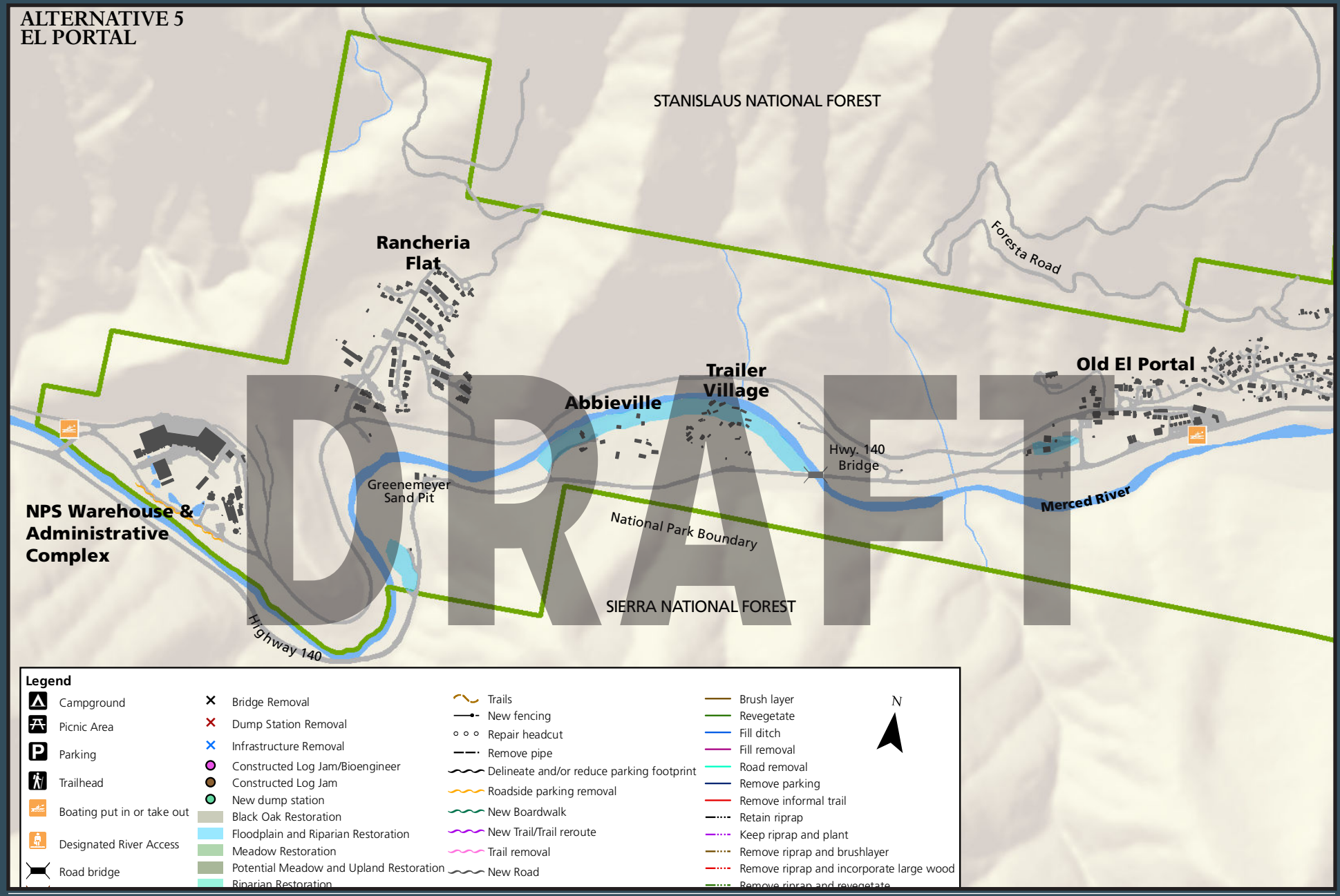
East Yosemite Valley; Top of Nevada Fall to Sentinel Beach

Scenic (5.71 miles):

West Yosemite Valley; Sentinel Beach to junction of El Portal and Big Oak Flat Roads

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ALTERNATIVE 5: ENHANCED VISITOR EXPERIENCES AND ESSENTIAL RIVERBANK RESTORATION

The YNP WSRP identified Alternative 5 as the preferred framework for conserving the river's federally designated outstandingly remarkable values. Among the recommendations of that alternative are a new remote visitor parking area in the Abbieville and Trailer Village of El Portal, and a greater emphasis on active, non-automobile modes of travel throughout the park, especially in Yosemite Valley. These NPS recommendations may be important to consider in the context of the Merced River Trail.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Scenic (6.88 miles):
Junction of El Portal and Big Oak Flat Roads to western YNP boundary at Parkline

Recreational (3.13 miles):
Western YNP boundary at Parkline to El Portal Administrative Site boundary

On the South Fork of the Merced:
Wild (19.96 miles):
Headwaters above to top of pool at Wawona Impoundment

Recreational (.05 miles):
Wawona Impoundment; Top of pool to 200' below dam

Recreational (4.54 miles):
Wawona; 200' below Wawona Impoundment to Squirrel Creek

Wild (2.61 miles):
Below Wawona; Squirrel Creek to western park boundary

The YNP WSRP described ORV, and listed according to several river segments in which they occur. Though the final route for the Merced River Trail has yet to be determined, the priority route recommended for further exploration in the Vision Plan (Chapter 3) is minimally adjacent to the Merced River in NPS jurisdiction and the YNP WSRP planning area. Accordingly, many of the ORV addressed in that plan primarily occur in locations that are not directly related to the Merced River Trail.

However, many of the ORV identified in the YNP WSRP are directly applicable to the Merced River Trail. These have been **highlighted** below. Examples of identified ORV include:

Geologic/hydrologic
Upper MWSR glacially-carved canyon, Vernal-Nevada Fall, the "Giant Staircase," one of the finest examples in the western U.S. of stair-step river morphology; the MWSR from Happy Isles to the west end of Yosemite Valley provides an outstanding example of a rare, mid-elevation alluvial river; t**he boulder bar in El Portal created by changing river gradients, glacial history, and powerful floods, resulting in an accumulation of extraordinarily large, and rare boulder deposits.**



SPECIFIC AND CONCEPTUAL APPLICABILITY
Though the YNP WSRP pertains primarily to areas of the Merced watershed that are not directly affected by the Merced River Trail, like Vernal and Nevada Falls, the plan nonetheless has both specific and philosophical applicability to the Vision Plan and the parameters of the future Merced River Trail.

Cultural
The Yosemite Valley Archeological District is rich, with linked landscape containing dense concentrations of resources, representing thousands of years of human settlement; the Yosemite Valley Historic District represents a linked landscape of river-related, rare, unique or exemplary contributing resources; the **El Portal Archeological District with dense concentrations of resources that represent thousands of years of occupation and evidence of continuous, far-reaching traffic and trade**; South Fork Merced River has rare archeological features representing indigenous settlement and use along the river at sites with rock ring features; the Wawona Archeological District encompasses clusters of resources spanning thousands of years of occupation; Segment 7 includes the remains of the U.S. Army Cavalry Camp, documenting the unique Yosemite legacy of the African American Buffalo Soldiers; Wawona Historic Resources include a covered bridge, and the National Historic Landmark Wawona Hotel complex.

Scenic
The Merced River above Nevada Falls displays exemplary views of serene montane lakes, pristine meadows, slickrock cascades, and High Sierra peaks; Yosemite Valley visitors experience views of some of the world's most iconic scenery, with the river and meadows forming a placid foreground to towering cliffs and waterfalls. In the Merced Gorge, the river drops 2,000 feet over 14 miles, cascading under Sierra granite outcrops and domes; South Fork Merced River passes through a vast area of exemplary and wild scenic beauty.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Recreational

The Merced River Above Nevada Falls engages in a variety of river-related activities in an iconic High Sierra landscape, where opportunities for primitive and unconfined recreation, self-reliance, or solitude shape the experience; Yosemite Valley visitors enjoy a wide variety of river-related recreational activities in the Valley's extraordinary setting along the Merced River.

Biological

Riparian habitat with high biological integrity; large Yosemite Valley mid-elevation meadow-riparian complexes, Sierra sweet bay (*Myrica hartwegii*), a rare plant found on river banks of the South Fork Merced River.

The YNP MWSR Plan/EIS preferred alternative, Alternative 5, includes various actions to protect and enhance ORV through ecological restoration. Restoration of riparian and meadow habitats will protect water quality, scenic views from the river, and traditionally used plant populations. Protection and enhancement of archeological sites and historic districts will allow future generations an opportunity to connect to Yosemite Valley's rich history and heritage."

Though this management framework applies throughout YNP jurisdiction, and as such has limited direct relevance for the Merced River Trail, Alternative 5 does entail several actions for improving the visitor experience that align with or are supported by the Merced River Trail project. These include providing peak season shuttle service to Yosemite Valley from a new El Portal remote parking area, and supporting regional transit service, including a new route from Fresno to Yosemite Valley.

DRAFT



Dayton Daily News

POTENTIAL CONGESTION REDUCTION

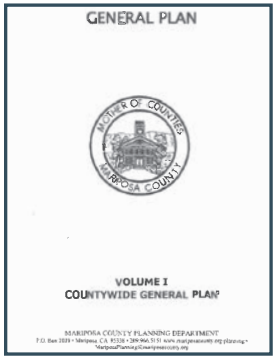
The trail's potential to increase the amount of visitors accessing Yosemite through modes that do not rely on personal vehicles, such as regional transportation or active recreation modes such as long-distance backpacking or bikepacking, could have a positive impact on congestion issues in Yosemite Valley.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

LOCAL PLANNING CONTEXT //

The Merced River Trail takes place almost exclusively on land under federal jurisdiction, and implementation of the Vision Plan's recommendations require close collaboration with federal partners. However, though on federal land, that federal land is entirely within Mariposa County, and those whose lives stand to be the most effected by changes to the trail and its landscape are Mariposa residents. As such, it is critical to place the Merced River Trail in the context of applicable local planning initiatives, which, like the Vision Plan, reflect the preferences and priorities of Mariposa County residents.

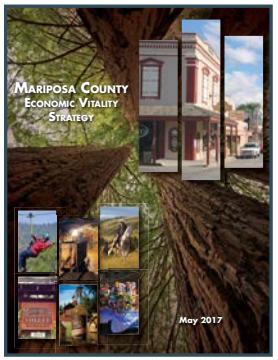
MARIPOSA COUNTY GENERAL PLAN (2006)



The Mariposa County General Plan is the county's basic guiding document, establishing an overarching vision for the community, and a blueprint for policies and other actions to take to achieve that vision over short-, medium-, and long-term time horizons. Though adopted in 2006, the General Plan has undergone multiple revisions since that time to ensure that it reflects current local priorities and values. General Plan policies are organized into 12 elements, several of which have particular relevance for the Merced River Trail, namely:

- the **Conservation and Open Space element**, which identifies the Merced River canyon as a priority "scenic resource" to be protected to ensure the County's quality of life and economic viability (Goal 11-1) and specifies environmental conservation, including "ecosystems, plant communities, wildlife habitats, and the inherent diversity of both plant and animal species" (Goal 11-2) as a primary concern of the General Plan;
- the **Regional Tourism element**, which calls out the Merced River Trail from Bagby to El Portal as a recreational tourism opportunity, while laying out policies and implementation measures for balancing the trail's economic benefits with natural and cultural resource conservation. These include "Policy 13-1(a)2: The County shall collaborate with the American Indian Council of Mariposa County creating facilities and opportunities to promote public education of Native American cultural traditions and places" and Policy 13-1(b) Maximize public access to public lands consistent with the protection of sensitive natural resources and habitats."

MARIPOSA COUNTY ECONOMIC VITALITY STRATEGY (2017)



Adopted on July 18, 2017, the Mariposa County Economic Vitality Strategy (EVS) provides a strategic framework to guide community-supported, context sensitive economic development activities throughout Mariposa County. To develop the EVS, Mariposa County staff facilitated a range of meetings and workshops with stakeholders from throughout Mariposa County, including business owners, economic development practitioners, and others involved in the County's economic future.

The resulting recommendations are organized around six strategic initiatives, the first of which, "Promotion and Expansion of the Tourism Sector," directly references the Merced River Trail as an opportunity to "develop and promote activities and places of interest in each of the county's subareas and communities." (Action 1.2.3). Though particiants in the Merced River Trail vision planning process (described in Chapter 2) acknowledged that the trail project would—and indeed, currently does—have an economic benefit to the county, that process revealed concerns about placing the project's economic potential before visitor use issues, like mitigating the trail's impact on the natural environment.

It is noteworthy then, that Objective 1.4 of the EVS is to "ensure that there is adequate capacity to accommodate a growing tourism industry." Though this recommendation doesn't explicitly refer to the capacity of the landscape to absorb more users, this value of the EVS does align with the Vision Plan's essential priorities.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

KEY MARIPOSA COUNTY GENERAL PLAN // MERCED RIVER TRAIL ALIGNMENT

11. CONSERVATION + OPEN SPACE ELEMENT

Goal 11-1: Conserve the natural and scenic resources, and open space lands to protect and enhance the County's quality of life and character ensuring a viable economy.

- *Policy 11-b: Collaborate with other public and private agencies for conservation management plans and programs.*

13. REGIONAL TOURISM ELEMENT

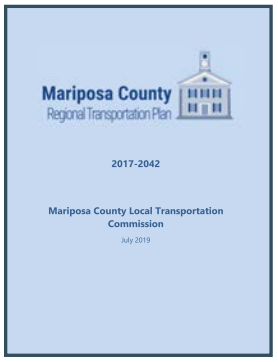
Goal 13-1: Preserve, protect and enhance regional tourism opportunities and resources.

- *Policy 13-1a(1): Plan collaboratively with the public land managers for a broad spectrum of regional tourism opportunities.*
- *Policy 13-1a(2): The County shall collaborate with the American Indian Council of Mariposa County creating facilities and opportunities to promote public education of Native American cultural traditions and places.*
- *Policy 13-1b: Maximize public access to public lands consistent with the protection of sensitive natural resources and habitats.*

Goal 13-3: Increase public access to trails and off-road areas to provide greater opportunities for "in-County" visitor experience.

- *Policy 13-3a: Work with other land management agencies to establish access routes and trailheads while protecting environmentally sensitive areas.*

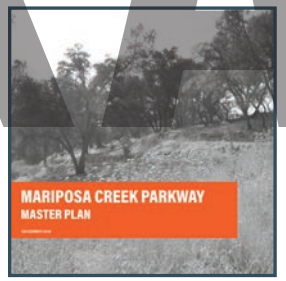
MARIPOSA COUNTY REGIONAL TRANSPORTATION PLAN (2017)



Adopted in 2017, the County's Regional Transportation Plan (RTP) is a technical transportation planning document that "documents the transportation policy, actions, and funding recommendations that will meet the short- and long-term access and mobility needs of Mariposa County residents over the next twenty-five years (2017-2042)." This sprawling document addresses a wide range of transportation and mobility issues, including transit, signage and wayfinding, and delays on state highways, which do not pertain to the Merced River Trail.

However, the RTP does call out opportunities in the county for bicycle mobility enhancements, including those with recreational benefits. Here, the document identifies two distinct stretches of the Merced River Trail—between Yosemite and Briceburg, and between Briceburg and Bagby—as "Class I bike paths or trails" capable of serving the regional goals that guide the document.

MARIPOSA CREEK PARKWAY MASTER PLAN (2019)



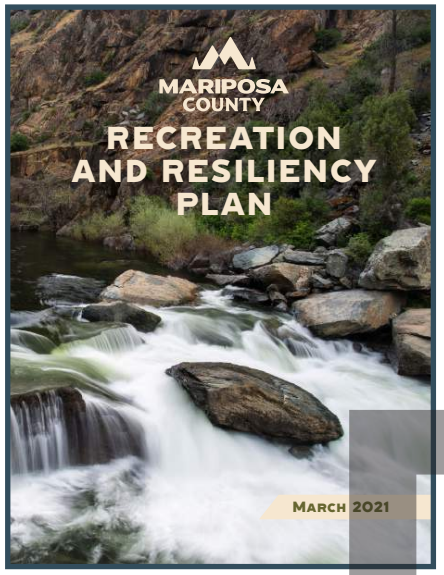
Relying on extensive engagement with a wide variety of perspectives, the Mariposa Creek Parkway Master Plan articulates a vision for a multi-beneficial trail and active transportation facility in the Town of Mariposa. Broadly, the project describes the trail's potential contributions to numerous community objectives, including recreation, ecological restoration, and civic vitality.

Though the Parkway is located in town, one of the plan's basic tenets is that the Parkway has the potential to transform Mariposa into a central hub or "base camp" for regional outdoor activities, and positions the the Parkway as an element in a larger network of non-motorized recreation. This includes potential connections via Bear Creek to the Merced River canyon and the Merced River Trail. This, along with the plan's treatment of the trail as a tool for achieving multiple objectives, including some not related to recreation, are relevant to the Merced River Trail project.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MARIPOSA COUNTY RECREATION AND RESILIENCY PLAN (2021)



In 2019 the Board of Supervisors authorized using resources from the General Fund to develop a Recreation and Resiliency Plan. This innovative planning effort was intended to use community engagement to identify priority projects for meeting the county's diverse needs for parks, trails, and open spaces, and articulate a strategy for harnessing these recreation projects to promote resiliency throughout Mariposa County's landscapes and communities.

Similar to the Merced River Trail visioning process (detailed in Chapter 2), the Recreation and Resiliency Plan was guided by a steering committee, with community input collected a variety of ways. Namely, the project hosted a series of workshops, facilitated an online survey, and organized interviews with key stakeholders to develop the plan's framework. That framework starts with a broad vision, identifies shared values for recreation and resiliency, and establishes four basic themes—Park Lands + Open Space, Recreation + Activities, Trails + Connectivity, and Natural Systems—to prioritize recommended projects. Then, the County is divided into four geographic zones, with zone-specific projects recommended based on their relationship to each of the four key themes.

In addition to these zone-specific projects, the Recreation and Resiliency Plan identifies three priority projects that stood out in the planning process as transformative, cross-cutting projects with the highest potential to achieve both the County's recreation and resiliency objectives. Priority projects include a countywide trail network, a community recreation center, and a policy of integrating wildfire planning and practices into recreation.

The Recreation and Resiliency Plan is significant for the Merced River Trail in two ways. First, the trail aligns closely with the plan's framework, especially the aspirations and goals for the Trails + Connectivity theme. For example, this theme's emphasis on using trails to promote connections to the landscape and nurture a stewardship ethic resonates deeply with the outcomes of the Merced River Trail visioning process and, therefore, this plan's framework and recommendations.

Second, the trail is specifically identified as a key component of the countywide trail network recommendation. When the Recreation and Resiliency Plan was being developed, the preferred Merced River Trail route had not yet been identified, so the countywide trail network isn't clear on the Merced River Trail's upstream alignment and terminus. However, that plan does position the MRT as a critical element of the countywide trail network, specifying trail/bridge dimensions in the river corridor and hinting at key resiliency considerations for trails like the MRT, including those related to erosion and wildfire risk reduction.

RECREATION AND RESILIENCY PLAN // TRAILS + CONNECTIVITY

ASPIRATIONS

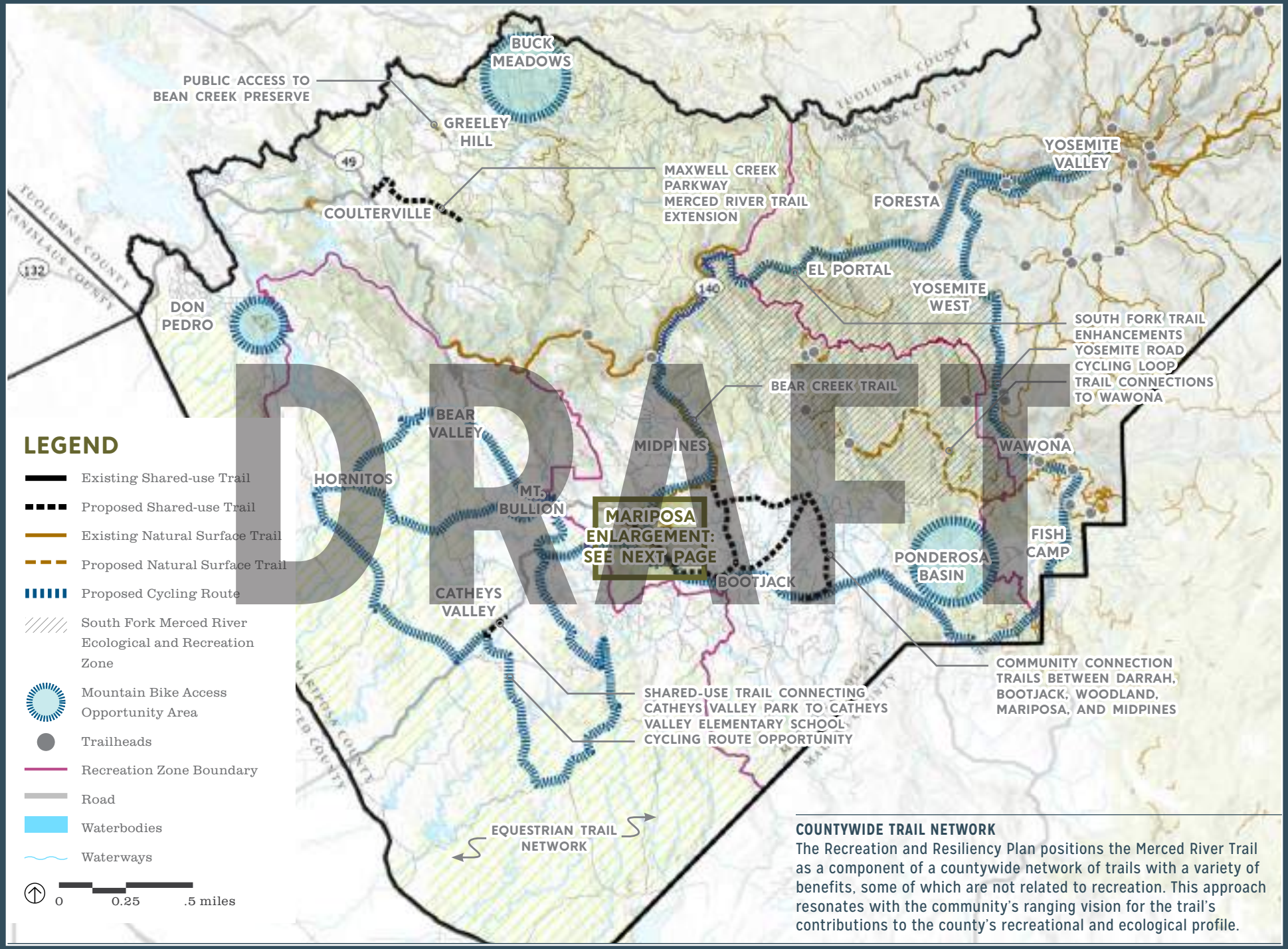
Our interconnected trail system will support wellness, showcase our biodiversity and strengthen relationships with our landscape. We aim to foster healthy living and trail experiences that benefit emotional and physical well-being.

GOALS

1. *Create a countywide network of trails to foster connectivity and promote safer communities in Mariposa County.*
2. *Strengthen the connection between Mariposans and the natural environment through improved trails.*
3. *Foster discovery, use, enjoyment, and stewardship of trails.*

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

COUNTYWIDE TRAIL NETWORK

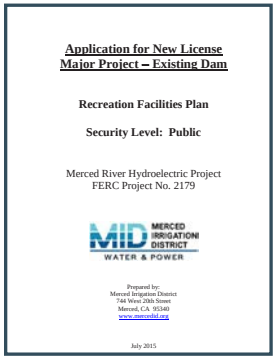
The Recreation and Resiliency Plan positions the Merced River Trail as a component of a countywide network of trails with a variety of benefits, some of which are not related to recreation. This approach resonates with the community's ranging vision for the trail's contributions to the county's recreational and ecological profile.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

OTHER PLANNING CONTEXT //

Though federal and local policies provide the primary regulatory parameters and conceptual direction for the Merced River Trail, it is important to acknowledge the trail's relationship to selected regional and state planning and implementation efforts. While a comprehensive listing of the every relevant environmental and recreational planning effort is neither necessary nor possible, the two plans below stand out as having immediate implications for planning and implementing the Merced River Trail project as described in the Vision Plan.

MERCED RIVER HYDROELECTRIC PROJECT // MERCED IRRIGATION DISTRICT + FEDERAL ENERGY REGULATORY COMMISSION


Application for New License
Major Project – Existing Dam

Recreation Facilities Plan

Security Level: Public

Merced River Hydroelectric Project
FERC Project No. 2179

MID MERCED IRRIGATION DISTRICT WATER & POWER

Prepared by:
Merced Irrigation District
744 West 20th Street
Merced, CA 95340
www.mercedid.org

July 2015

APPROXIMATELY
6 MILES
OF EXISTING TRAIL IN MID JURISDICTION

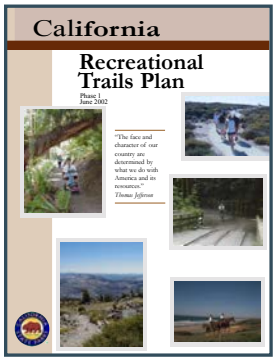
Merced Irrigation District (MID) operates a 103.5 megawatt hydroelectric project, which is located on the Merced River. This project, which includes the New Exchequer Dam, is licensed through the Federal Energy Regulatory Commission (FERC), which regulates non-federal hydropower projects. This license expired in February 2014, requiring renewal from FERC and negotiations with affected stakeholders. As part of the license renewal, MID reached an agreement that has a number of implications for recreational and environmental conditions in the Merced River canyon. While Appendix I includes a more detailed analysis of the agreement, perhaps most important is that through this relicensing agreement, MID is committed to measures which will result in the development of a trail upriver from the MID-operated Bagby Recreation Area to the project boundary near Sherlock Creek.

These measures are contingent on completion of several measures by BLM. MID will be responsible to build and maintain a bridge for cyclists and hikers that crosses the Merced River near Sherlock Creek, connecting the Merced River Trail from the north side to the south side, and build a south side trail to Bagby, but only if:

- all lands necessary to build a trail connecting from the BLM lands near Sherlock Creek have legal access (through ownership or easements) that would allow public access to Bagby; and
- BLM constructs a bridge, at no cost to MID, across the North Fork of the Merced River to allow safe public crossing during spring snow melt off and storm events.

BLM will notify MID when these two contingencies have been met, which to date, they have not.

CALIFORNIA RECREATIONAL TRAILS PLAN PHASE I (2002)


California
Recreational Trails Plan
Phase I
June 2002

"The face and character of our country are determined by what we do with America and its resources."
Thomas Jefferson

In 2002, the California State Parks Department adopted Phase I of a statewide recreational trails plan, which identifies 12 trail-related goals and lists general action guidelines designed to reach those goals. This effort was intended to be the initial phase of a larger comprehensive trail planning project.

This larger state-led trail planning effort has not yet occurred, and aspects of the first phase are too programmatic or agency-specific to apply to any specific trail project. However, many aspects of the first phase are relevant for the Merced River Trail. In particular, the plan's goal to "Develop and encourage expanded cooperation and collaboration among trail advocates, wildlife advocates, and cultural resource advocates to maximize resource protection, education, and trail use opportunities" resonates deeply with the community's stated desire to balance appropriate recreational trail use with resource conservation in the Merced River canyon.

This clear overlap between the Merced River Trail and state recreational trail planning guidance is important, because it positions the MRT as a potential priority trail for state-level investment. By aligning with state priorities, the Merced River Trail should be a candidate for funding from applicable state funding sources, such as the Recreational Trail Program, California Conservation Corps support for trail building and maintenance, and other resources available for projects that advance the state's broad agenda for trail implementation.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



RECREATIONAL MITIGATIONS FOR WATER USAGE

The New Exchequer Dam is licensed by the Federal Energy Regulatory Commission and includes Protection, Mitigation and Enhancement Measures (PM&E) in its permit to operate its facilities. These PM&E measures have been negotiated with the owners, federal and state natural resources agencies, and relicensing participants (primarily conservation organizations) for final permit conditions.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Among the first codification of the Merced River Trail in a federal planning document was the US Forest Service's Wild and Scenic River Implementation Plan. As mentioned, that plan was adopted in 1989, and includes the Merced River Trail in its selected preferred alternative. Later, USFS and NPS endorsed the trail concept in their respective jurisdictions through subsequent planning efforts in 1991 and 2014.

Indeed, since the WSR designation, BLM has taken significant action to implement the trail in their jurisdiction—today, that agency's Merced River Recreation Area contains the only formal Merced River Trail miles in the canyon.

However, the first formal depiction of the Merced River Trail was actually even earlier than these federal initiatives. As the Merced River Trail vision planning effort was taking place, Mariposa County staff discovered a map dated 1983, in which a now-defunct advisory committee called the Mariposa County Hiking and Equestrian Trails Advisory Committee illustrated a network of recreational trails throughout the whole county. This map, included as Appendix K, shows a trail along the Yosemite Valley Railroad Grade from Bagby to El Portal, with connections to Yosemite National Park via the Old Coulterville Road.

With nearly 30 years of local attention and federal endorsement, it may seem remarkable that Mariposa County has chosen this particular moment to ramp up its efforts to advance the Merced River Trail. Three factors helped re-energize the trail project and encourage the Mariposa County Board of Supervisors to take action now. They include:

RECENT RIVER CANYON USE PATTERNS //

Though the public lands in the Merced River have long been a celebrated local resource for Mariposa County residents, the existing recreation amenities have tended to be something of a hidden gem for visitors, most of whom experience the river canyon through the windshields of their cars on the way to Yosemite National Park on Highway 140.

However, as Yosemite has become increasingly crowded, expensive, and with the burgeoning day use reservation system, harder to get into, nearby BLM and USFS recreation areas in the river canyon have grown in popularity. This trend was emphasized during various park closures in recent years, including during federal administrative shut-downs and the COVID-19 pandemic.

While these public lands are intended to be accessed by human users, increased visitation have stressed the limited infrastructure in places like Briceburg and along Incline Road. This has resulted in increased impacts to the river and surrounding landscape, including litter, human waste, and the potential for (and, unfortunately, reality of) increased risk of wildfire from irresponsible recreation activities.

With the underlying causes of these trends, especially enforceable visitation limits in Yosemite and the widespread use of social media, which has limited the extent to which federal land managers can mediate the flow of information about public lands, not likely to dispel, and outdoor recreation only becoming more desirable and accessible in the central valley, California, and globally, it has become increasingly clear that a strategy for mitigating the impacts of increased visitors in the Merced River canyon is important for conserving its ecological resources. This has led to a growing chorus of voices in Mariposa County interested in a planning initiative that considers these ideas, and helps explain the current emphasis on advancing the trail project.

LANDSCAPE HEALTH FACTORS //

The Sierra foothills are fire-adapted, which means that intermittent fire is natural, and even necessary for a balanced landscape. However, factors like previous generations' policy of preventing wildfires and the impacts of global climate change have resulted in conditions where unnatural wildfires threaten the health and longevity of the river canyon.

A web of interrelated factors, including drought, warmer summers, and tree mortality have combined to make recent wildfires hotter, bigger, less predictable, and more destructive than the landscape has evolved to accommodate. Beginning roughly with the Merced River Trail vision planning process, for example, Mariposa County alone has suffered from four massive wildfires (Detwiler [2017], Ferguson [2018], Briceburg [2019], Oak [2022]), not including fires exclusively on wildlands (such as the Empire [2017] and Washburn [2022] fires) or fires during that timeframe elsewhere in the region.

In addition to the threat they pose to property and human life, these major wildfires can degrade local and regional ecosystems. While some fire is a critical component of a healthy Merced River watershed, extremely hot and frequent wildfires can damage soil, hampering regrowth and resulting in erosion (especially along steep slopes like those in the

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Merced River canyon) that further effects watershed health. As with the impacts from increased visitation, the recent spike in destructive wildfires, the clear imperative for systemic and countywide reactions to it, and the ability for increased planning and innovation in the river canyon via the Merced River Trail helps explain the recent interest in this effort.

EXPANDED PLANNING CAPACITY //

Historically, the Mariposa County Planning Department has focused on "current planning" functions, such as design review, development permits, and code compliance. However, in 2017, the department hired its first Community Design and Development Planner, which expanded its ability to support "long-range planning" initiatives, especially those involving parks, recreation, and trails.

This staff enabled the County to undertake this project, through the Department's ability to organize and support the Community Working Group, and by pursuing resources to supplement local capacity. Increased staffing allowed the Planning Department to secure support from the National Parks Service's Rivers, Trails, and Conservation Assistance program, which proved valuable to the Vision Planning effort.

Combined with longstanding interest in the Merced River Trail among federal and local agencies, these issues and opportunities catalyzed the Board of Supervisors to accelerate efforts to advance the Merced River Trail. The planning process that followed, described in the following chapter, resulted in a shared vision for the Merced River Trail project, and actions to be taken by the County, federal partners, and local stakeholders to realize it.



Photo Credit: Marie Edinger/KMPH

DESTRUCTION AND DISRUPTION

Massive wildfires like the Briceburg Fire (2019), which gets its name from the Briceburg trailhead that provides recreational access to BLM's Merced River Recreation Area off of Highway 140, have grown hotter, larger, and less predictable in recent years. The trail project provides opportunities to help mitigate and recover from disaster events like this, underscoring its importance and contributing to its timeliness.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



"Trail development should be minimally intrusive. Let the canyon speak for itself. It should be a trail for exercise, beauty and introspection"

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

2. VISIONING PROCESS

DRAFT

For generations and up to the present day, Mariposa County has been home to a range of opinions on public land and natural/cultural resource management. The Merced River—including the trail, canyon, and overall watershed—belong to everyone, and building consensus among river and trail lovers, many of whom have competing views on the future of the river canyon, is essential to the success of the Vision Plan.

This project relies on multiple levels of stakeholder engagement to collect and respond to input from diverse perspectives on the river trail.

The process, which unfolded over nearly four years, was guided by a dedicated group of volunteers who provided guidance and recommendations to the Mariposa County Board of Supervisors, and solicited contributions from trail users, wildlife advocates, conservationists, and community builders from throughout Mariposa County. It included a range of opportunities for passionate community members to participate at every point in the visioning process, both formally and informally, across several platforms and through various channels.

It also featured close collaboration with federal partners at the National Park Service, US Forest Service, and Bureau of Land Management, and incorporated subject matter expertise from technical contributors like the Environmental Protection Agency, Headwaters Economics, and the Rails to Trails Conservancy.

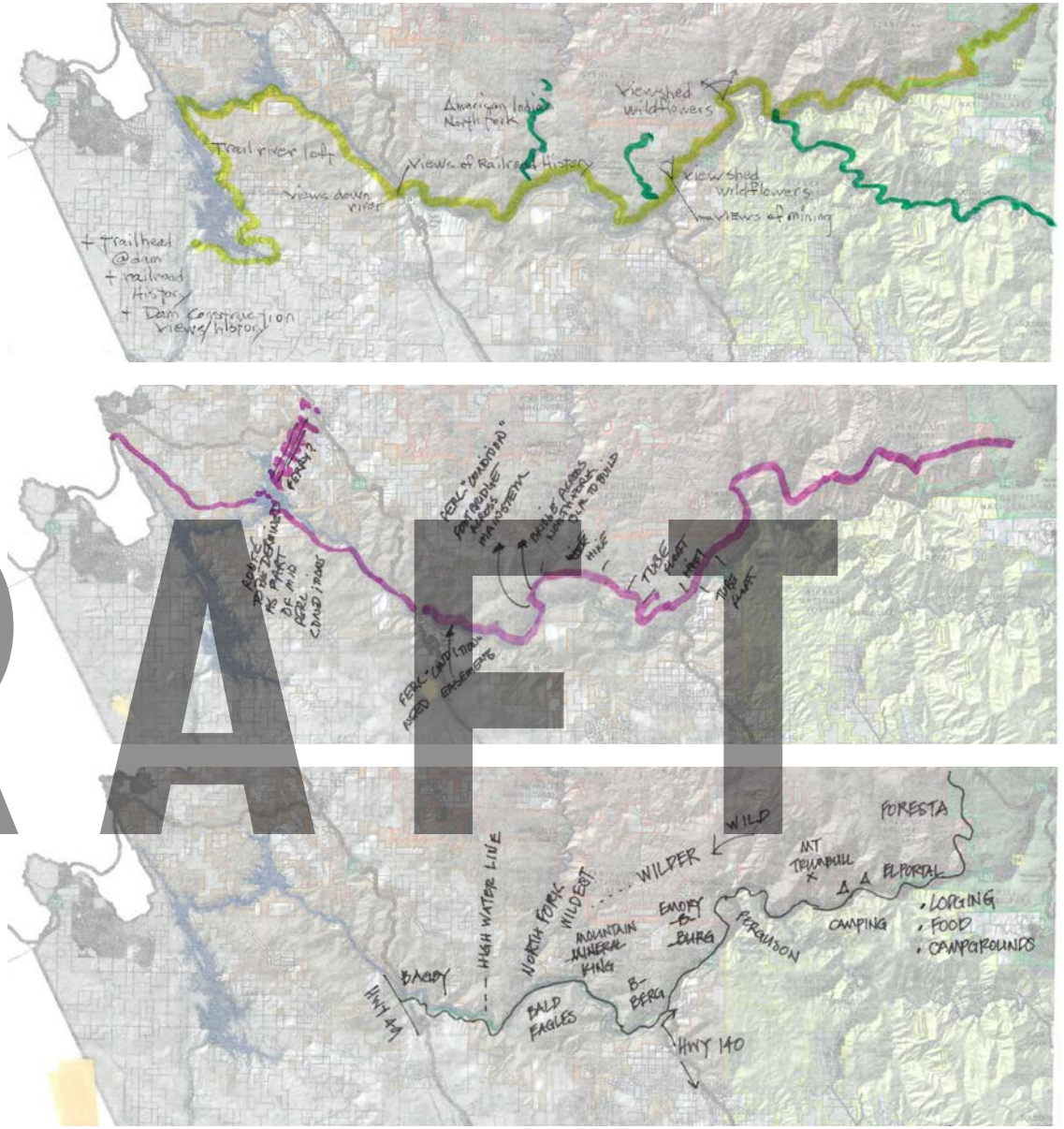
Though not all community members will be satisfied with all of its outcomes, the results of the visioning process were shaped by the compromises, trade-offs, and collaboration necessary to build consensus among differing, often opposed, visions for the future of these one-of-a-kind assets. They also present a snapshot of the state of consensus at this moment in time. Likely—indeed, hopefully—the ideas and recommendations that emerged from the Merced River Trail visioning process will change over time and need to be revisited, reexamined, and revised through future community engagement and dialogue.

PRELIMINARY DIALOGUE //

On April 11, 2018, the Planning Department sought direction from the Mariposa County Board of Supervisors on a preliminary strategy for informally engaging with local and agency partners on the Merced River Trail concept. County staff submitted a memo to the Board, which outlined "initial visioning and goal-setting efforts with targeted stakeholders within the community and from federal partners with the Bureau of Land Management (BLM), US Forest Service (USFS), and National Parks Service (NPS)."

The memo also identifies several community members "that are currently and/or have previously been involved in county trail development" who, through activities like interactive mapping exercises and surveys, could provide early insights to frame later, more formal trail planning work. In addition to frequent consultation and small group conversations with members of this initial trail "brain trust," approximately 15 members—including community stakeholders and staff from BLM, USFS, and NPS—convened at Pony Espresso in Mariposa for a meeting on May 5, 2018 to produce mental maps of the river corridor and share input on selected images of the existing trail and river corridor.

These preliminary engagement activities were important for building relationships among the federal agencies and local stakeholders, and for laying out a range of issues and opportunities to engage with through a more rigorous community engagement approach. In October 2018, the Planning Department was awarded technical assistance from the NPS Rivers, Trails, and Conservation Assistance program to support increased engagement with the project's federal partners, and in summer 2019, the Board of Supervisors authorized the establishment of the Merced River Trail Community Working Group to function as a formal community sounding board for and driver of the county-led planning effort.



MENTAL MAPS
Participants in an informal preliminary workshop produced mental maps of the river canyon, which reflected individual respondents' most memorable areas and experiences along the existing trail.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MERCED RIVER TRAIL COMMUNITY WORKING GROUP //

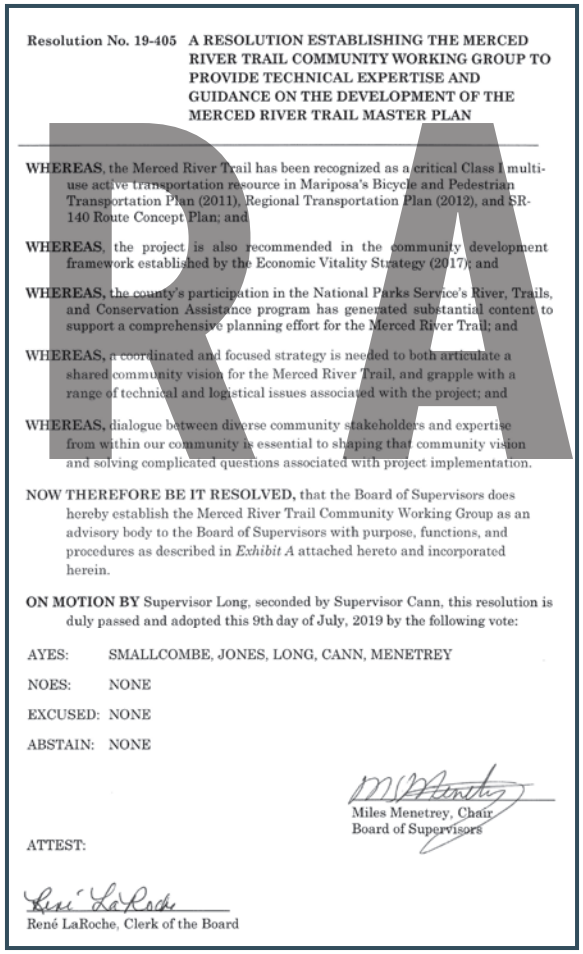
To expand on and formalize the community trail planning initiated in 2018, the Board of Supervisors passed Resolution 2019-405 on July 9, 2019, formally establishing the Merced River Trail Community Working Group (CWG) to act as an official 11-member advisory committee to the Board on the trail project, with nine voting members and two non-voting members. Essential to the group's establishment is that it is a formal public advisory committee, and therefore compliant with the Brown and Maddy Acts for public meetings. This means that all of the group's meetings would have to be open to the public, publicly noticed, and documented. This resolution identifies the group's purposes as to:

formulate, design, implement and participate in a public stakeholder engagement program to ensure appropriate participation by the development of the Merced River Trail Master Plan;

provide technical expertise in topic areas germane to the Merced River Trail Master Plan, including but not limited to: the trail's regulatory context; trail construction and maintenance; existing trail conditions; right of way acquisition; environmental conservation, including wildlife habitat and water quality issues; public health advocacy and promotion; cultural interpretation and conservation; community design and aesthetics; and trail programming;

support the work of staff and consultants in the conduct of fact finding and data gathering necessary to (1) identify and negotiate significant coordinative and logistical hurdles in achieving the trail; (2) recommend projects, programs, and policies needed to efficiently implement the community's vision for the trail; and (3) ultimately realize the recommendations contained in the Merced River Trail Master Plan; and

provide periodic assessment, evaluation of, and feedback to the Board of Supervisors regarding the success of the Merced River Trail Master Plan.



Resolution No. 19-405 A RESOLUTION ESTABLISHING THE MERCED RIVER TRAIL COMMUNITY WORKING GROUP TO PROVIDE TECHNICAL EXPERTISE AND GUIDANCE ON THE DEVELOPMENT OF THE MERCED RIVER TRAIL MASTER PLAN

WHEREAS, the Merced River Trail has been recognized as a critical Class I multi-use active transportation resource in Mariposa's Bicycle and Pedestrian Transportation Plan (2011), Regional Transportation Plan (2012), and SR-140 Route Concept Plan; and

WHEREAS, the project is also recommended in the community development framework established by the Economic Vitality Strategy (2017); and

WHEREAS, the county's participation in the National Parks Service's River, Trails, and Conservation Assistance program has generated substantial content to support a comprehensive planning effort for the Merced River Trail; and

WHEREAS, a coordinated and focused strategy is needed to both articulate a shared community vision for the Merced River Trail, and grapple with a range of technical and logistical issues associated with the project; and

WHEREAS, dialogue between diverse community stakeholders and expertise from within our community is essential to shaping that community vision and solving complicated questions associated with project implementation.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors does hereby establish the Merced River Trail Community Working Group as an advisory body to the Board of Supervisors with purpose, functions, and procedures as described in *Exhibit A* attached hereto and incorporated herein.

ON MOTION BY Supervisor Long, seconded by Supervisor Cann, this resolution is duly passed and adopted this 9th day of July, 2019 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE

Miles Menetrey, Chair
Board of Supervisors

ATTEST:

René LaRoche, Clerk of the Board

The enabling resolution also establishes that CWG members should represent a variety of key perspectives and skillsets, including, but not limited to:

- Bureau of Land Management
- Yosemite National Park
- US Forest Service
- Merced Irrigation District
- Upper Merced River Watershed Council
- Sierra Foothill Conservancy
- Creative Placemaking Strategy Advisory Committee
- Historic Sites & Records Preservation Commission

The resolution also explicitly states that "the committee may call upon representatives of other organizations and the general public as resources on certain topics related to the Merced River Trail, including trail advocates and outdoor recreation enthusiasts." It also includes a provision for two Ex-Officio (non-voting) members from the Board of Supervisors and county staff as appropriate, and establishes the group's general bylaws.

In September 2019, the Board appointed the first members to the CWG to randomly assigned three-, four-, and five-year terms. The committee has remained at its 11-member capacity, with its first meeting on October 24, 2019. Since then, the group has conducted more than 20 formal public meetings. Finally, it is worth noting that though the original resolution specifies the group's role as working on the Merced River Trail "master plan," the project's emphasis quickly shifted to developing a "vision plan," the differences between which are described in Chapter 1.

MARIPOSA COUNTY RESOLUTION NO. 19-405
In July 2019, the Mariposa County Board of Supervisors formally established the Merced River Trail Community Working Group. Subsequent Board actions would appoint members to the group, and receive updates on the project from the group and county staff.

DRAFT

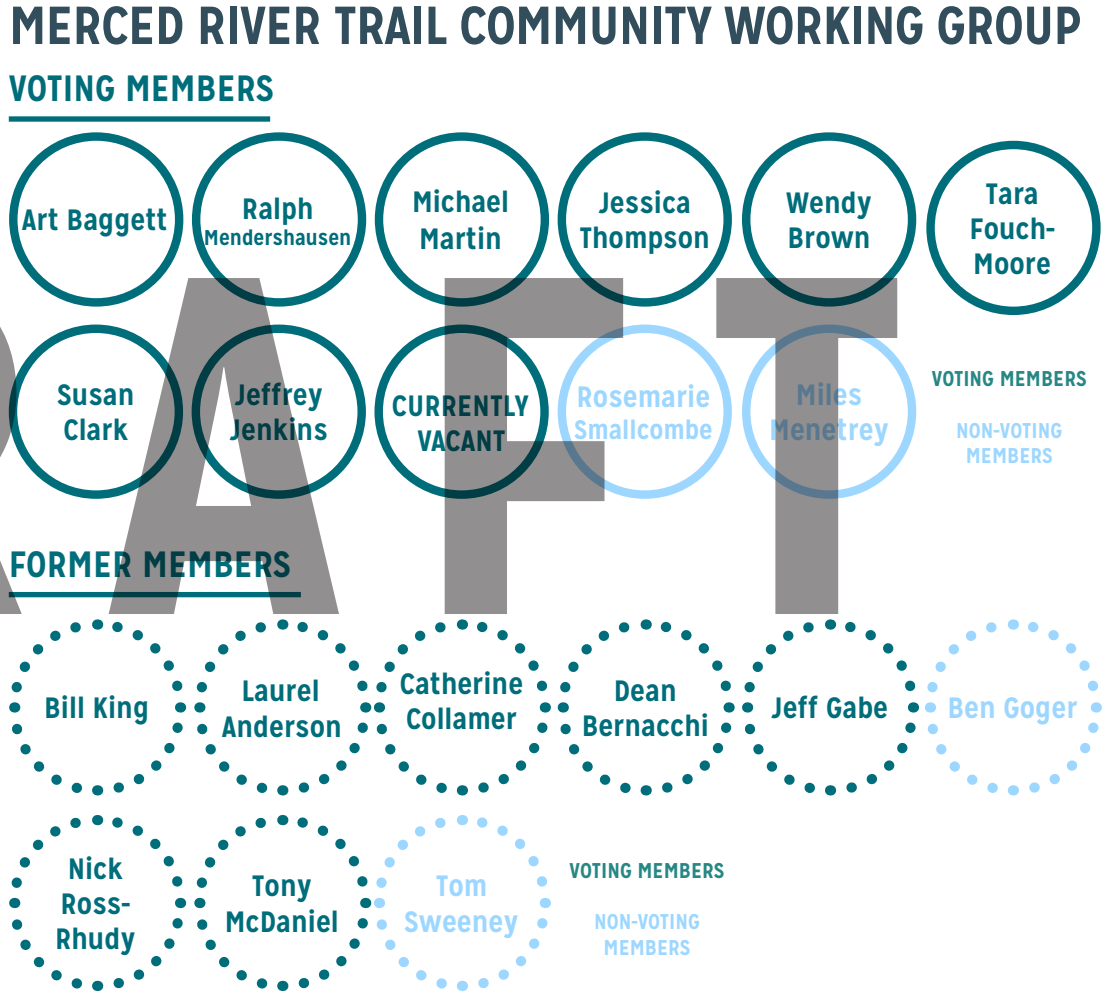
Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

As articulated in the group's enabling resolution, the CWG's primary responsibility is to collaborate with county staff to establish and support the implementation of the community engagement work needed to develop a comprehensive, representative, and effective plan for the Merced River Trail. At the group's early meetings, the CWG helped articulate an overall framework for the engagement and decision-making process, through which community input is collected to make increasingly specific decisions about the project. The sequence of decisions is:

1. Vision // what are our highest aspirations for the project?
2. Goals // how can we realize that vision?
3. Actions // what do we need to do to achieve those goals?

While the substance and specificity of the decisions at each of these milestones differ, the process for dialogue between the CWG and the wider community was consistent throughout. First, the CWG would brainstorm and discuss potential ideas—first vision statements, then goals, then project actions—to collect input on from the public. This step frequently involved precedent research, reading similar plans to get a feel for comparable vision statements, goals and actions, identifying strengths and weaknesses in other projects to influence draft ideas for the Merced River Trail.

Next, after several rounds of discussion and refinement, the CWG would agree on draft materials on which to seek input and direction from the general public. At this point, the CWG would also work with the county staff to devise an appropriate medium in which to share draft materials. After collecting the community's feedback on draft materials, the CWG—often through a subcommittee—would work to synthesize the feedback that was received, and respond to it by revising the draft materials that were initially shared into a final vision statement, list of project goals, and recommended actions to be voted on and formally adopted by the CWG. Since these discussions took place at noticed public meetings, members of the public could and often did participate in these initial discussions at each stage in the visioning effort.



VISIONING FRAMEWORK
The trail visioning process is based on dialogue between the Community Working Group and the community at large, through which increasingly specific decisions are made. Each step relies on the decisions made at the previous step in the process.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1. VISION

WHAT ARE OUR HIGHEST ASPIRATIONS FOR THE MERCED RIVER TRAIL?

1

EXAMPLES

- "THE MERCED RIVER TRAIL WILL BE A REGIONAL RESOURCE TO INCLUDE RECREATIONAL ACCESS AND REFLECT THE COMMUNITY'S DESIRE FOR A TRAIL THAT INCLUDES THE AREA'S HISTORY, CULTURE, AND ECOLOGICAL RESOURCES."
- "THE MERCED RIVER TRAIL WILL BE A HIGH-QUALITY MULTI-USE TRAIL IN THE MERCED RIVER CANYON THAT PROMOTES THE HEALTH AND WELL-BEING OF THE PEOPLE, CREATING OPPORTUNITIES FOR SUSTAINABLE ECONOMIC DEVELOPMENT AND SERVING AS A PROTOTYPE FOR A COMPREHENSIVE COUNTY-WIDE TRAIL NETWORK IN MARIPOSA COUNTY."

2. GOALS

HOW CAN WE REALIZE THAT VISION?

1 2 3
4 5 6

EXAMPLES

- MINIMIZE CONFLICTS BETWEEN HUMAN AND NON-HUMAN USERS OF THE MERCED RIVER CORRIDOR
- EMPHASIZE INCLUSIVE AND EQUITABLE NARRATIVES ABOUT THE PAST, PRESENT, AND FUTURE OF THE MERCED RIVER IN ANY INTERPRETIVE FEATURES
- ENSURE THAT ANY CHANGES OR ADDITIONS TO THE RIVER CANYON ARE APPROPRIATELY SCALED AND DESIGNED TO THE NATURAL CONTEXT IN WHICH THEY EXIST

3. ACTIONS

WHAT DO WE NEED TO DO TO ACHIEVE THESE GOALS?

1 2 3 4 5 6
7 8 9 10 11 12

EXAMPLES

- PRESERVE A MINIMUM IMPACT AESTHETIC IN THE CONSTRUCTION OF THE MERCED RIVER TRAIL, INCLUDING THE USE OF NATURAL MATERIALS AND DRY-STONE MASONRY TECHNIQUES THAT ARE CONSISTENT WITH THE HISTORIC TRAILS OF THE AREA.
- MAP WILDLIFE HOTSPOTS AND DEVISE APPROPRIATE AND EFFECTIVE MEASURES TO MINIMIZE THE IMPACT OF TRAIL USE ON WILDLIFE, ESPECIALLY AT THESE LOCATIONS
- MAXIMIZE OPPORTUNITIES FOR LOCAL VOLUNTEERS IN TRAIL PROJECTS

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

COMMUNITY ENGAGEMENT ACTIVITIES //

Throughout the visioning process, the CWG recommended and helped implement several events to promote, publicize, and make accessible the engagement activities for each milestone. Central to the engagement program was the Community Speaker + Engagement Series, which initially consisted of at least four events intended to provide a range of compelling, accessible opportunities to participate in the visioning process, while deepening the community's knowledge of and appreciation for the trail and river corridor's ecological, historical, cultural, and social contexts.

Each event in the initial series would begin with a presentation or guided hike led by a local expert in a topic germane to the river canyon and/or trail—Indigenous sense of place, botanical character, wildlife habitat, and mining, rail, timber, and ranching history. Then, the event's program would shift to feature an activity to provide input on and discuss the Vision Plan and the draft materials provided by the CWG. Initially, the events were intended to take place in person. However, while the first event did occur in person, most subsequent events did not because of restrictions on public meetings due to the COVID-19 pandemic. Accordingly, most events took place as virtual/teleconference meetings. What follows is a summary of each event and the decisions made throughout the visioning process.

DRAFT

SPEAKER SERIES // OPEN HOUSES // SURVEYS

February 20, 2020
Native American Sense of Place and Project Vision

December 14, 2020
Ecological Identity and Project Goals

March 29, 2021
Conservation and Advocacy History and Open House

January 7, 2021
El Portal Open House (online)

March 29, 2021
Community Open House (online)

June 16, 2021
Midpines Open House (in person)

December 2020-March 2021
Project Goals Community Survey

September-December 2021
Project Actions Community Survey

ADOPTED

MERCED RIVER TRAIL VISION STATEMENT

The Merced River Trail will manifest our community's appreciation of our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.

It will address the growing needs for education, access to recreation, and regional economic development with the imperative for conserving the canyon's many remarkable resources.

The trail will serve as a central connective component of an existing and future network of trails.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

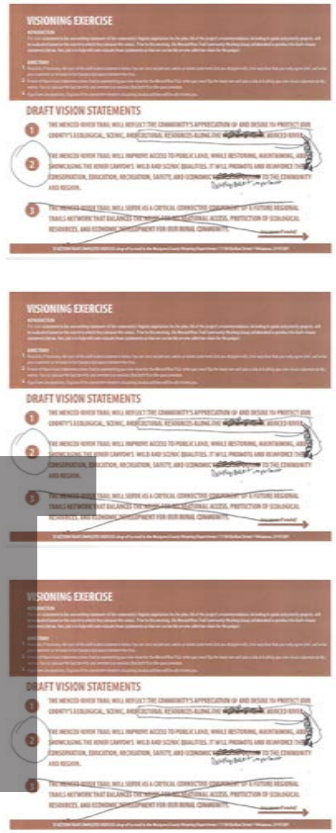


The community presenter for the first installment in the Community Speaker + Engagement Series was Irene A. Vasquez, an expert in eco-cultural uses of native plants and then secretary for the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation). Ms. Vasquez presented on the river canyon's place in generations of Indigenous history, sharing archival photos and emphasizing the importance of projects like the Merced River Trail on addressing issues faced by contemporary Indigenous communities, including public health vulnerabilities and the prison industrial complex. The event was held at the El Portal Community Hall, with over 50 people estimated to have been in attendance.

After this presentation, participants completed an exercise to provide input on the project vision for the Merced River Trail project. Following the process outlined earlier in this chapter, the exercise was developed by the CWG as a prompt for participants to react and engage with three draft vision statements. For several CWG meetings prior the February event, members brainstormed and refined three draft vision statements, which were presented to participants at the February event. The activity asked participants to mark up the vision statements—circle, cross out, underline, rewrite or otherwise engage with—to develop a vision statement that resonated with them. The three draft vision statements that were presented were:

- *The Merced River Trail will reflect the community's appreciation of and desire to protect our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.*
- *The Merced River Trail will improve access to public land, while restoring, maintaining, and showcasing the river canyon's Wild and Scenic qualities. It will promote and reinvorce the conservation, education, recreation, safety, and economic values important to the community and region.*
- *The Merced River Trail will serve as a critical connective component of a future regional trails network that balances the needs for recreational access, protection of ecological resources, and economic development for our rural community.*

While some participants completed the exercise on site, others preferred to share their input on the vision statement to CWG members and staff in conversations after the event. The exercise was also made available on the County's website for community members to complete and return to the Planning Department. Based on input received through these channels, the CWG developed a revised vision statement that synthesized key phrases and concepts from each of the three draft statements, while adding language to what would become the adopted Merced River Trail Vision Statement.



VISIONING EXERCISE
Community members comment on their highest aspirations for the Merced River Trail to help establish the vision for the trail.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

"I like all 3 vision statements; do we need just one? [We should] weave all those great concepts into the final vision statement."

ANONYMOUS COMMENT FROM VISION STATEMENT ACTIVITY





DIALOGUE #1: NATIVE AMERICAN SENSE OF PLACE
Prior to the COVID-19 pandemic, community members gathered for an in-person event to both learn about and share their perspectives on the Merced River canyon, watershed, and trail at the first Community Speaker + Engagement Series event.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



The COVID-19 pandemic began shortly after the February 2020 meeting, forcing the visioning work to pause and the CWG to evaluate options for safely and productively continuing the engagement program. After deliberating for several virtual CWG meetings, it was decided to continue the Community Speaker + Engagement Series, while adapting the program to an online format.

Additionally, the CWG spent the intervening seven months developing a list of draft goals for the trail project to seek input from the community through the online format. At the public CWG meetings when the draft goals were developed, it was emphasized that the draft goals needed to align with the adopted vision statement. Ultimately, the CWG voted to share these draft goals with the community for further online discussion and engagement:

- *Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.*
- *Protect the natural, historic, and cultural resources in the river canyon.*
- *Enhance watershed health, wildlife, and wildlife habitat as a principle of trail planning, implementation, and use.*
- *Promote the Merced River Trail as an integral component of a broader California Regional and State-wide trail system.*
- *Support long term resource management objectives for public land along the Merced River.*
- *Develop a trail that improves access to a wide range of appropriate outdoor experiences.*
- *Support education and research activities that increase knowledge about the importance of the river canyon as a cultural resource and wildlife corridor.*
- *Improve public health through increased access to nature-based recreation in the Merced River canyon.*
- *Strengthen the community's connection to the natural ecosystems of the Wild and Scenic Merced River canyon.*
- *Support the regional economy by stimulating businesses, support services, and other ventures geared towards outdoor recreation.*
- *Prioritize projects for the benefit of wildlife, ecosystem health, and improvement of the current natural conditions.*

The community presenter for the December event was Rob Grasso, who leads the Aquatic Wildlife Restoration program in Yosemite National Park, restoring endangered amphibians and rare turtles. Rob provided an overview of some key wildlife species in the Merced River canyon, and identified several important wildlife- and habitat-related issues to consider through the visioning process. The event was an online meeting that took place over the GoToMeeting platform, and had approximately 50 participants.

"It will take both long-term vision and short-term goals to accomplish this project and make it available for immediate use and as a future resource."

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

After Mr. Grasso's presentation, county staff introduced an online survey where community members could provide input on the project's goals. Meeting participants were oriented to the survey, and a link to the survey was shared through the meeting's chat feature. The link was also emailed out and made available on a variety of online channels.

EL PORTAL OPEN HOUSE // JANUARY 7, 2021

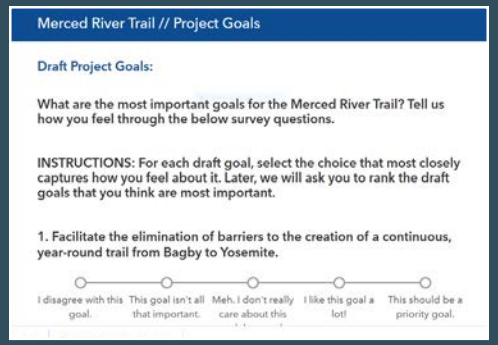
At this online Open House-type event, members of the Merced River Trail Community Working Group, Mariposa County staff, and District I Supervisor Rosemarie Smallcombe met with members of the El Portal, Foresta, and Incline communities to hear input, suggestions, and ideas for the Merced River Trail. The open house took place over the GoToMeeting platform, and had approximately 50 participants.

Many participants expressed concerns over the potential impact that a trail going through Foresta and El Portal could have on the fabric and livability of these communities. Similar sentiments had been expressed both by members of the community and of the working group at previous CWG meetings, and had been expressed in responses to the then-open online survey on the project's goals. Other participants expressed concerns over the potential impacts to wildlife habitat that expanded trail use could have.

PROJECT GOALS SURVEY

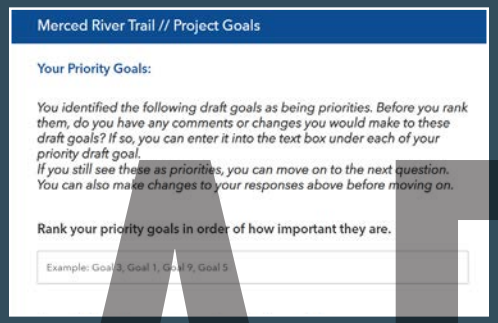
The CWG sought input on eleven initial draft project goals through an online survey. The survey used conditional formatting to ask respondents questions based on their responses to preceding questions in the survey.

1



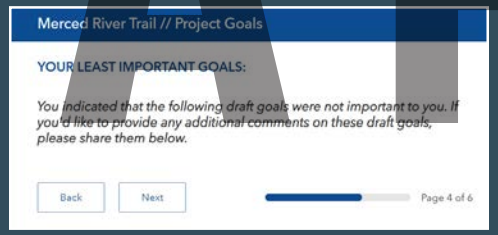
RESPONDENTS WERE FIRST ASKED TO INDICATE HOW IMPORTANT THEY VIEWED EACH OF THE ELEVEN INITIAL DRAFT GOALS.

2



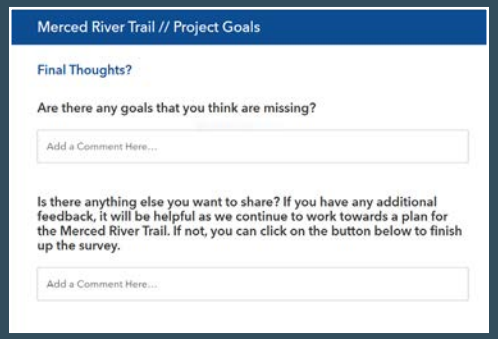
IF A RESPONDENT INDICATED THAT THEY AGREED OR STRONGLY AGREED WITH A DRAFT GOAL, THE SURVEY OFFERED AN OPPORTUNITY TO PRIORITIZE PREFERRED GOALS BY RANKING THEM.

3



IF A RESPONDENT INDICATED THAT THEY DISAGREED WITH A DRAFT GOAL, THE SURVEY OFFERED AN OPPORTUNITY TO PROVIDE ADDITIONAL COMMENTS SPECIFIC TO THAT DRAFT GOAL.

4



THE SURVEY CONCLUDED WITH AN OPPORTUNITY TO ADD NEW GOALS OR PROVIDE GENERAL FEEDBACK AND INPUT.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DIALOGUE #3: CONSERVATION AND ADVOCACY HISTORY + OPEN HOUSE // MARCH 29, 2021

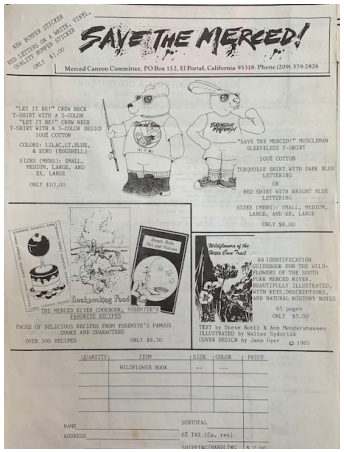


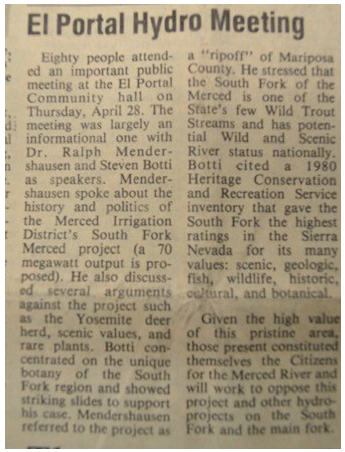


DRAFT

At the March 2021 event, Ralph Mendershausen discussed the history of community leadership and river conservation initiatives in the watershed, and reflected on their significance for the current visioning effort. As both a longtime Mariposan and founding member of the Merced Canyon Committee, Mr. Mendershausen drew on his extensive experience in helping secure Wild and Scenic designation for the river from its headwaters in Yosemite National Park to above Lake McClure. The event took place over the GoToMeeting platform, and had approximately 50 participants.

An open house-style discussion followed, where county staff and CWG members emphasized that, based on feedback received to that point from residents of El Portal and Foresta, the adopted Vision Plan would assuredly not recommend a trail alignment passing through those communities. Participants were also reminded to complete the online survey and encourage others to do so.





El Portal Hydro Meeting

Eighty people attended an important public meeting at the El Portal Community hall on Thursday, April 28. The meeting was largely an informational one with Dr. Ralph Mendershausen and Steven Botti as speakers. Mendershausen spoke about the history and politics of the Merced Irrigation District's South Fork Merced project (a 70 megawatt output is proposed). He also discussed several arguments against the project such as the Yosemite deer herd, scenic values, and rare plants. Botti concentrated on the unique botany of the South Fork region and showed striking slides to support his case. Mendershausen referred to the project as a "ripoff" of Mariposa County. He stressed that the South Fork of the Merced is one of the State's few Wild Trout Streams and has potential Wild and Scenic River status nationally. Botti cited a 1980 Heritage Conservation and Recreation Service inventory that gave the South Fork the highest ratings in the Sierra Nevada for its many values: scenic, geologic, fish, wildlife, historic, cultural, and botanical.

Given the high value of this pristine area, those present constituted themselves the Citizens for the Merced River and will work to oppose this project and other hydro-projects on the South Fork and the main fork.

DIALOGUE #3: CONSERVATION AND ADVOCACY HISTORY
This presentation included archival photos documenting the history of grassroots work of local residents to organize, advocate for, and achieve river conservation victories, including securing Wild and Scenic River status.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MIDPINES OPEN HOUSE // JUNE 16, 2021

After being open for nearly 10 weeks and receiving 252 responses, the online survey to collect input on the project goals was closed so that the CWG could begin interpreting the results. Over the next four months, a subcommittee of CWG members met six times to analyze and synthesize responses and revise the project's goals accordingly. The subcommittee included Ralph Mendershausen, Michael Martin, Nick Ross-Rhudy, and Jeff Gabe.

First, comments were coded for whether they were actionable for a specific draft goal, more general and applicable to multiple draft goals, or not related to the draft project goals. The subcommittee then modified each draft goal—first individually, then collaboratively—in response to both the actionable specific and general comments in the survey responses. The result was a significantly different list of goals than the initial draft list, which was adopted by the CWG at the April 15, 2021 meeting.

The adopted project goals were the focus of the Midpines Open House. On June 15, California transitioned to beyond the blueprint framework, which made it possible for community members to come together in person for an event at the Midpines Community Hall. The event was structured as an open house to share the results and outcomes of the recent community survey on the project's goals. Members of the Merced River Trail Community Working Group and County staff were on hand to discuss how community feedback informed the adopted project goals, and provided updates on the next steps in the visioning process.

The event had approximately 15 participants. In addition to this open house presentation, the goals and a summary of the differences between them and the initial draft goals, were made available on the Mariposa County website and distributed via email and other online platforms. Based on the survey results, the CWG voted to adopt the following goals:

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**
2. **Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**
3. **Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**
4. **Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation.**
5. **Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**
6. **Integrate the Merced River Trail with existing and planned trails within Mariposa County.**
7. **Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**
8. **Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

PROJECT GOAL REVISIONS

Based on the input received through the online survey and during the discussions with the community in this phase of the project, the initial draft goals were modified in various ways prior to being adopted by the Community Working Group.

252
SURVEY RESPONSES

11
INITIAL DRAFT GOALS

2
DRAFT GOALS ELIMINATED

3
DRAFT GOALS INTEGRATED

2
NEW GOALS DEVELOPED

8
FINAL GOALS ADOPTED

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PROJECT GOALS

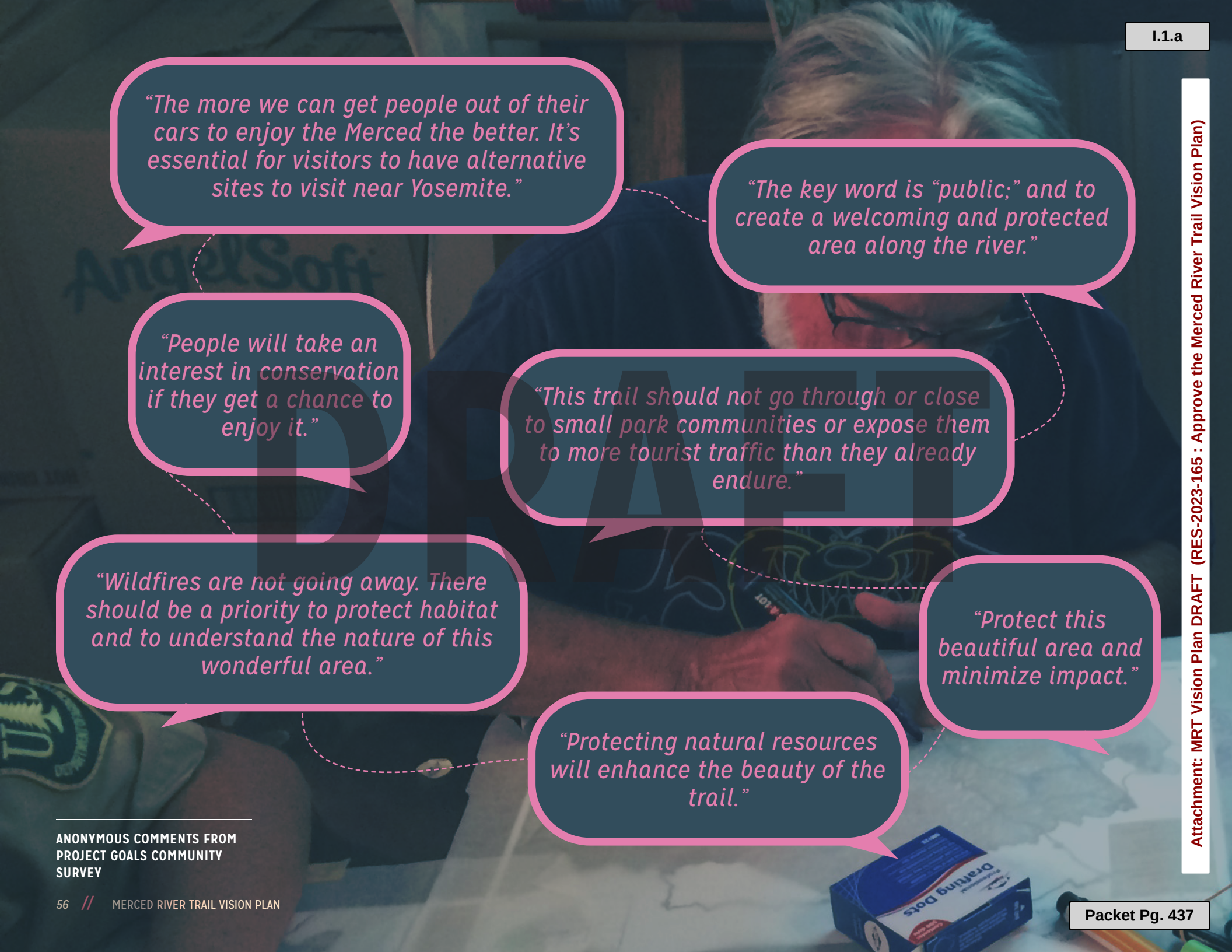
	INITIAL DRAFT GOAL	ADOPTED GOAL
1	*Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.*	**Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**
2	*Protect the natural, historic and cultural resources in the river canyon.*	**Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**
3	*Enhance watershed health, wildlife, and wildlife habitat as a principle of trail planning, implementation and use.*	**Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation.**
4	*Promote the Merced River Trail as an integral component of a broader California Regional and State-wide trail system.*	**Integrate the Merced River Trail with existing and planned trails within Mariposa County.**
5	*Support long term resource management objectives for public land along the Merced River.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #3
6	*Develop a trail that improves access to a wide range of appropriate outdoor experiences.*	**Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**
7	*Support education and research activities that increase knowledge about the importance of the river canyon as a cultural resource and wildlife corridor.*	**Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**
8	*Improve public health through increased access to nature-based recreation in the Merced River canyon.*	ELIMINATED; NOT A POPULAR GOAL
9	*Strengthen the community's connection to the natural ecosystems of the Wild and Scenic Merced River canyon.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #7
10	*Support the regional economy by stimulating businesses, support services, and other ventures geared towards outdoor recreation.*	ELIMINATED; NOT A POPULAR GOAL
11	*Prioritize projects for the benefit of wildlife, ecosystem health, and improvement of the current natural conditions.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #3
N1*	–	**Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**
N2*	–	**Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

* *NEW GOAL DRAFTED IN RESPONSE TO INPUT FROM THE COMMUNITY SURVEY*

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ANONYMOUS COMMENTS FROM PROJECT GOALS COMMUNITY SURVEY


"Educating the general public on appropriate use of a trail system, and care of our natural resources is most important. This should be a priority so that all who use the trail system take personal responsibility for its care."
"For the long-term preservation of the canyon and trail, the community needs to support it."
"Enhancing watershed health, wildlife and wildlife habitat should not be sacrificed for development."
"Anything to keep it clean + quiet, while being used + enjoyed."
"Year-round access is important because of it's excellent climate and favorable winter temperatures."
"The river canyon is rich in historic and cultural resources that are important to preserve."
"This trail could serve as an example of bringing people closer to their surroundings."
"By having a plan we can beat the social trails which often fail our public interests."

DRAFT

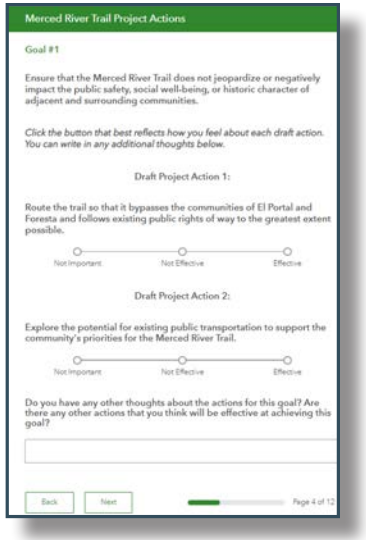
PROJECT ACTIONS SURVEY // SEPTEMBER 9, 2021

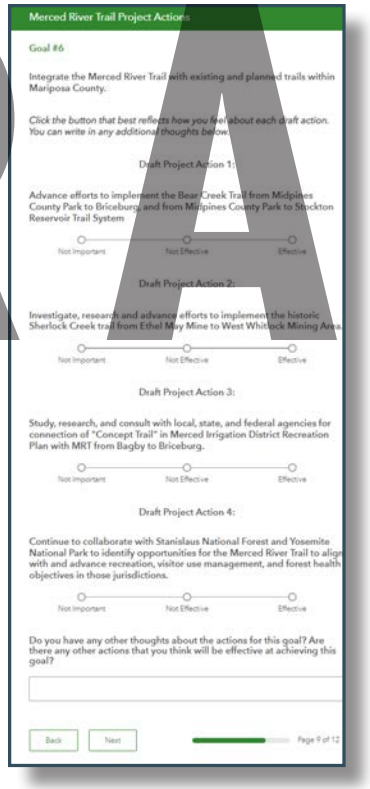
With the CWG having adopted the project's goals, their emphasis shifted to developing a series of draft actions to share with the community and on which to receive feedback and input. For the purposes of the trail visioning work, actions refer to potential steps that can be taken to achieve the adopted goals. Accordingly, the committee put forth actions that specifically align with each of the project's eight goals—in other words, each action was intended to correspond to a specific goal.

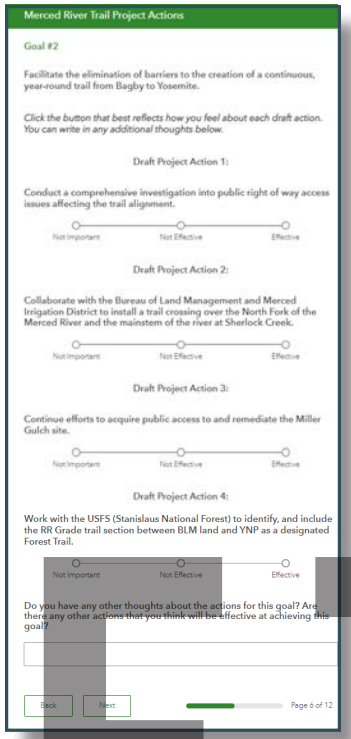
The CWG discussed and crafted draft actions for several meetings. While some draft actions were developed anew during this phase, many had emerged and been recorded during previous phases of the visioning process. For example, while the CWG was evaluating comments proposed in the project goals survey, many of the community's comments aligned more closely with project actions rather than goals. These were saved and revisited during the project actions, as were potential actions that arose during previous CWG deliberations over the draft vision statement and draft goals.

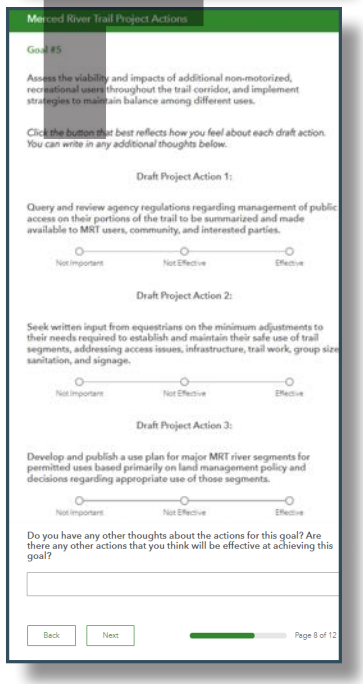
Ultimately, the CWG voted to put forth a list of 29 draft actions for the community to engage with and react to through an online survey that went live on September 9, 2021. For each goal, the CWG proposed at least two draft actions, and most goals had at least three associated draft actions. The initial draft actions and the goals with which they were associated are on pg. 49-50.

The survey was structured for participants to evaluate draft actions based on their perceived utility for achieving the goal to which they relate. For each draft action, survey respondents could indicate whether they thought it would be effective, not effective, or simply not important to the project. Each prompt also allowed participants to write in any additional comments or input on the CWG's draft actions.

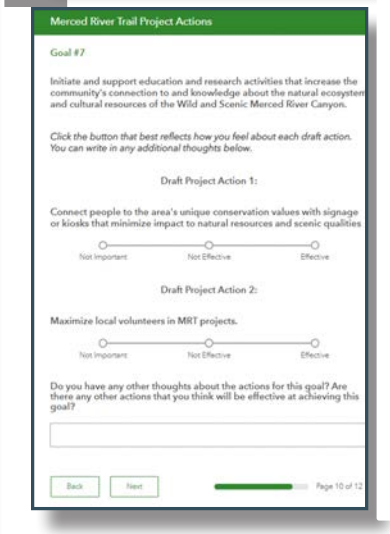






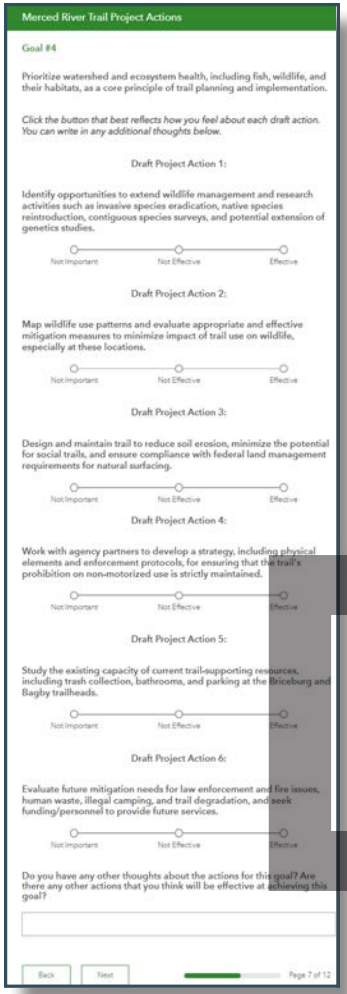






DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



PROJECT ACTIONS SURVEY
After the project goals survey was completed, the CWG sought community input on potential actions for advancing the adopted project goals.

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**

- *Route the trail so that it bypasses the communities of El Portal and Foresta and follows existing public rights of way to the greatest extent possible.*
- *Explore the potential for existing public transportation to support the community's priorities for the Merced River Trail.*

2. **Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**

- *Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment.*
- *Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek.*
- *Continue efforts to acquire public access to and remediate the Miller Gulch site.*
- *Work with the USFS (Stanislaus National Forest) to identify, and include the RR Grade trail section between BLM land and YNP as a designated Forest Trail.*

3. **Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**

- *Continue a regular program of community information about matters relevant to these aspects of the canyon and determine the best means for their selection, dissemination, accessibility, and collection.*
- *Develop and locate riverside sites to provide public information such as signage or a kiosk, with a mandate to minimize and concentrate those sites.*
- *Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges.*
- *Establish an MRT support group of informed local people that will visit the trail with some regularity to see and note its quality and use.*

4. **Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation**

- *Identify opportunities to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, contiguous species surveys, and potential extension of genetics studies.*
- *Map wildlife use patterns and evaluate appropriate and effective mitigation measures to minimize impact of trail use on wildlife, especially at these locations.*
- *Design and maintain trail to reduce soil erosion, minimize the potential for social trails, and ensure compliance with federal land management requirements for natural surfacing.*
- *Work with agency partners to develop a strategy, including physical elements and enforcement protocols, for ensuring that the trail's prohibition on non-motorized use is strictly maintained.*
- *Study the existing capacity of current trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads.*
- *Evaluate future mitigation needs for law enforcement and fire issues, human waste, illegal camping, and trail degradation, and seek funding/personnel to provide future services.*

5. **Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**

- *Query and review agency regulations regarding management of public access on their portions of the trail to be summarized and made available to MRT users, community, and interested parties.*
- *Seek written input from equestrians on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage.*
- *Develop and publish a use plan for major MRT river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.*

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

6. **Integrate the Merced River Trail with existing and planned trails within Mariposa County.**

- *Advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Reservoir Trail System.*
- *Investigate, research and advance efforts to implement the historic Sherlock Creek trail from Ethel May Mine to West Whitlock Mining Area.*
- *Study, research, and consult with local, state, and federal agencies for connection of "Concept Trail" in MID Recreation Plan with MRT from Bagby to Briceburg.*
- *Continue to collaborate with Stanislaus National Forest and Yosemite National Park to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions.*

7. **Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**

- *Connect people to the area's unique conservation values with signage or kiosks that minimize impact to natural resources and scenic qualities.*
- *Maximize local volunteers in MRT projects.*

8. **Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

- *Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the financial and technical resources necessary for the trail's long-term success.*
- *Construct trail support elements such as bathrooms, trash cans, and signage with durable, resilient materials and assemblies that minimize maintenance needs.*
- *Develop a funding strategy to support regular, routine maintenance of the trail and its support facilities as well as major repairs from high impact events such as floods and fires.*

The community survey on Project Actions received 114 responses, and was closed on November 18, 2021. Following the same model used to synthesize the input on the Vision Statement and Project Goals, an ad hoc subcommittee of Community Working Group members convened to analyze the survey responses and use the input to revise and improve the list of project actions prior to submitting them to the full Community Working Group for discussion and adoption.

The subcommittee, which consisted of Ralph Mendershausen, Michael Martin, and Art Baggett, met four times from November 2021–February 2022, following the same methodology for synthesizing community input, and using survey results as the basis for revising the draft project actions. Those recommended revisions then went from the subcommittee to the wider Commmunity Working Group to discuss, approve, and vote to approve, which they did at the February 9, 2022 meeting. Minor wordsmithing of Actions 4.2, 5.1, 6.3, and 8.1 took place during the development of Chapter 3: Action Plan.

Results are summarized below, and detailed in the next chapter.

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**

The draft actions associated with this goal were the most difficult to revise based on the results of the community survey. On average, the draft actions were neither extremely popular or unpopular with the entire survey respondent pool. However, individual responses varied widely, with many respondents ranking these draft actions, especially "Route the trail so that it bypasses the communities of El Portal and Foresta and follows existing public rights of way to the greatest extent possible" as the single most important action in the entire survey, while many others indicated that they would be extremely frustrated were the trail not to pass through El Portal and Foresta.

114
SURVEY RESPONSES

29
INITIAL DRAFT ACTIONS

1
DRAFT ACTION ELIMINATED

4
DRAFT ACTIONS SIGNIFICANTLY REVISED

1
NEW ACTION DEVELOPED

29
ADOPTED PROJECT ACTIONS

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Those in the first camp were primarily residents of El Portal and Foresta, who expressed concerns about the trail's impact on safety and community character. These perspectives were frequently conveyed during public meetings by the El Portal residents on the CWG, who, in addition to sharing their own concerns, passed on shared concerns of their friends and neighbors. The CWG also received formal letters from community groups in El Portal and Foresta expressing similar opinions about the anticipated impact of increased trail usage on their neighborhoods.

The CWG conducted research and heard public comment from stakeholders who believe that these potential impacts can be mitigated by trail programming and design strategies related to signage, site planning, and other counter-measures. While this may prove to be true in the future, the planning process revealed—unequivocally—that the prevailing view of the El Portal and Foresta communities is that it would be extremely detrimental to their neighborhoods if the Merced River Trail were to pass through them.

The CWG decided to prioritize this clear direction from those most directly impacted by the trail's route. Therefore, the draft actions for this goal did not change based on the community's input.

2. Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.

The draft actions associated with this goal were generally seen as desirable, appropriate, and effective. The survey suggested minor revisions to help clarify the intent of some of the actions.

3. Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.

The draft actions were generally popular, with little to no recommended revisions. However, it was suggested that the draft project action •" Establish an MRT support group of informed local people that will visit the trail with some regularity to see and note its quality and use" be revised to provide more clarity and detail about this group's primary roles and responsibilities.

4. Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

These draft actions scored highly among survey respondents, and only minor revisions were recommended.

5. Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.

The survey suggested two substantive revisions to the draft actions associated with this goal. First, the draft project action "Query and review agency regulations regarding management of public access on their portions of the trail to be summarized and made available to MRT users, community, and interested parties" was re-written to be clearer and more comprehensible. Second, the draft project action "Seek written input from equestrians on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage" was revised to better reflect the variety of non-motorized uses that may become more popular and widespread along the Merced River Trail in the future.

6. Integrate the Merced River Trail with existing and planned trails within Mariposa County.

The survey indicated general support for the draft actions associated with this goal. However, the draft project action "Investigate, research and advance efforts to implement the historic Sherlock Creek trail from Ethel May Mine to West Whitlock Mining Area" did not score highly and was eliminated from the final action list.

7. Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.

The survey suggested substantive revisions to both of this goal's draft actions. First, the draft action "Connect people to the area's unique conservation values with signage or kiosks that minimize impact to natural resources and scenic qualities" was revised to include additional objectives and design parameters for future trail furnishings. Second, the draft project action "Maximize local volunteers in MRT projects" was revised to be more detailed about the roles that local volunteers might play in specific types of trail project.

Additionally, a new project action was created to respond to stakeholders' input regarding expanded educational and stewardship activities and programs focused on the river, canyon, and trail.

8. Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.

These draft actions rated among the highest priorities of any in the survey. The survey indicated that no revisions were needed to these actions.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PROJECT ACTIONS: GOALS 1-4

GOAL 1 Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

- **ACTION 1.1** Route the trail so that it bypasses the communities of El Portal and Foresta
- **ACTION 1.2** Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

GOAL 2 Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

- **ACTION 2.1** Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment
- **ACTION 2.2** Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek
- **ACTION 2.3** Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail
- **ACTION 2.4** Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

GOAL 3 Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

- **ACTION 3.1** Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon
- **ACTION 3.2** Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trailheads
- **ACTION 3.3** Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges
- **ACTION 3.4** Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives
- **ACTION 3.5** Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

GOAL 4 Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

- **ACTION 4.1** Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies
- **ACTION 4.2** Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife
- **ACTION 4.3** Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing
- **ACTION 4.4** Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses
- **ACTION 4.5** Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads
- **ACTION 4.6** Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PROJECT ACTIONS: GOALS 5-8

GOAL 5 Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

- **ACTION 5.1** Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail
- **ACTION 5.2** Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage
- **ACTION 5.3** Develop and publish a use plan for major MRT river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.

GOAL 6 Integrate the Merced River Trail with existing and planned trails within Mariposa County

- **ACTION 6.1** Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System
- **ACTION 6.2** Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam
- **ACTION 6.3** Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

GOAL 7 Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

- **ACTION 7.1** Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail
- **ACTION 7.2** Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan
- **ACTION 7.3** Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

GOAL 8 Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

- **ACTION 8.1** Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success
- **ACTION 8.2** Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs
- **ACTION 8.3** Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

PROJECT ACTIONS REVISIONS

The online survey and conversations and input provided during previous phases in the vision planning process resulted in the Community Working Group revising the initial list of draft project actions into 29 goal-specific actions for realizing the project's overall vision.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



The Merced River Trail will manifest our community's appreciation of our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.

It will address the growing needs for education, access to recreation, and regional economic development with the imperative for conserving the canyon's many remarkable resources.

The trail will serve as a central connective component of an existing and future network of trails.

ADOPTED PROJECT VISION STATEMENT

EXISTING RIVER TRAIL BELOW RAILROAD FLAT // BUREAU OF LAND MANAGEMENT JURISDICTION

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

3. ACTION PLAN

DRAFT

The visioning process described in the previous chapter outlined the process that project participants undertook to make increasingly specific statements and decisions about the Merced River Trail's role in advancing the community's aspirations for the river canyon, watershed, and county.

Beginning with a statement of the community's vision for the trail's intended recreational and ecological benefits, the process then identified eight overarching goals that add specificity to that vision. Finally, the vision planning effort revealed 29 discrete actions that could be taken to achieve the project's goals and realize the community's vision.

This chapter, the Action Plan, details each one of those 29 recommended actions with the intention of equipping trail advocates to move ahead with implementing them. For each action, the Action Plan provides an overview that describes the recommendation and its relationship to the overall vision, identifies immediate next steps and roles for advancing implementation efforts, and outlines a general timeline for taking those next steps in the short-term.

For nearly all actions, the Action Plan provides additional materials that can further support local and federal partners in implementing the recommendation, including precedent projects, guidance, or related and leverageable County initiatives. Where appropriate, the Action Plan also references the Appendices, which collects further materials that can be useful for carrying out the Action Plan and achieving the community's vision for the Merced River Trail.

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

DRAFT

SEASONALITY
Seasonal variations in the river's flow regime reveal different landscapes for trail users throughout the year.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments



CELEBRATED COMMUNITY RESOURCE
The existing segment of the Merced River Trail within Bureau of Land Management jurisdiction is well loved by both residents and visitors. Conserving the qualities that make this trail and landscape special are essential outcomes of each of the Action Plan's recommendations.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

DRAFT

A NOTE ABOUT THE ACTION PLAN

The following pages provide further specificity about each of the Vision Plan's recommendations.

Each recommendation includes an **Overview**, which details the recommendation's intent and meaning, suggested **Next Steps** for advancing the recommended action, and a conceptual **Timeline** for implementing those next steps. Most recommendations also include images to supporting resources, such as precedent projects, applicable technical assistance, and other materials that can aid in understanding and implementing the recommendation.

Finally, where appropriate, the narrative for each recommendation refers to additional supporting materials located in the **Vision Plan Appendices**. These supplementary materials provide further guidance and direction for achieving the Action Plan's recommendations.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

DRAFT

ACTION 1.1 //

Route the trail so that it bypasses the communities of El Portal and Foresta.

OVERVIEW

At the outset of the vision planning process, it was assumed that the Merced River Trail would follow the historic Yosemite Valley Railroad grade from Bagby to El Portal, then follow Old Foresta Road from El Portal through Foresta to Big Oak Flat Road in Yosemite. However, the visioning process revealed that this route was not popular with many residents of the El Portal and Foresta communities, who expressed concerns about potential impacts of the trail on their neighborhoods. Common concerns included impacts from traffic and unsafe driving, and the potential for these communities to serve as de facto trailheads for the Merced River Trail. While many El Portal and Foresta residents support the trail concept, there is near-universal agreement in these communities that the Merced River Trail should be routed and implemented in ways that avoid adverse impacts to these neighborhoods.

However, it is also important to note that the vision process also revealed a strong and unified perspective that, in order for the Merced River Trail to be successful, it has to follow the Merced River and the historic Yosemite Valley Railroad grade for the greatest extent possible. Not only does this enable the trail to achieve the project's historic and environmental interpretation benefits, but this is also the vision for the trail as established in Bureau of Land Management and US Forest Service Wild and Scenic river plans. The vision planning process revealed several potential routes to consider, all of which have strengths and weaknesses. Ultimately, the Community Working Group combined aspects of several of those potential routes to identify a preferred route that, along with a handful of other options, will be the subject of a more rigorous impact assessment at a later date.

NEXT STEPS

Identifying the preferred route(s) for the Merced River Trail, so that it balances all of the priorities and needs expressed in the Vision Plan—connecting with Yosemite, contributing to environmental and cultural resource conservation and education, and not jeopardizing adjacent neighborhoods—is of the highest priority. While the Vision Plan establishes the parameters of a successful trail project and identifies a recommended route, a dedicated, well-resourced study is needed to add detail and specificity to the Vision Plan's route investigation.

Such a study would rely on both extensive community engagement (with the public and federal land management leadership) and quantitative landscape suitabililty analysis to compare and contrast alternatives, evaluating multiple options to identify the optimal route for satisfying all of the community's aspirations for the Merced River Trail. This study could take place within the context of a federal NEPA process, or presage one. Regardless, NEPA will need to take place in order to formally select a route(s) to implement in federal jurisdiction.

TIMELINE

Effectively conducting this study will require capacity that exceeds that of current county staffing levels. Identifying and securing funds to hire a consultant could commence immediately, or could be funded by the Board so that route planning work can begin right away.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Foresta (CA)





El Portal (CA)

ANTICIPATED COMMUNITY IMPACTS

Throughout the visioning process, residents of the El Portal and Foresta communities frequently and unequivocally expressed their concerns over various impacts of a trail through their neighborhoods.

Among resident's chief concerns were inadequate resources to accommodate increased parking and waste from trail users, impacts of additional vehicular traffic on small streets, and safety concerns associated with illegal camping. While many of these respondents are in favor of a trail through the Merced River canyon, they are, at this time, nearly universally opposed to a trail through that would pass through El Portal and Foresta.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ROUTES DISCUSSED // LOWER CANYON



1 VIA BURMA GRADE

OVERVIEW

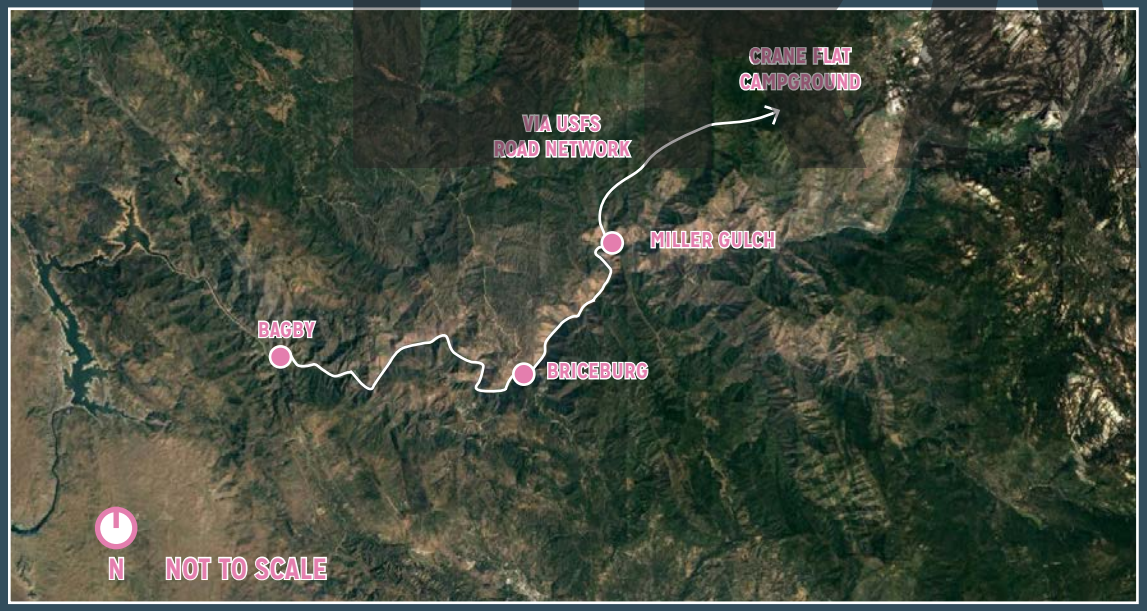
THIS ROUTE WOULD CLIMB OUT OF THE RIVER CANYON AT BRICEBURG VIA THE BURMA GRADE, AN EXISTING JEEP ROAD THAT PROVIDES ACCESS TO OTHER RUGGED ROADS THROUGH BLM AND USFS LAND TO YOSEMITE.

PROS

- FUNNELS TRAIL TRAFFIC ONTO AREAS THAT HAVE BEEN PREVIOUSLY IMPACTED

CONS

- HIGHER ROUTE IS MORE EXPOSED AND HAS LESS AVAILABLE WATER RESOURCES
- LARGELY BYPASSES RAIL GRADE, SCENIC BEAUTY AND CULTURAL INTEREST OF THE RIVER CANYON



2 VIA MILLER GULCH

OVERVIEW

THIS ROUTE WOULD CLIMB OUT OF THE RIVER CANYON AT MILLER GULCH (EMORY), AND ACCESS EXISTING USFS ROADS INTO YOSEMITE AT THE CRANE FLAT CAMPGROUND

PROS

- PROVIDES SIGNIFICANT ACCESS TO RIVER, WITHOUT INTERFERING WITH COMMUNITIES OF EL PORTAL AND FORESTA
- TERMINUS IN YOSEMITE PROVIDES CONTROLLED TRAILHEAD SERVICES AND IS ADJACENT TO TRANSIT

CONS

- TOPOGRAPHICALLY CHALLENGING ROUTE APPEARS TO BE FEASIBLE FOR HIKERS, BUT PERHAPS NOT OTHER USERS

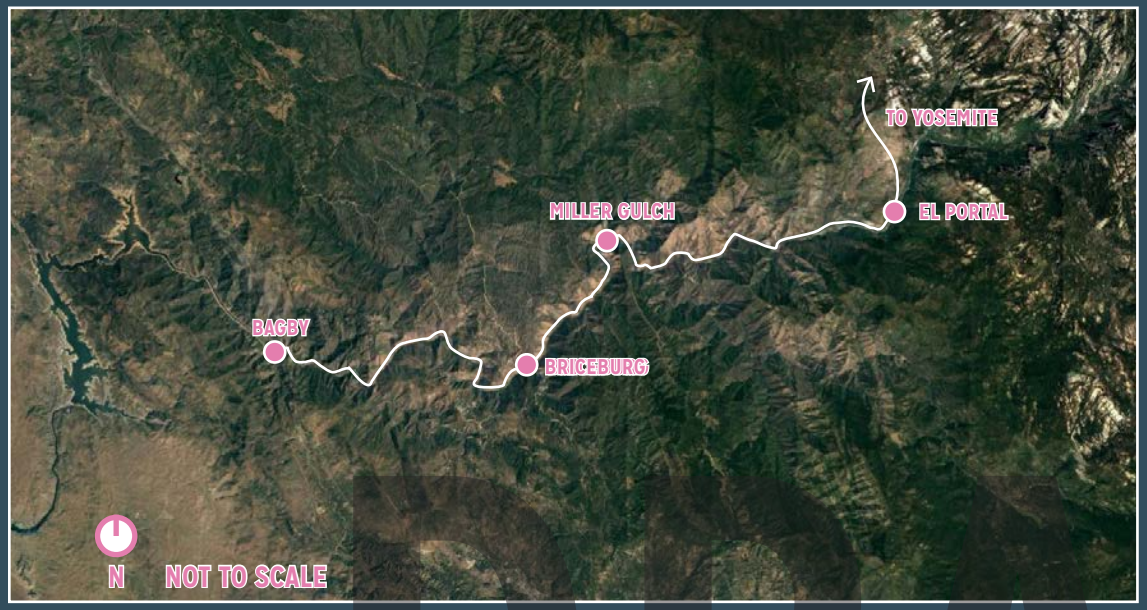
DRAFT

ROUTE OPPORTUNITIES // LOWER CANYON

The visioning process revealed two potential route alternatives between Briceburg and the Ferguson rock slide that could satisfy the objective of connecting Bagby to Yosemite.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ROUTES DISCUSSED // UPPER CANYON



3 VIA OLD EL PORTAL

OVERVIEW

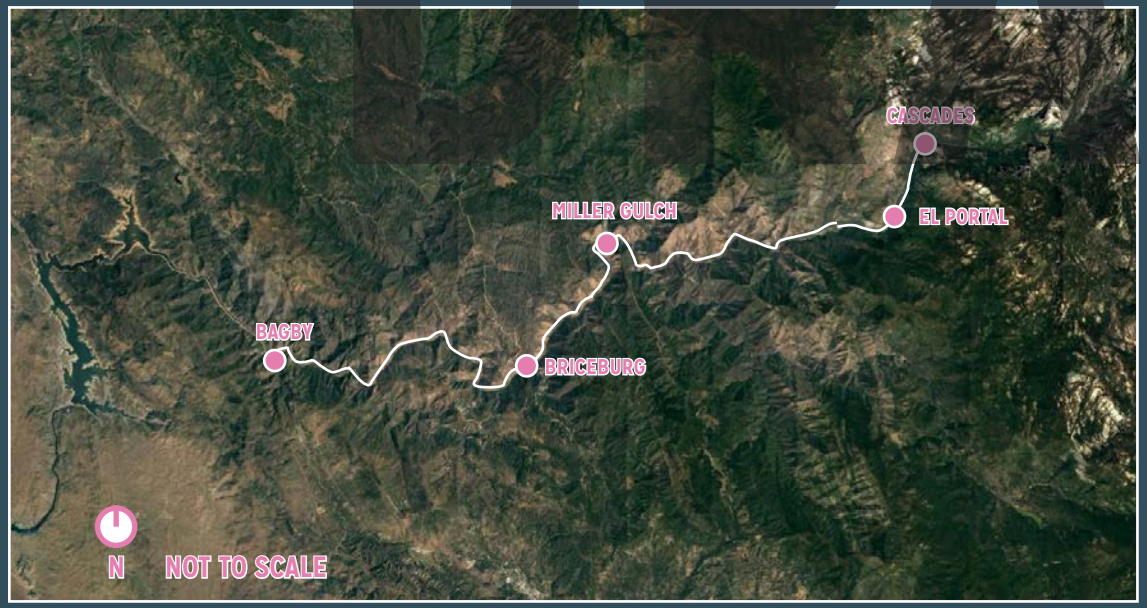
THIS ROUTE WOULD ADHERE TO THE ENTIRE HISTORIC YOSEMITE VALLEY RAILROAD RIGHT OF WAY INTO EL PORTAL, AND ACCESS YOSEMITE WEST OF PARKLINE SLAB

PROS

- MAXIMIZES ACCESS TO HISTORIC YVRR RAIL GRADE
- LIKELY THE SHORTEST AND MOST DIRECT ROUTE FROM BAGBY TO YOSEMITE

CONS

- EXTREMELY UNPOPULAR WITH THE NEIGHBORHOODS THAT WOULD BE MOST AFFECTED BY THIS ROUTE.
- OPPOSITION FROM THE LOCAL COMMUNITIES MAKES THIS ROUTE A NON-STARTER AT THIS POINT IN TIME.



4 VIA HISTORIC BOLTON ROUTE

OVERVIEW

THIS ROUTE WOULD FOLLOW THE HISTORIC TRAIL DESIGNED AND BUILT BY A.W. BOLTON, WHICH FOLLOWED THE NORTH SIDE OF THE RIVER TO THE CASCADES IN YOSEMITE VALLEY.

PROS

- PROVIDES DIRECT ACCESS TO YOSEMITE VALLEY
- ADHERES TO A HISTORIC AND CULTURALLY RELEVANT ROUTE

CONS

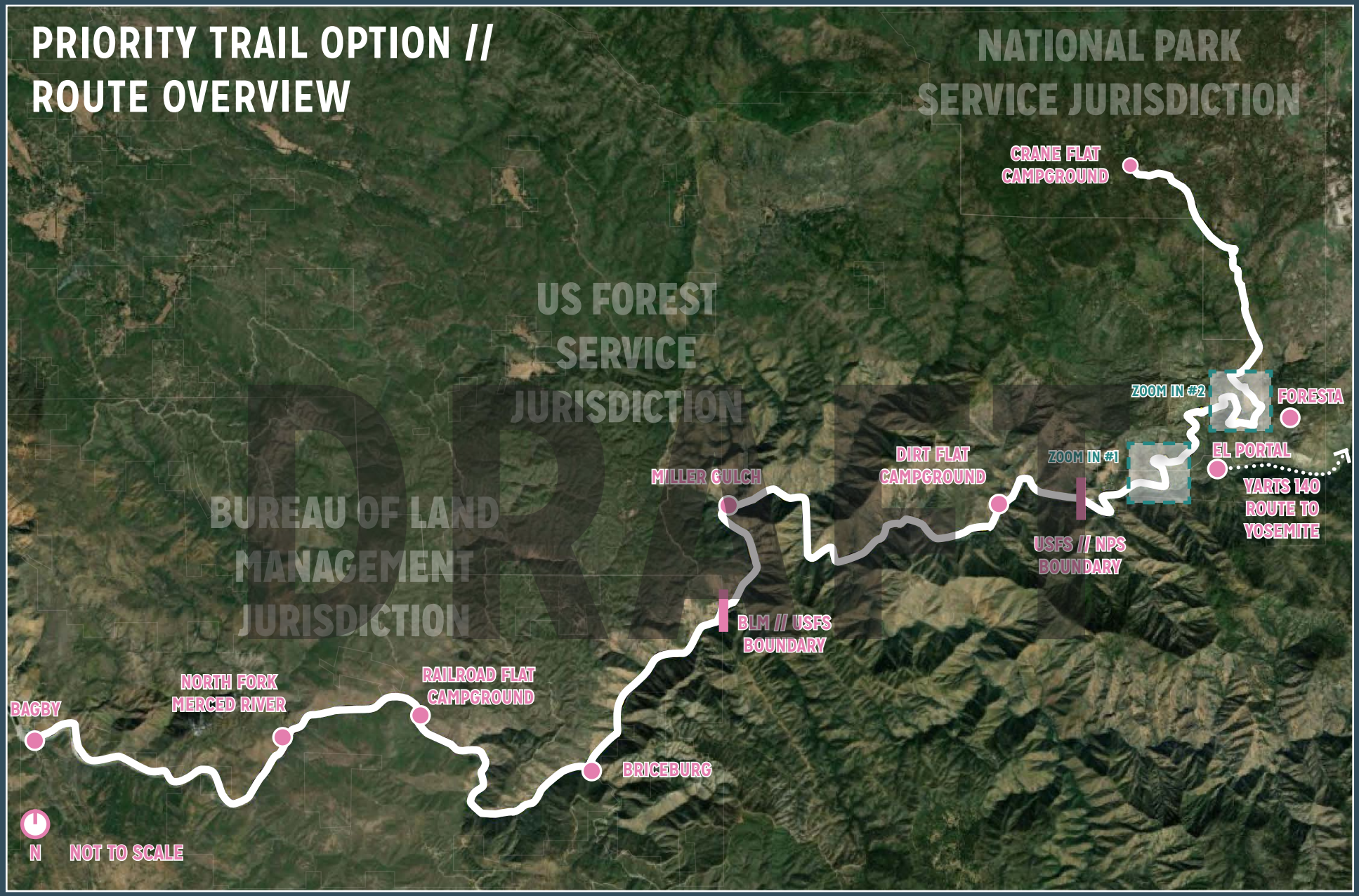
- MUST EITHER PASS THROUGH EL PORTAL OR REQUIRE TRAIL USERS TO TRAVEL ON HWY. 140
- REQUIRES SIGNIFICANT COLLABORATION WITH NPS AND AN EXTENSIVE, POTENTIALLY PROBLEMATIC ENVIRONMENTAL REVIEW.

ROUTE OPTIONS // UPPER CANYON

Above the Ferguson rock slide, participants identified two routes—neither of which is entirely acceptable with local communities—that could provide trail access into the park.

DRAFT

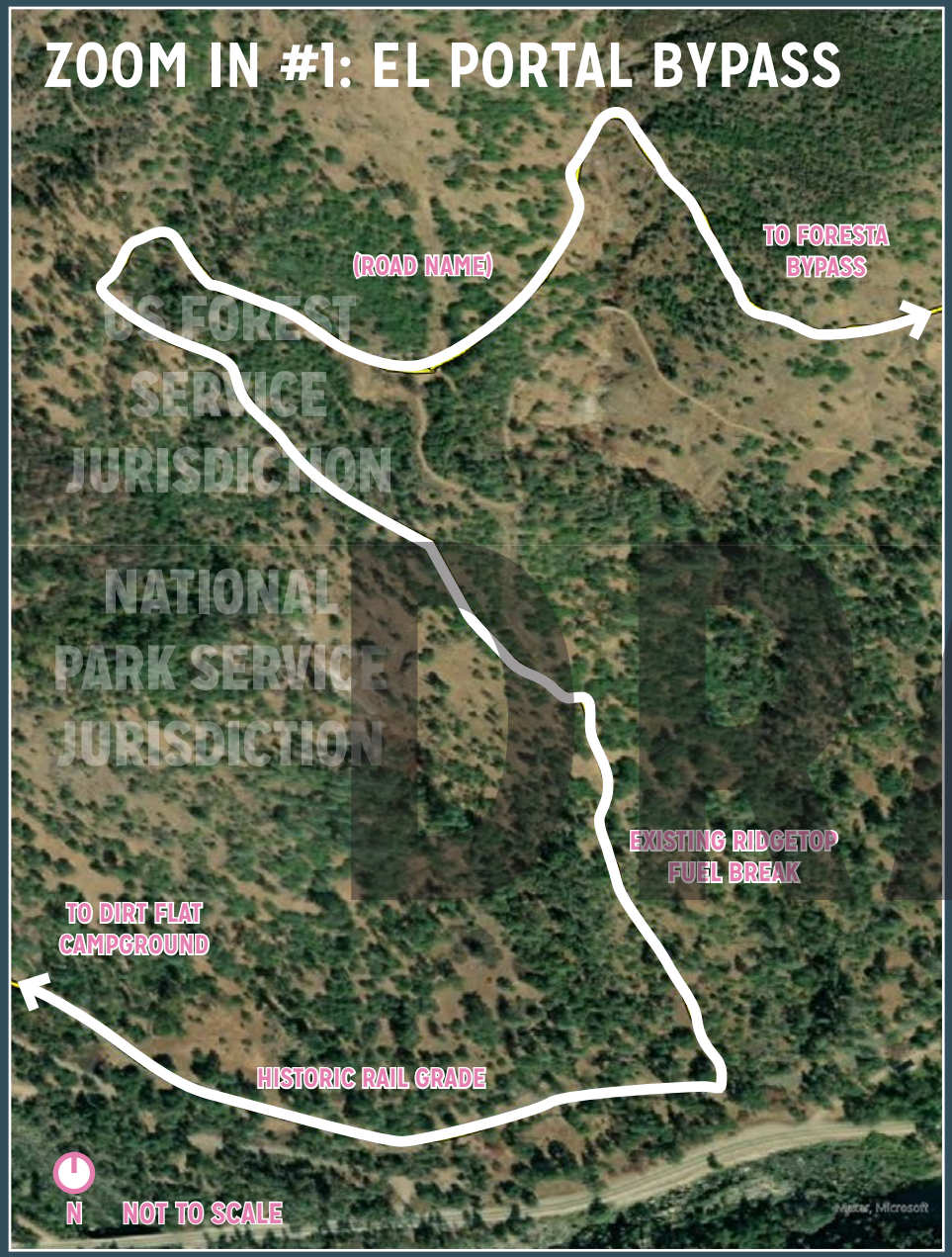
Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

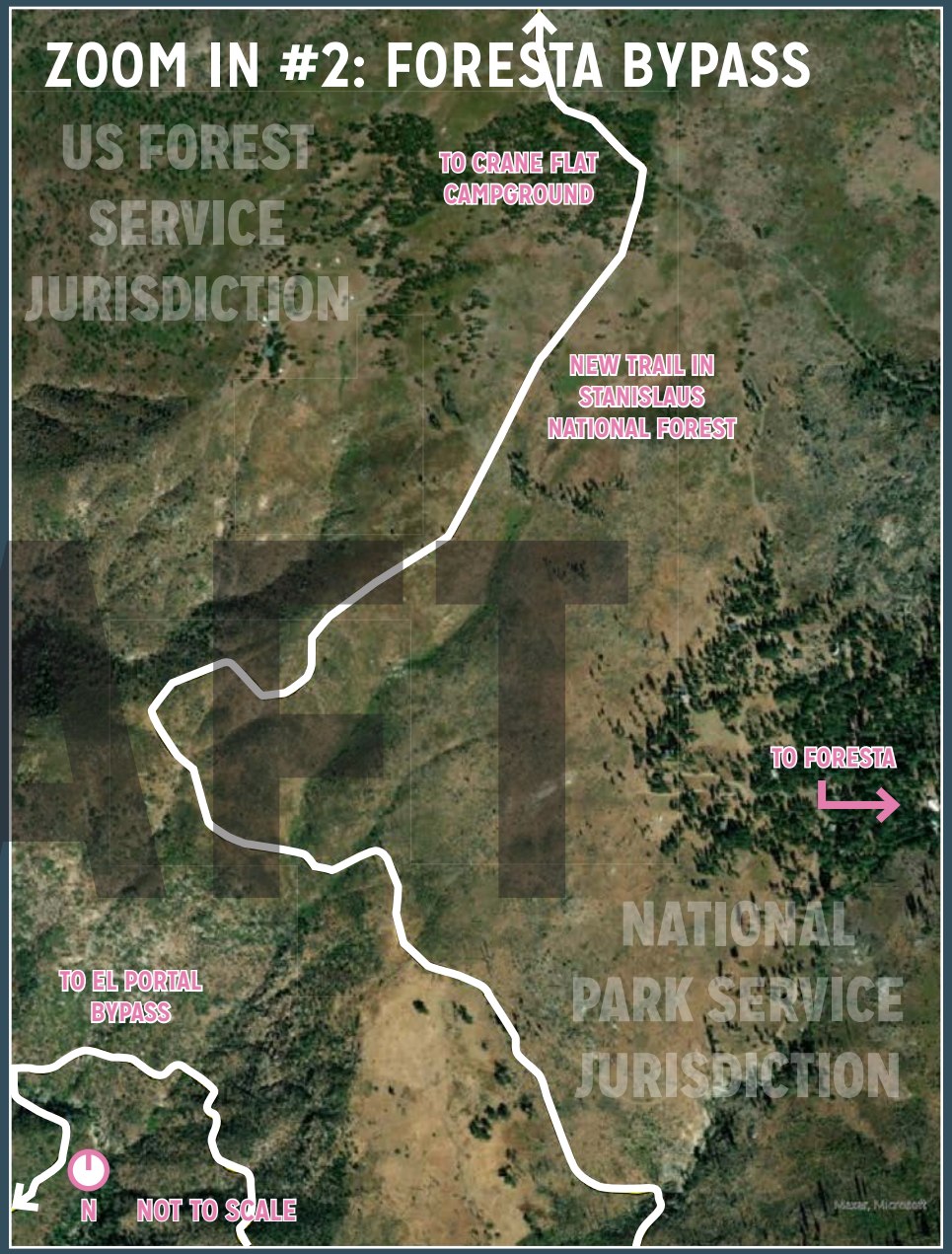


MULTIPLE INTERESTS, OPTIMAL ROUTE

The visioning process revealed community preferences for a trail route that connects to Yosemite National Park, maximizes the distance spent along the historic Yosemite Valley Railroad grade, and minimizes impacts to the communities of El Portal and Foresta. The priority trail option, which will need to be evaluated and compared to other alternatives through agency-appropriate processes, seeks to balance these perspectives on the trail and provide an optimal route that satisfies multiple interests.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





DRAFT

COMMUNITY BYPASSES WITH LOCAL SUPPORT

During the visioning process, the Community Working Group worked with members of the El Portal and Foresta communities to devise the above route modifications, which are intended to bypass those communities while still providing direct, continuous trail access between the rail grade along the river and Yosemite National Park above the river canyon. These bypasses have been initially reviewed by members of the El Portal and Foresta communities and are endorsed by the Community Working Group's residents of these areas.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

ACTION 1.2 //

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail.

OVERVIEW

Yosemite Area Regional Transportation Service (YARTS) currently provides transit connections to key destinations along the Highway 140 corridor, with multiple existing stops that could be beneficial to serving trail users. These include park and ride facilities in Mariposa and Midpines, and could potentially include a future transportation center in the Town of Mariposa, which has been explored by several recent community planning initiatives.

Expanded and enhanced service could reduce the need for trail users to drive to the trail, reducing the potential impact of increased visitation on the limited trailhead services currently in the canyon. It could also support Action 1.1 by allowing trail users to use non-motorized recreational modes to travel upstream along the river to a YARTS stop outside of El Portal, and take the bus into Yosemite—either to destinations in Yosemite Valley, or seasonally to existing stops along Old Big Oak Flat Road and the Highway 120 corridor. Other potential modifications to YARTS service that could serve the Merced River Trail include a new stop at or near the current Briceburg trailhead and at the existing Bagby developed recreational area on the south side of the river.

Regardless of whether new service is added, one important question to resolve is whether the current fleet of YARTS buses is adequate for additional bicycles on the Merced River Trail. While the current coach buses have storage for items under the bus, it isn't clear how many bicycles this area can accommodate, whether there are limitations to the type and size of under-bus bikes, and if bicycle users are comfortable storing their bikes in this fashion. Answering these questions will be important to determining next steps—if the current fleet is inadequate, bicycle advocates could seek to add tray-style bike racks often seen on urban buses onto the current fleet, Or, if YARTS is pursuing fleet upgrades, perhaps bike storage could be addressed in this process.

NEXT STEPS

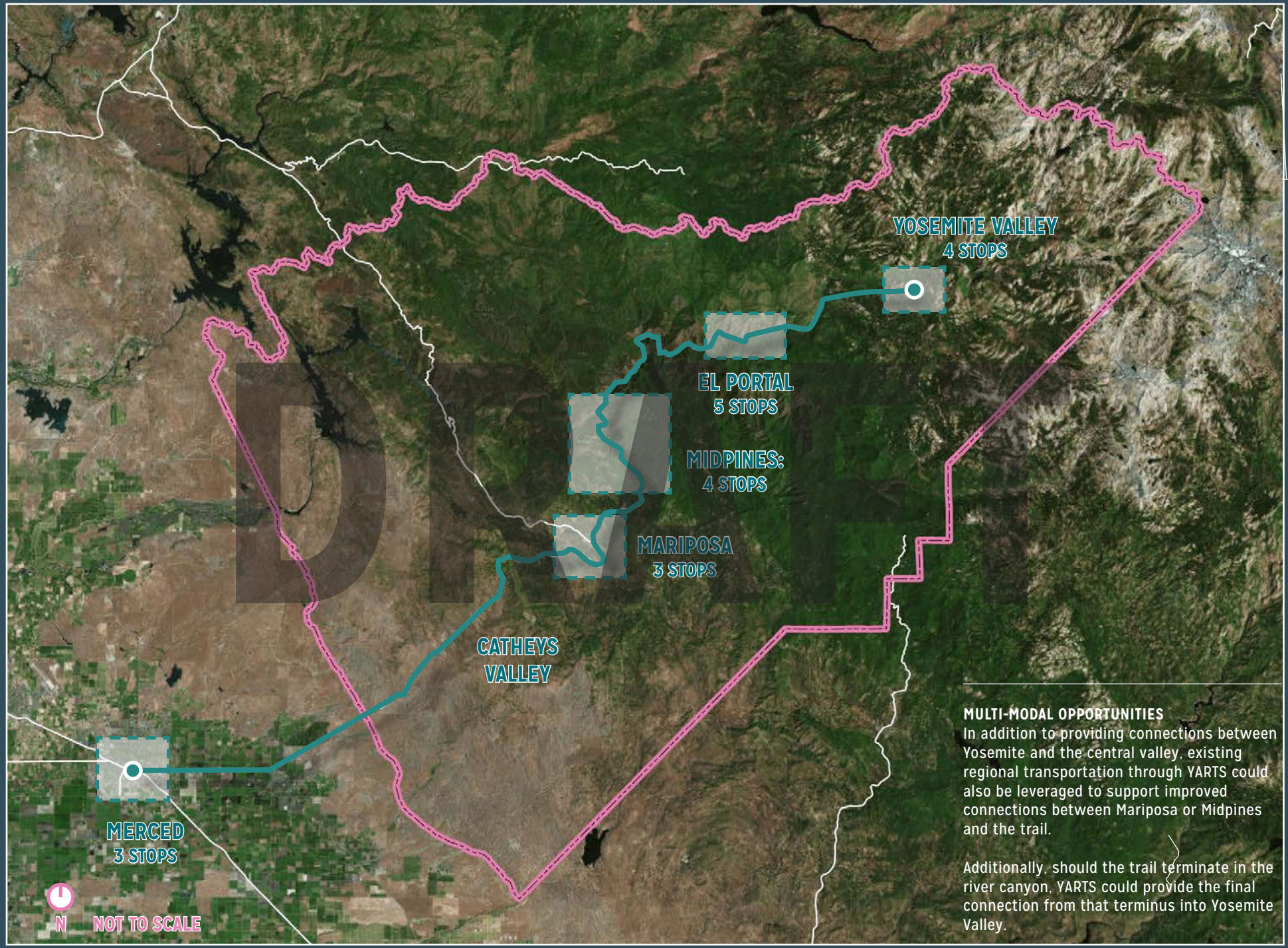
Unlike most recommendations in this chapter, this is one where the primary project partners—led by Mariposa County, and supported by relevant federal agencies—will likely have to rely on another agency to take the lead. In this case, the project partnership should engage with and ultimately support YARTS in identifying any updates or modifications that would be necessary to support trail use, and pursuing the resources needed to make them. With YARTS recently completing a five-year short-range transit plan that includes reduced service, it seems likely that additional resources for trail-supportive transit through the agency will be needed.

TIMELINE

The County and NPS both have strong working relationships with YARTS, and initial conversations could commence immediately after Board adoption of the Vision Plan.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MULTI-MODAL OPPORTUNITIES
In addition to providing connections between Yosemite and the central valley, existing regional transportation through YARTS could also be leveraged to support improved connections between Mariposa or Midpines and the trail.

Additionally, should the trail terminate in the river canyon, YARTS could provide the final connection from that terminus into Yosemite Valley.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1
Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2
Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3
Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4
Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.1 //

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment.

OVERVIEW

The Merced River canyon is almost exclusively public land managed by the Bureau of Land Management (BLM), US Forest Service (USFS), National Park Service (NPS), and Merced Irrigation District (MID). There are also known private lands within the river canyon (including Miller Gulch, discussed in Action 2.3). And there are a very small (not yet fully known) number of privately owned parcels that the Merced River Trail may traverse which could require right-of-way access, such as a public easement or fee title acquisition, in order to complete the trail.

In order to realize the community's vision for the Merced River Trail, these right of way access questions need to be addressed and, if necessary, resolved. Depending on the condition of the site and the position of its owners, this could involve purchasing easements for recreational access, fee title property acquisitions, or various forms of donated right of way access, depending on the situation, land owner, and need.

An initial right of way study would involve a close inspection of the proposed trail route(s) in relation to an assessor parcels map. Based on the outcome of this initial study, it may be necessary to perform targeted surveys in areas where potential trail is close to property boundaries. Importantly, the Record of Decision for the USFS 1991 Merced Wild and Scenic River Management Plan, which endorses the selection of River Management Alternative C, states that under this selected alternative, "scenic easements may be required."

NEXT STEPS

Ideally, this task could be completed by the federal agencies whose jurisdiction surrounds properties with potential right of way access questions. Agencies will need geospatial data for the trail right of way, which the County can provide. County staff can also conduct an initial right of way study to include the Planning and Public Works departments, Assessor and Recorder's Office, and County Counsel. A full study will likely require the support of a title company and/or real estate lawyer to interpret existing recorded easements. This action probably requires external funding, but perhaps agency budgets could be used.

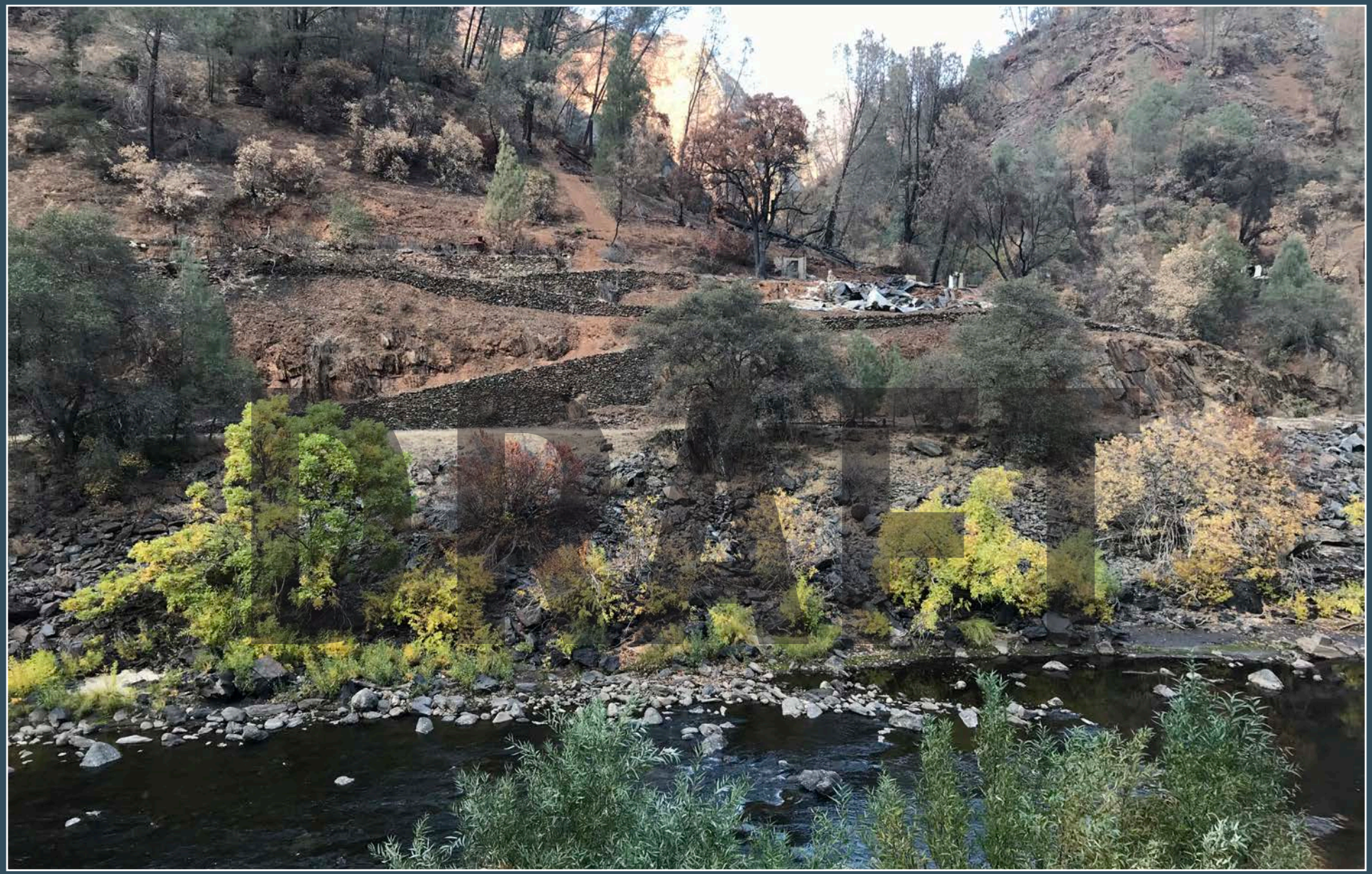
Ultimately, the completed study will result in at least some right of way acquisition, which will likely require external funding to conduct. Acquisition efforts, including pursuing funding, could be managed by a regional land trust, such as the Sierra Foothills Conservancy, or the potential trail conservancy identified in Action 8.1.

TIMELINE

The initial right of way study could kick-off immediately after Board adoption of the Vision Plan, and take from 3-6 months. The results of that initial study will determine the timeline for the more technical comprehensive study.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Former hotel building // Miller Gulch (Emory)

PRIVATE RIGHT OF WAY, PUBLIC BENEFIT
Access through the privately owned Miller Gulch (Emory) property is critical for Merced River Trail project to realize its recreational and ecological benefits. It is possible that there are additional right of way issues along the historic rail grade, which would need to be resolved for the trail to be successful.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.2 //

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek.

OVERVIEW

The Federal Energy Regulatory Commission (FERC) license for Merced Irrigation District's (MID) Merced River Hydroelectric Project includes a plan to develop an all-season hiking and biking trail between Bagby Recreation Area and Briceburg. In order to construct this section of the Merced River Trail, MID, BLM, other organizations with trail interests, and the public need to collaborate, develop a plan, secure funding, build and maintain a MID-sponsored bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area, connecting the trail from the north side to the south side of the Merced River and build a south side trail to Bagby. License conditions are further summarized in Appendix I.

The plan includes two conditions: 1) within 3 years of the final license, BLM has to verify the existence of legal public access through ownership or easements along the Merced River between Bagby and the North Fork, and 2) BLM has to construct a bridge across the North Fork of the Merced River to allow safe public crossing during spring snow melt off and storm events. Project partners need regular updates on the status of this action, such as public meetings, notifications, and press releases, and to coordinate on project planning and implementation.

NEXT STEPS

Project partners should pursue a range of short- and long-term next steps, including monitoring the agreement's litigation status, contacting principals and interested parties for status reports on their project action activities, conducting public outreach when the FERC license is adopted, and seeking funding for pre-project planning and grant applications. These tasks can be delegated among local, federal, and non-profit partners as the partnership sees appropriate. In this case, the role for the County is comparatively small in implementing this action, whereas the role for local non-profits, including existing ones like the Merced River Conservation Committee and Upper Merced River Watershed Council, and a potential conservancy organization (identified in Action 8.1,) is high.

TIMELINE

Implementing this recommendation is contingent upon FERC issuance of the License for the Merced River Hydroelectric Project, which is currently awaiting final FERC approval pending consideration of State Water Quality Certification conditions of the California State Water Control Board. There are several court cases pending related to water quality certification issues for this project. FERC is delaying the issuance of a final license until these court actions are completed. Once the license is issued, Merced ID and BLM have 3 years to implement and construct the project. Both trail crossings (North Fork and Merced River near Sherlock Creek) are required to complete the project under the FERC license conditions.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



San Joaquin River Gorge



North Fork San Joaquin River, Ansel Adams Wilderness



Big Sandy Creek

REGIONAL PRECEDENT

The San Joaquin River Trail will eventually extend from the Friant dam in Fresno County to Devil's Postpile National Monument in the Sierra Nevada. The current trail crosses several major creeks and drainages via bridges that are robust enough to withstand the elements and support traffic from non-motorized recreational users, without severely impacting the visual quality of the landscape.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.3 //

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

OVERVIEW

The community's stated vision for the Merced River Trail describes it as more than a resource for appropriate and agency-endorsed recreation, but also an opportunity for improved ecological outcomes in the Merced River canyon and watershed. Much of this potential lies in the trail's ability to foster connections to the landscape and promote a sense of environmental stewardship among trail users. However, participants in the Vision Planning process also identified the trail's relationship to river-adjacent industrial sites, including former mining sites, as an innovative opportunity to both promote recreational access through the river canyon and address the environmental impacts of its rail, mining, and timbering history.

One such opportunity exists at the Miller Gulch site, a former cement quarry and plant on private land surrounded on three sides by Stanislaus National Forest. The site includes approximately 2000 linear feet of historic rail grade which is of the highest value for providing continuous non-motorized recreational access through the river canyon. Beyond providing a critical connection along the river, the site presents other opportunities that align with the community's vision for the trail, including potential for historic preservation/interpretation and ecological restoration of the gulch. This could address potential impacts of past industrial uses and the Ferguson Fire (2018), which caused significant damage to the site's historic buildings and upland areas. On this site, the trail partnership could develop a strategy for acquiring public access while enabling future improvements of the site's environmental conditions, resulting in both a better trail experience and a healthier watershed.

It is important to note that the Miller Gulch site is just one of many historic industrial sites in the Merced River canyon, many of which could have their own issues related to public access, ecological restoration, or some combination of both. A comprehensive right-of-way study (Action 2.1) could be paired with an assessment of sites where historic environmental impacts are likely to have occurred to identify additional opportunities for aligning right of way acquisition with ecological enhancements.

NEXT STEPS

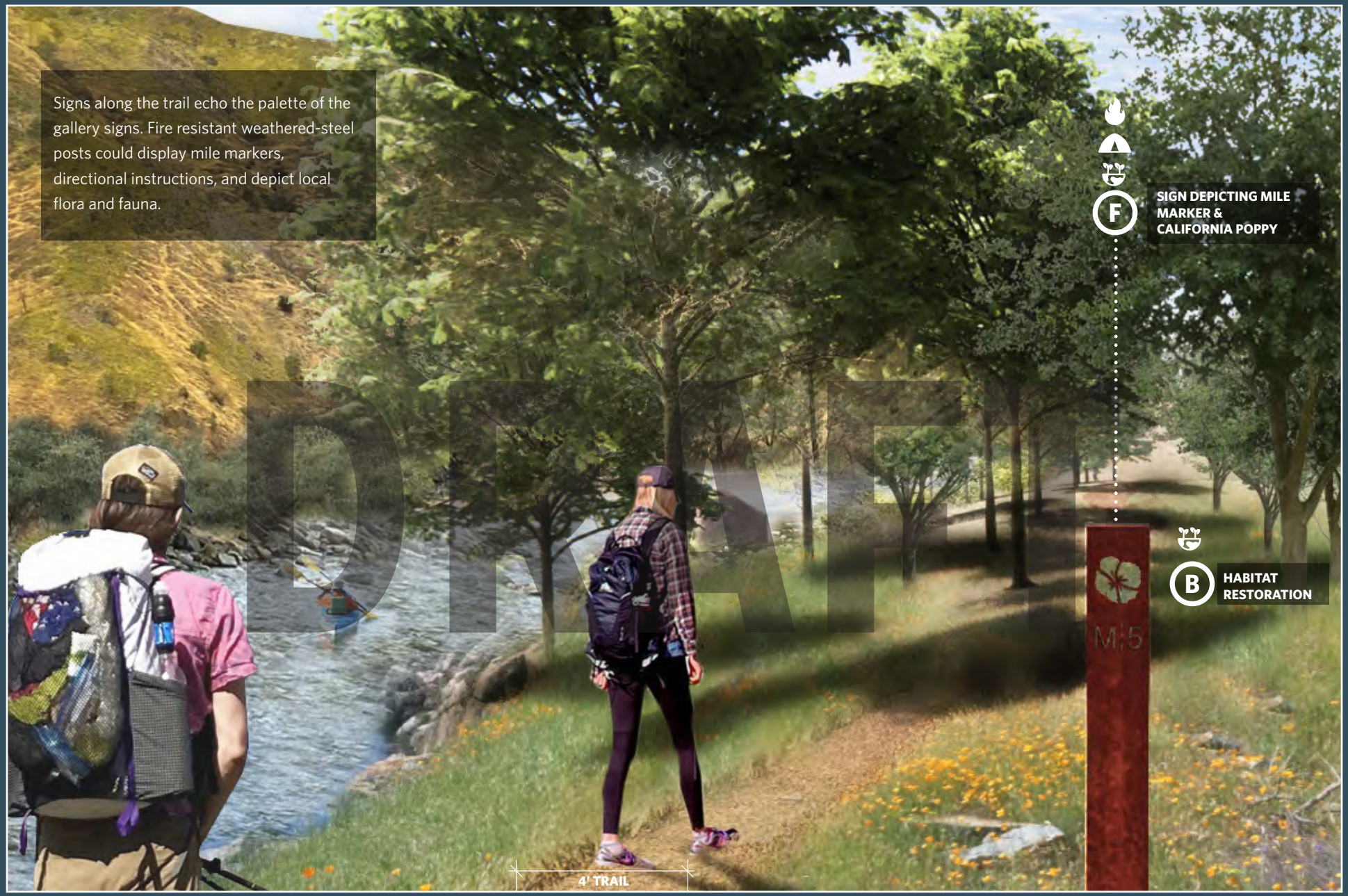
The County should continue pursuing resources to understand and, where needed, resolve right-of-way questions and opportunities for environmental enhancement on historic industrial sites adjacent to the Merced River Trail. This requires collaboration with federal and state partners, including land managers and environmental heath agencies, to secure appropriate public access, and implement effective ecological enhancements on these sites.

TIMELINE

This is both an innovative strategy and a priority action for achieving the community's vision for the trail. It should be among the first tasks implemented upon adoption of the Vision Plan.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



RESTORATION, RECLAMATION, AND MINIMAL RECREATION IMPROVEMENTS

Through the EPA's Land Revitalization Technical Assistance program, Mariposa County facilitated several workshops with community members and agency partners to frame out an approach for improving the Miller Gulch site in ways that align with the Merced River Trail Vision Plan. This includes restoring native species on site, addressing potential contamination from past industrial uses, and implementing minor recreation improvements to provide non-motorized access to and through the site.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.4 //

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan.

OVERVIEW

Depending on final route(s) recommendations, the Merced River Trail will either exclusively or primarily follow the historic Yosemite Valley Railroad grade on the northern banks of the river through the canyon. In Bureau of Land Management (BLM) jurisdiction, this area is a designated trail, with agency-approved parameters for trail design, use, and management. However, though technically accessible by the public, the historic rail grade in US Forest Service jurisdiction is not formally designated as a trail. This means that no "trail work"—brushing, clearing, or other minor modifications to support non-motorized recreational access—are authorized at this time.

USFS will have to designate the trail in order for these activities, as well as long-term maintenance and management tasks, to occur. Designation involves a significant NEPA compliance effort, including trail specifications and studies to evaluate the potential impacts of the intended trail on cultural and ecological resources. While this work could be the responsibility of USFS staff, the reality is that designating the trail will happen more quickly if the County and its partners lead the endeavor, in partnership with Stanislaus National Forest and other agency staff as appropriate. However, its worth noting that the Record of Decision for the agency's 1991 Merced Wild and Scenic River Management Plan, which endorses the selection of River Management Alternative C, states that under this selected alternative, "(t)he potential multi-agency Merced River Trail would be allowed to be built," indicating that the agency should support this action once it is determined through NEPA and NHPA consultation processes that the project will cause no significant impacts or adverse effects

NEXT STEPS

The County has a preliminary scope of work for the trail designation activities, including the NEPA compliance and USFS coordination necessary for comprehensive designation (Appendix C). Initially, the Mariposa County Planning Department could lead the designation process, in partnership with Stanislaus National Forest and Sierra National Forest. Importantly, the scale and technical complexity of the NEPA work will require the services of an environmental planning consultant. This action will need funding, so adequate fundraising organizations (especially the organization referred to in Action 8.1) will also play a role.

TIMELINE

With sufficient funding, the consultant-assisted trail designation scope could begin within months of adoption of the Vision Plan. Once initiated, it could be completed in 30-36 months.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Trail Class Matrix (FSH 2353, Section 14.2, Exhibit 01)

Trail Classes are general categories reflecting trail development scale, arranged along a continuum. The Trail Class identified for a National Forest System (NFS) trail prescribes its development scale, representing its intended design and management standards.[1] Local deviations from any Trail Class descriptor may be established based on trail-specific conditions, topography, or other factors, provided that the deviations do not undermine the general intent of the applicable Trail Class.

Identify the appropriate Trail Class for each National Forest System trail or trail segment based on the management intent in the applicable land management plan, travel management direction, trail-specific decisions, and other related direction. Apply the Trail Class that most closely matches the management intent for the trail or trail segment, which may or may not reflect the current condition of the trail.

Trail Attributes	Trail Class 1 Minimally Developed	Trail Class 2 Moderately Developed	Trail Class 3 Developed	Trail Class 4 Highly Developed	Trail Class 5 Fully Developed
Tread & Traffic Flow	• Tread intermittent and often indistinct • May require route finding • Single lane with no allowances constructed for passing • Predominantly native materials	• Tread continuous and discernible, but narrow and rough • Single lane with minor allowances constructed for passing • Typically native materials	• Tread continuous and obvious • Single lane, with allowances constructed for passing where required by traffic volumes in areas with no reasonable passing opportunities available • Native or imported materials	• Tread wide and relatively smooth with few irregularities • Single lane, with allowances constructed for passing where required by traffic volumes in areas with no reasonable passing opportunities available • Double lane where traffic volumes are high and passing is frequent • Native or imported materials • May be hardened	• Tread wide, firm, stable, and generally uniform • Single lane, with frequent turnouts where traffic volumes are low to moderate • Double lane where traffic volumes are moderate to high • Commonly hardened with asphalt or other imported material
Obstacles	• Obstacles common, naturally occurring, often substantial and intended to provide increased challenge • Narrow passages; brush, steep grades, rocks and logs present	• Obstacles may be common, substantial, and intended to provide increased challenge • Blockages cleared to define route and protect resources • Vegetation may encroach into trailway	• Obstacles may be common, but not substantial or intended to provide challenge • Vegetation cleared outside of trailway	• Obstacles infrequent and insubstantial • Vegetation cleared outside of trailway	• Obstacles not present • Grades typically < 8%
Constructed Features & Trail Elements	• Structures minimal to non-existent • Drainage typically accomplished without structures • Natural fords • Typically no bridges	• Structures of limited size, scale, and quantity; typically constructed of native materials • Structures adequate to protect trail infrastructure and resources • Natural fords • Bridges as needed for resource protection and appropriate access	• Structures may be common and substantial; constructed of imported or native materials • Natural or constructed fords • Bridges as needed for resource protection and appropriate access	• Structures frequent and substantial; typically constructed of imported materials • Constructed or natural fords • Bridges as needed for resource protection and user convenience • Trailside amenities may be present	• Structures frequent or continuous; typically constructed of imported materials • May include bridges, boardwalks, curbs, handrails, trailside amenities, and similar features
Signs[2]	• Route identification signing limited to junctions • Route markers present when trail location is not evident • Regulatory and resource protection signing infrequent • Destination signing, unless required, generally not present • Information and interpretive signing generally not present	• Route identification signing limited to junctions • Route markers present when trail location is not evident • Regulatory and resource protection signing infrequent • Destination signing typically infrequent outside of wilderness; generally not present in wilderness • Information and interpretive signing not common	• Route identification signing at junctions and as needed for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing may be common • Destination signing likely outside of wilderness; generally not present in wilderness • Information and interpretive signs may be present outside of wilderness	• Route identification signing at junctions and as needed for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing common • Destination signing common outside of wilderness; generally not present in wilderness • Information and interpretive signs may be common outside of wilderness • Accessibility information likely displayed at trailhead	• Route identification signing at junctions and for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing common • Destination signing common • Information and interpretive signs common • Accessibility information likely displayed at trailhead
Typical Recreation Environs & Experience[3]	• Natural, unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Primitive to Semi-Primitive	• Natural, essentially unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Primitive to Semi-Primitive	• Natural, primarily unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Semi-Primitive to Transition	• May be modified • ROS: Typically Semi-Primitive to Rural • WROS: Typically Portal or Transition	• May be highly modified • Commonly associated with visitor centers or high-use recreation sites • ROS: Typically Roaded Natural to Urban • Generally not present in wilderness

[1] For National Quality Standards for Trails, Potential Appropriateness of Trail Classes for Managed Uses, Design Parameters, and other related guidance, refer to FSM 2353, FSH 2309.18, and other applicable agency references.

DRA



FOREST SERVICE REFERENCE MATERIALS

The Forest Service has many established reference documents and standards that can be readily applied to support collaboration on any trail segment designation, development, and management for the Merced River Trail, including specific trail classification and management objectives standards.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1
Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2
Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3
Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4
Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5
Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.1 //

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon.

OVERVIEW

As part of the vision planning process, the Merced River Trail Community Working Group (CWG), with support from Planning Department staff coordinated the Merced River Trail Community Speaker + Engagement Series. Imagined as an opportunity to both bring stakeholders together to provide input on the trail project, and to learn from local experts about the various topics of interest that concern the trail, the program was successful in both regards, contributing to the longstanding sense of connection to and stewardship for the river and canyon that many Mariposans share. Continuing and expanding this program would further deepen that connection, maintain enthusiasm for trail implementation efforts, and provide a place to share information about the resource.

This could include research findings, specialized reports, new concerns, and could be similar to the Merced River Trail Community Speaker + Engagement Series. Topics could include reports on cultural and historic uses of the canyon by people with recognized expertise in those areas. Additionally, materials relevant to the history and natural history of the Merced River watershed, including scientific research and reports, could be collected and archived in appropriate physical and digital spaces, such as at the County Library and under the auspices of the potential conservancy oranization identified in Action 8.1.

NEXT STEPS

The CWG and Planning Department staff implemented the Community Speaker + Engagement series, and would be well positioned to assume responsibilities for coordinating Action 3.1. Eventually, at least some of this programmatic activity would likely fall to the organization identified in Action 8.1

Importantly, this recommendation aligns well with a similar recommendation in the Mariposa County Creative Placemaking Strategy (CPS; 2021), which recommends establishing an Art + Environment Lecture Series with many similarities to the Merced River Trail Community Speaker + Engagement Series. This offers a compelling synergy, and an opportunity to collaborate with the Mariposa County Arts Council, the County's collaborator in the developing the CPS.

TIMELINE

This action is an impactful, relatively low-barrier next step that can be implemented by existing project partners. While there may be a short lag to line up additional presenters and coordinate additional events, this action can and should take place soon after Vision Plan adoption.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MERCED RIVER TRAIL

COMMUNITY SPEAKER + ENGAGEMENT SERIES

// share // learn // discuss // discover //

DRAFT
POSTPONED

IRENE A. VASQUEZ // Secretary, American Indian Council of Mariposa County (Southern Sierra Miwuk Nation)

Irene A. Vasquez is the secretary for the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation) and an expert in eco-cultural uses of native plants. Learn about the river canyon's place in generations of indigenous history, while shaping the Merced River Trail Vision Plan's guiding vision and aspirations.

El Portal Community Hall
February 26 // 6:30 PM

LOCAL BOTANY EXPERTS // several residents with ranging expertise in local botanical topics

With so many botanical experts in our community, it was too hard to pick just one. Instead, join one of many local botany experts on a guided walk along the existing Merced River Trail to enjoy and learn about the spring wildflower bloom, and share your thoughts on the vision plan's primary goals.

Briceburg Visitor Center
April 19 // 9:00 AM

ROB GRASSO // aquatic ecologist, Yosemite National Park

Rob Grasso will share his expertise in the river corridor's unique habitat for aquatic and terrestrial wildlife, as well as considerations to be made in the trail planning process for ensuring its protection. Then, we will discuss your thoughts on the vision plan's primary goals.

Online Meeting
December 14// 4:30 PM

RALPH MENDERSHAUSEN // cmmunity activist

Speaking from his wealth of personal experience, Ralph Mendershausen will share his knowledge of the river canyon's history of locally organized conservation action, and its legacy and implications for the Merced River Trail and the vision plan effort. An open house discussion will follow

Online Meeting
March 29th// 4:30 PM

The Merced River Trail Community Speaker + Engagement Series is produced by the Mariposa County Planning Department, with assistance from the Upper Merced River Watershed Coalition and National Park Service Rivers, Trails, and Conservation Assistance program.



6 ART + ENVIRONMENT LECTURE SERIES

Artists' lectures invite the public to learn about an artists' inspirations, practice, process and messaging which in turn expands the community's understanding and appreciation of an artist, their work, and how their work is situated in the larger canon.

For audience participants, hearing directly from an artist can be a profound experience and can radically shift opinions of an artist's work, inspire creativity and instill a deep respect for the power of art in society.

Artists and designers have always been inspired to respond to and interact with nature through their art, thus the canon of environmental art is vast and varied. Considering the importance the community of Mariposa places on the region's natural landscape and the clear desire to leverage art to explore new ideas, increase exposure to a wide spectrum of artistic expression, and utilize art for community engagement voiced in the online survey, an Art + Environment Lecture series aligns well with community feedback. Additionally, it would also expand the public's imagination regarding the potential for future creative placemaking projects connected to the natural environment.

LOCAL PRECEDENT AND ASPIRATIONS

The community has expressed a desire for environmental engagement and education programs in other recent community planning efforts, including the development of the Creative Placemaking Strategy (right).

The Merced River Trail Community Speaker + Engagement Series (left) provides a strong foundation on which to build a presentation program.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.2 //

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads.

OVERVIEW

Concentrating trailhead functions like navigational, interpretive, and advisory signage in areas that have already been impacted is an obvious way to ensure that trail users have the information needed to enjoy the trail without degrading the landscape. Locations could include sites such as Briceburg and Railroad Flat in Bureau of Land Management (BLM) jurisdiction, and Dry Gulch and Dirt Flat campgrounds in US Forest Service (USFS) jurisdiction.

Additionally, the messaging on these signage features can equip trail users to recreate responsibly and act as stewards for the landscape, by practicing Leave No Trace principles of outdoor recreation, knowing how to identify hazardous plants and animals, and being prepared for potentially difficult conditions—especially in the warmer and drier months. Content could also relate to trail etiquette, safety and sanitation, and where appropriate, topics of interest in the river canyon, such as history and natural resources. Signage/kiosks could also include comment boxes and dog waste bags dispensers, and could be used to support the enforcement objectives identified in Action 4.4.

Finally, as detailed in Action 7.1, these elements have the ability to contribute to (or detract from) the river canyon and trail's aesthetic qualities and interpretive story. Both physically (in terms of scale and materiality) and conceptually (in terms of their storytelling content), public information elements must be consistent with the community's values established through the vision process and articulated throughout the Vision Plan.

NEXT STEPS

Coordinating with the relevant federal land manager for each signage location is critical for this step. Agencies have their own standards for signage and informational elements, so coordination is important to provide a shared vision that maintains uniformity and consistency throughout the corridor. Collaboration between local trail advocates, including the Merced River Trail Community Working Group, and federal partners is a logical next step for advancing this action in the short-term. Its important to note that in May 2022, the California Wilderness Coalition produced a report on recommended strategies for improving signage through the Highway 140 corridor, with an emphasis on the US Forest Service day use and campground areas in this corridor (Appendix L). This report could be a valuable tool for local and federal partners working to implement this action.

TIMELINE

According to the Cal Wild report, "by leveraging and improving upon the existing infrastructure, durable, accurate, and welcoming signage could be installed without any additional permits...(a)streamlined approach (that) has the potential to positively impact visitor experience within 1-2 years."

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Tualatin River National Wildlife Refuge (OR)

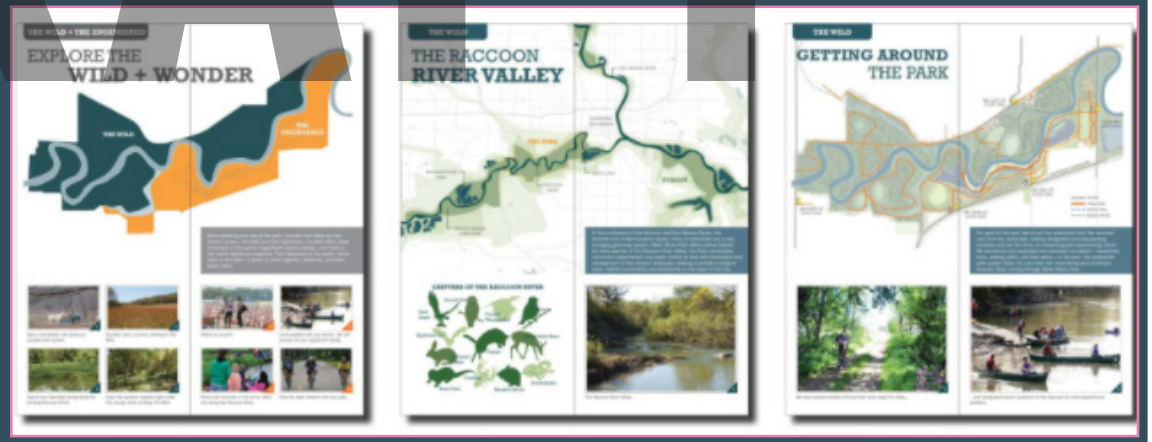


Community of Tehaleh (WA)

SITE-APPROPRIATE SIGNAGE FORMATS
Public information elements can take on a variety of scales and mediums, from prominent trailhead signage to smaller trailside exhibits to online and print brochures.



City of El Cerrito (CA)



Water Works Park (IA)

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.3 //

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges.

OVERVIEW

Designing, building, and maintaining the trail are all foundational components of its potential impact on the many resources in the river canyon. Care must be taken to ensure that the trail is designed and installed in ways that resist adverse impacts from regular use, promote sustainable recreation (e.g. discourage social trails and protect sensitive areas), and align with the preferred aesthetic character. Establishing these principles is likely best achieved through a dedicated planning effort that intentionally links trail maintenance and construction to other recommendations in the Action Plan. In particular, it would be essential to connect trail work with Action 7.2, which specifies trail maintenance as a target area for maximizing the role of volunteers and local trail stewards.

Such a plan could include special design and implementation considerations that have emerged through the visioning effort. For example, trail design and maintenance should acknowledge that unique rules or considerations may apply to materials used for potential bridges, where more permanent materials such as steel and concrete may be appropriate. In all cases, minimizing scenic impact will be paramount, as will ensuring alignment with established agency policies and guidance for trail specifications.

The plan could also capture the recommendation that Mariposa County establish new positions, likely within the Parks and Recreation Department, dedicated to trail work and maintenance. These positions, which would be seasonal and only open during the cooler months, would mirror the seasonal trail work schedule in Yosemite (which is during the warmer months), allowing expert trail builders in the area to piece together year-round employment by working seasonally in the higher and lower elevations of the watershed.

NEXT STEPS

Advancing Action 3.3 could be one area where the Merced River Trail Community Working Group (CWG) immediately contributes to implementing the Vision Plan. Because the trail takes place entirely in federal land, trail design parameters must comply with applicable federal guidelines, such as USFS Standard Trail Plans and Specifications, 2016, the BLM Handbook 9114-1, Trails, and NPS Trail Guidelines. The CWG could begin synthesizing and mastering these materials prior to consulting and collaborating with the respective agencies to ensure that the community's preferred MRT trail design standards align with the existing federal guidance and requirements.

TIMELINE

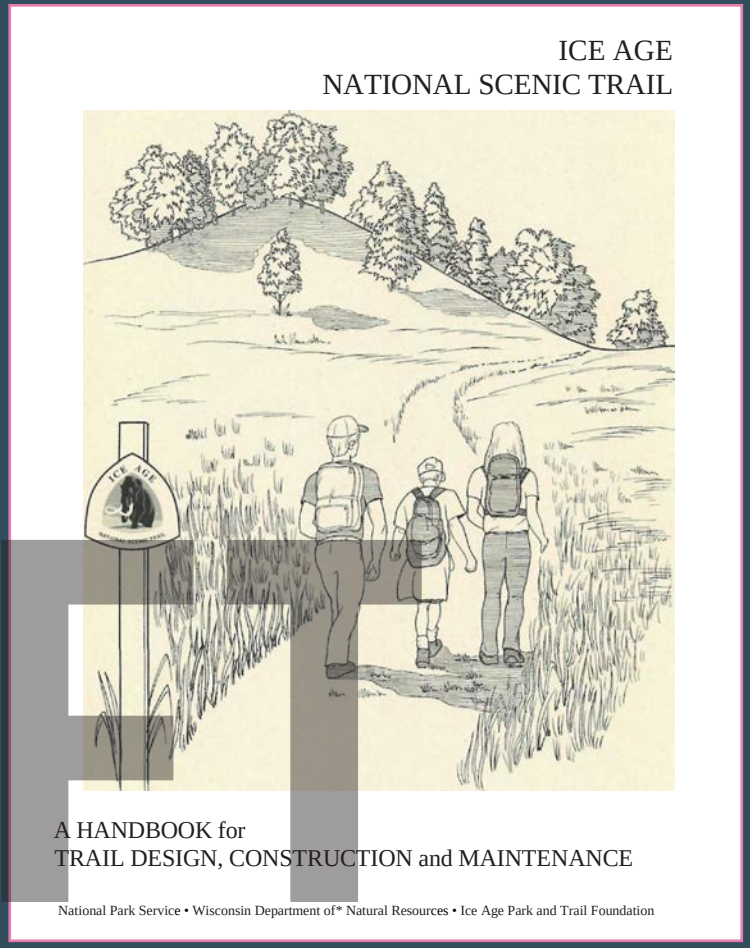
With the completion of the Vision Plan, the CWG's responsibilities will shift from facilitating the development of the plan to facilitating the plan's implementation. Assigning this action to the group or a sub-committee of the group could occur immediately after adoption of the Vision Plan, with production time varying depending on level of rigor and number of members involved in the activity.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

STANDARDS (DESIRED)	ROS CLASS		
	URBAN	RURAL + ROADED NATURAL	SEMIPRIMITIVE
TREAD WIDTH	48”	24”	18”
CLEARING WIDTH	24”	12”	12”
CLEARING HEIGHT	10’	8’	8’
SLOPE (MAX. SUSTAINED)	10%	10%	15%
SLOPE (MAX.)	15% FOR 100’	20% FOR 100’	30% FOR 100’
CROSS SLOPE (MAX.)	3%	5%	8%
SURFACES	ASPHALT, CONCRETE, STABILIZED AGGREGATE, SCREENING, WOOD CHIP, SOD	NATIVE, WOOD CHIP STABILIZED AGGREGATE, SCREENING	NATIVE, STABILIZED AGGREGATE

DRAFT



TRAIL DESIGN PRECEDENT AND RESOURCES

Though highly unique in many respects, the Merced River Trail can benefit from models established by comparable trail design initiatives, and their outcomes. For example, the guidance for the Ice Age National Scenic Trail offers dimensions and design guidelines for two classes of trail type that are relevant for the Merced River Trail.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.4 //

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives.

OVERVIEW

The vision planning process has indicated a deep concern among Mariposans that current and anticipated increases in non-motorized recreational use of the Merced River Trail could jeopardize the human and non-human resources that make the trail and canyon special. Although there are presently efforts to help protect these resources (especially those supported by the Bureau of Land Management in the lower areas of the canyon), Vision Plan participants identified a need for organizing, directing, and expanding upon these efforts—both to be effective in the context of current trail use patterns, and to anticipate a future with more intensive trail use.

At least initially, these trail stewards would primarily be docent-like volunteers, who could conduct monitoring activities like documenting and removing litter, recording any conflicts with wildlife, and observing any sensitive habitat areas to ensure temporary or long-term protection of these trail locations. Eventually, however, it would be valuable to either have paid staff that perform rigorous routine monitoring activities, and/or to contract out professional monitoring and research activities to ensure that resource protection activities are of a quality commensurate with the resources that are being protected. In the event that professional monitoring services are contracted, volunteers could maintain associated devices like remote sensing hardware.

NEXT STEPS

In the short-term, local non-profits—many of which, like the Upper Merced River Watershed Council, Mariposa Trails, and Mariposa Resource Conservation District (which is not a non-profit but has a similar governance model), are or have in the past carried out these kinds of monitoring activities ad hoc—can continue performing them, with an emphasis on collecting and sharing information.

However, as with many recommendations associated with Goal 3, this action would best be implemented through the kind of dedicated, staffed conservancy agency imagined and described in Action 8.1. Such an organization would be instrumental in facilitating implementation of trail monitoring tasks, especially in coordinating monitoring activities that cross boundaries between NPS, BLM, and USFS jurisdictions. This organization could effectively train and mobilize volunteers to conduct resource management activities, and pursue funding to hire and manage professionals if appropriate.

TIMELINE

Progress on the short-term next steps identified above could be implemented immediately after Board adoption of the Vision Plan. However, the long-term next steps should be under the auspices of a potential conservancy organization that does not yet exist, and would need to be established to have long-term success.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Respect Other Trail Users and Adjacent Landowners

#1. Know and Follow the Rules

- Dogs on leash
- E-bikes in accordance with BC Motor Assisted Cycle Regulation

- Unauthorized vehicles
- Overnight camping
- Open fires

#2. Stay Right - Pass Left

Use single file when passing.

Call out or ring bike bell before passing from behind.

#3. Mind your Pets

Keep dogs on short leash and pick up after them.

#4. Standing Still? Step Aside

#5. Use Safe Speeds

Slow down in congested areas

#6. Be Alert

Watch for the unexpected.

Respect private property and farmlands. Please do not trespass.

Respect and Care for the Trail Environment

Every trail user can help protect the trailside environment. The native vegetation and shoreline areas are part of the natural beauty and particularly sensitive.



Stay on Trail
Keep off steep banks to prevent erosion. Keep dogs on a leash, and on-trail to avoid spreading weed seeds.

Use Waste Receptacles
(find locations on interactive map)

Watch ahead and leave space for nature.

Consider joining the Friends of Okanagan Rail Trail Trail Stewards in caring for this greenway.

Volunteer for the Trail

If you are passionate about the trail, consider volunteering with the Friends of Okanagan Rail Trail and help with:
- Welcoming users
- Caring for the trailside environment
- Fundraising for amenities and improvements
- Keeping our communities engaged with this treasured corridor.

Email volunteer@okanaganrailtrail.ca to learn more.

FORT volunteers work on the trail as Trail Ambassadors or Trail Stewards.



Meeting, Greeting, Providing Direction, Modelling Etiquette, Listening

Planning and Training, Pulling weeds, Caretaking the corridor



FORT volunteers also work behind the scenes for:

Project Fundraising:
Fundraising Campaigns, Grant Writing, Donor Relations

Trail Improvements:
Planning and Project Management

FORT Communications:
Spreading the word and sharing the stories using website, social media, media, newsletter, presentations

Donate to Make Your Trail even Better!

The Okanagan Rail Trail would not have been possible without public donations. While the trailbase is now fully funded, there are many desirable improvements in the long term plan.

All it takes is two 'clicks' to make trail improvements happen:

https://okanaganrailtrail.ca/donate/

Tax receipt provided for donations over $25.



DRAFT

Okanagan Rail Trail (BC)

SUPPORTING TRAIL STEWARDSHIP
Supporting and collaborating with a local non-profit friends group can help support a variety of volunteer trail stewardship services and programs, including opportunities for trail maintenance, funding, consistent messaging around trail etiquette and safety, and resource protection.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.5 //

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor.

OVERVIEW

Native American Tribes are vibrant current and relevant cultural communities with ancient integral bonds with the lands on which they live. The opportunity to consult with those that have this deep localism presents an opportunity to enrich the outcomes of projects like the Merced River Trail.

It also requires great respect. The destruction of Native lifeways during the Colonial, Manifest Destiny, and racial inequality eras are painfully recent, and trauma from disease, violence and systematic cultural erasure continue to complicate relations between Indigenous and predominantly non-Indigenous communities. To respect and preserve sacred sites and cultural resources, federal and state governments have, in partnership with Native Americans, established legal requirements for tribal consultation which should guide tribal efforts related to the Merced River Trail. The most important of these in the context of the Merced River and Southern Sierra Miwuk are SB 18 and AB 52 administered by the California Native American Heritage Committee and related to the California Environmental Quality Act. The local lead agencies will be familiar with the process and will require project location and accurate detailed project description.

Many sacred tribal sites and cultural resource locations are privately known only to the local tribe and trusted subject matter experts. Consultation between the lead agency and Tribal Historic Preservation Officers can bring those sites to light for the project applicant. If cultural resources are found, consultation between project proponent, lead agency and tribal entity can ensue until mitigating measures and mutual agreements can be made. However, at times, mitigation and agreement are difficult or impossible. This is a reality that project proponents must acknowledge, and understand that tribal communities must protect their sacred sites and ancestorial burials. Cultural sensitivity to complex tribal communities can help move through potential impasses.

NEXT STEPS

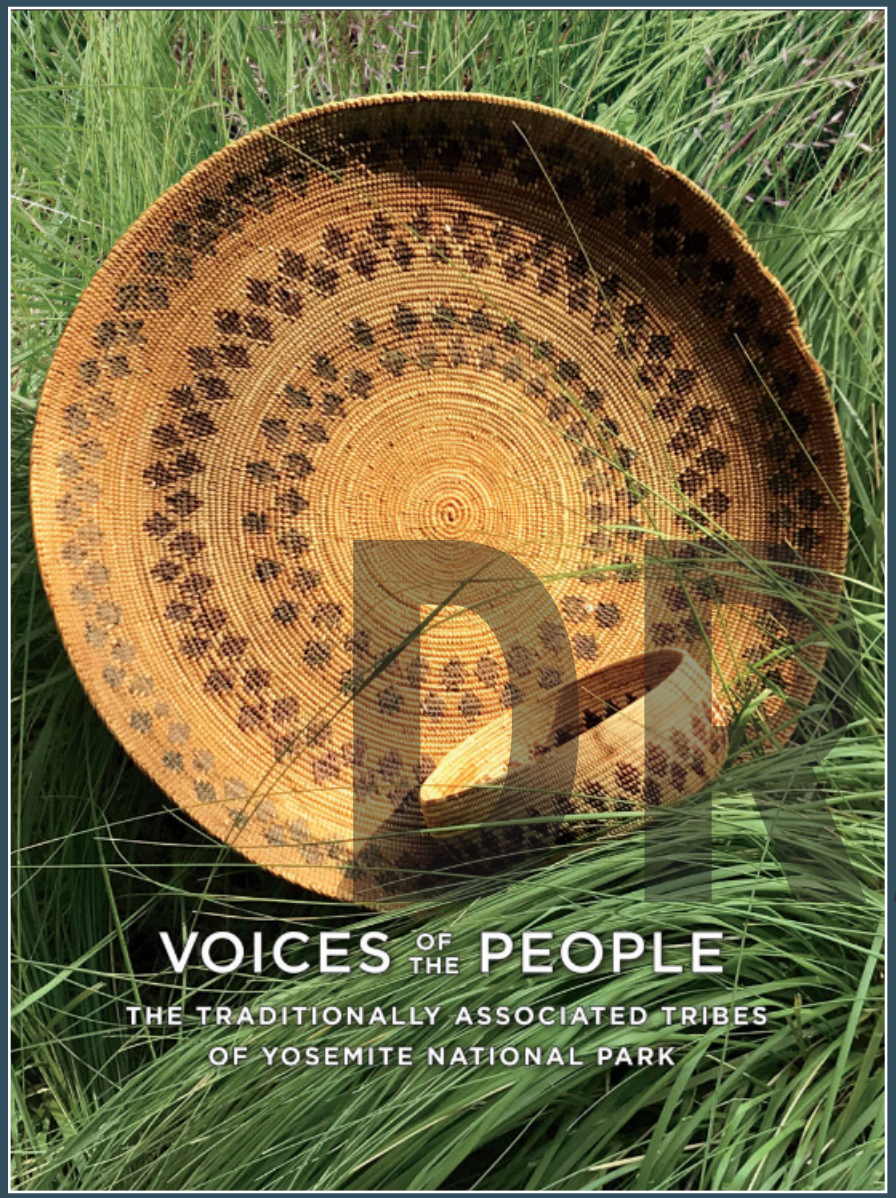
Preliminary research and relationship building are initial best practices when overlaying a community vison on a long-established landscape. The Southern Sierra Miwuk would like to be consulted early and often, then continually involved in any effort along the Merced River Trail. If any discoveries of artifacts or human remains are made, those involved in the trail project should contact the Southern Sierra Miwuk immediately. The Tribe supports design recommendations that evoke an attitude of contemplation, reverence, spirituality and respect. The Miwuk are willing to share their cultural heritage under these premises and pending tribal staff approval.

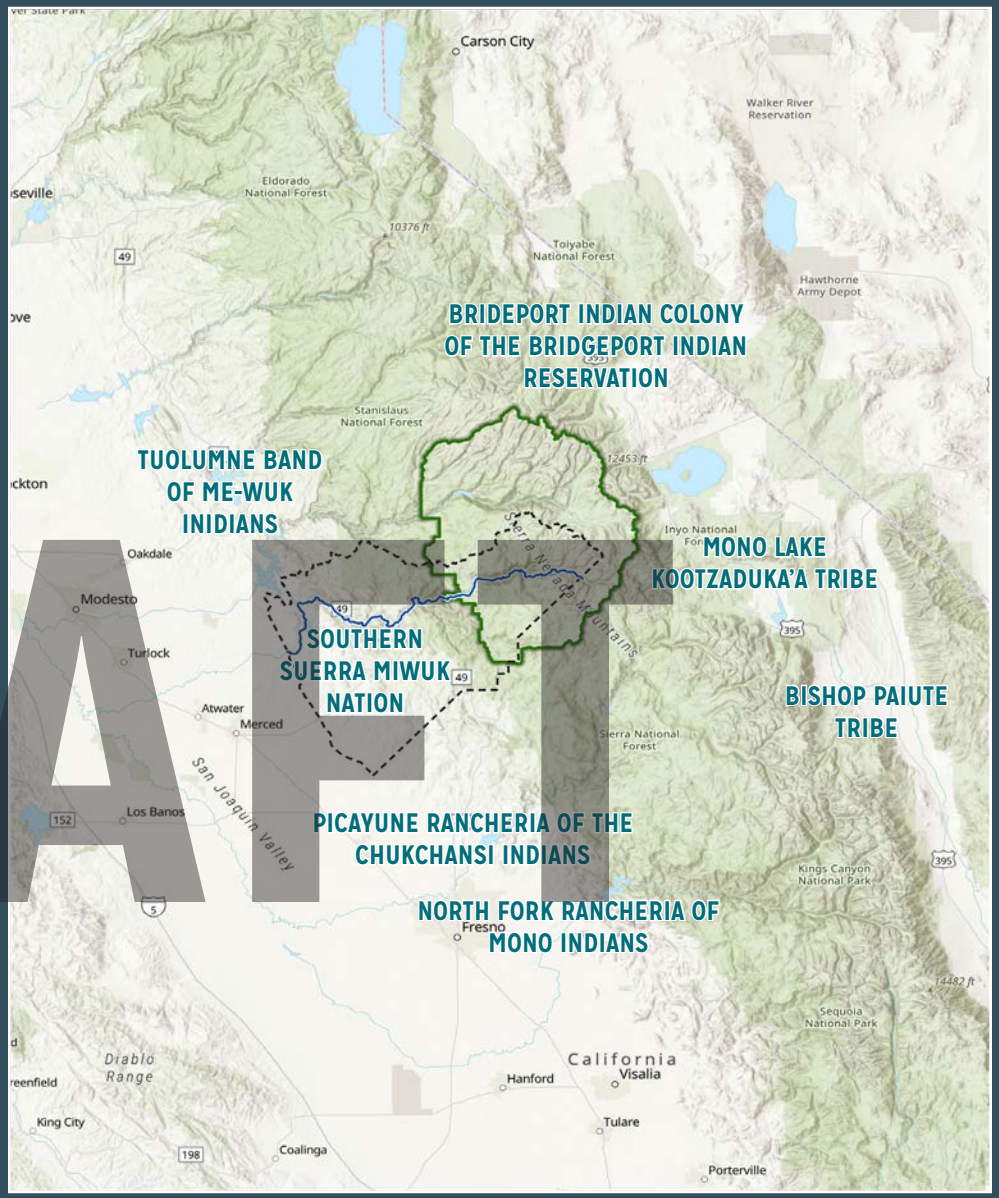
TIMELINE

Informal tribal consultation has taken place in the development of the Vision Plan, and should be formalized prior to implementing the Action Plan's recommendations.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





DRAFT

VOICES OF THE PEOPLE

Published in 2021, "Voices of the People: the Traditionally Associated Tribes of Yosemite National Park" presents a compelling precedent for a predominantly non-Indigenous community/government—in this case Yosemite National Park—collaborating with and centering Indigenous perspectives, insights, and voices in the Greater Yosemite region. The content of this book, and in particular, the process that created it, is instructive for future and ongoing engagement between the Southern Sierra Miwuk Nation and other concerned Native American communities, Mariposa County, its non-Indigenous community, and affected federal agencies with regard to the Merced River Trail.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1
Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2
Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3
Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4
Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5
Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6
Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.1 //

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies.

OVERVIEW

In addition to partnerships with federal land managers who are undertaking related conservation and restoration work in the river canyon and adjacent areas (identified in Action 6.3), non-governmental agencies, including local/regional universities and non-profits, could serve as strong collaborators for helping achieve the Merced River Trail's ecosystem health objectives. In particular, non-profits like the Sierra Foothill Conservancy, which has a track record of organizing volunteers for restoration activities, and universities like UC Merced, where research units like the Sierra Nevada Research Institute conduct similar work throughout the San Joaquin Valley and Sierra Nevada regions, stand out as potential high-capacity partners for studying, monitoring, and implementing projects that support federal and local ecosystem health aspirations.

While additional planning and collaborative decision making will be necessary to identify consensus priority projects, initial work might include: controlling/eradicating yellow star-thistle and Italian thistle from the river canyon; American bullfrog removal; and ranging efforts to reintroduce anadromous fish to the Merced River watershed. With federal land managers engaging with these issues to varying extents, it is critical to consult with BLM, USFS, and NPS partners to understand the gaps and opportunities for the trail project to contribute to these and other restoration efforts.

NEXT STEPS

Trail advocates, initially spearheaded by the Merced River Trail Community Working Group, should first identify priority university and non-profit partners, and develop a strategy for engaging with them to advance this action. Once university and non-profit partnerships are established, trail advocates—perhaps led by the potential conservancy organization identified in Action 8.1—can facilitate further collaboration among non-governmental partners and the federal agencies to prioritize ecosystem health needs, and determine a strategy for addressing them among the partnership.

TIMELINE

Initial university and non-profit partner identification and engagement can begin shortly after the Vision Plan is adopted.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

INTERAGENCY
VISITOR USE MANAGEMENT
COUNCIL

Impacts to Wildlife: Managing Visitors and Resources to Protect Wildlife

CONTRIBUTING PAPER

Prepared for the Interagency Visitor Use Management Council
March 2019, Edition One

JEFFREY L. MARION
RECREATION ECOLOGIST, U.S. GEOLOGICAL SURVEY

Introduction.

Recreational visitation and associated economic contributions made to local and state economies provide a powerful catalyst for conserving public lands. Recreation enhances societal conservation and stewardship values. However, most protected natural areas, including parks, forests, rangelands, and wildlife refuges, are managed under a dual mandate to preserve predominantly natural settings and processes while also accommodating recreational visitation. Visitor activities can have deleterious impacts to protected area vegetation, soil, water, wildlife, and cultural resources (Hammitt et al. 2015; Marion et al. 2016).

The term impact denotes undesirable visitor-related effects to natural resources and/or wildlife. While managers seek to eliminate avoidable impacts, such as cutting trees for firewood or feeding wildlife, they must also minimize unavoidable impacts, such as trampling plants on trails and recreation sites (Marion 2016). Professional land and recreation managers and planners increasingly seek to identify unacceptable types and levels of visitor-related impacts by defining standards or "thresholds of change," which, when exceeded, prompt corrective management actions.

This paper reviews the management of recreation impacts to wildlife, including discussions of influential factors, impact indicators, and the range of management responses. This information is provided to assist recreation and land managers in avoiding or minimizing visitor impact to wildlife, particularly related to decisionmaking within the "Visitor Use Management Framework" (IVUMC 2016b). Such decisionmaking requires a thorough understanding of the different types of wildlife impact and the use-related, environmental, and managerial factors that influence them. Recreation access and management decisionmaking related to wildlife conservation require assessments of costs and benefits, generally on unit and regional scales.

DRA



Merced River Recreation Management Area (CA)

BEST PRACTICES AND FIELD STUDY
University and institutional partners can contribute to the long-term planning and implementation of the trail by disseminating research to shape decisions around trail management, and conducting empirical site specific research on crucial topics like visitor use, ecological conditions, and cultural resources.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.2 //

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife.

OVERVIEW

Understanding past and present distributions of wildlife that intersect existing and candidate trail routes is critical for identifying, avoiding, and mitigating trail impacts. Wildlife occurrence and use data informs appropriate trail routing, mitigation, and enhancement measures. Geospatial data for wildlife species can be obtained from: research and professional contemporary surveys (occurrence, telemetry, remote sensing), species observational data repositories (like California Natural Diversity Database for rare plants and animals), historic records (like university databases), community science applications (like iNaturalist) and compilation databases of multiple data types (like CalFlora). When combined with visitor use data, such as surveys, trail cameras, trail counters, or data obtained from applicable federal agencies, this information provides critical insights about impacts of trail use on wildlife behavior or species distribution over time and key adaptive management information.

Of note, each federal agency with jurisdiction in the river canyon is mandated to comply with all current laws, regulations, and federal agency guidelines relating to widllife protection/managment. This includes required monitoring and mitigation measures. Accordingly, wildlife evaulation and the development of mitigation measures should take place in close consultation with BLM, USFS, and NPS to collaboratively implement this action.

NEXT STEPS

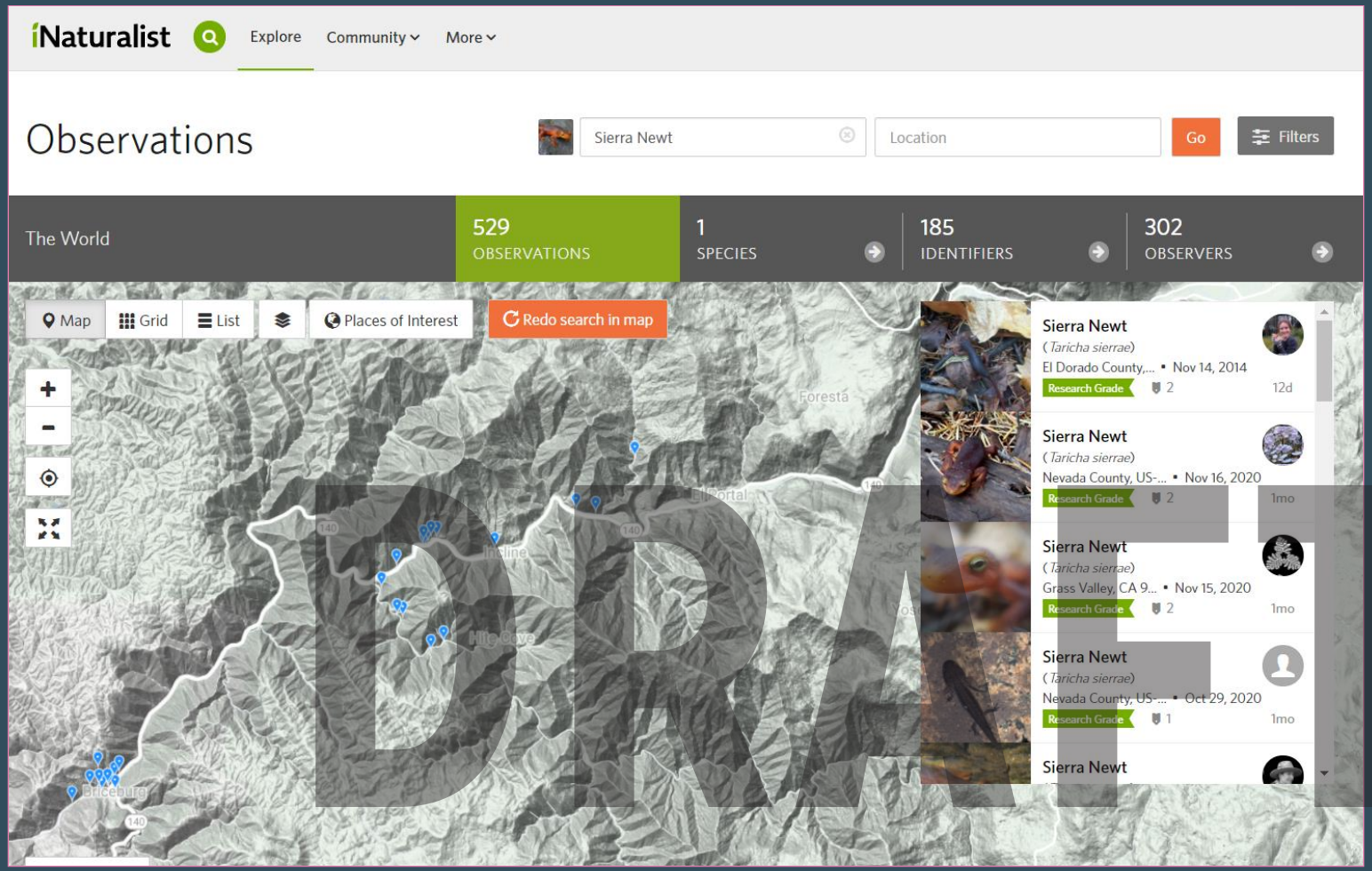
Working with federal partners, trail advocates should commission an initial study of key wildlife (Threatened or Endangered species, Species of Concern, or any other key species and Outstandingly Remarkable Values) intersecting existing and candidate trails. The initial study should map wildlife hotspots of diversity and activity, enumerate potential trail impacts to wildlife, and prioritize opportunities to enhance species connectivity and habitat. Trail advocates should also collate relevant examples of innovative trail design and mitigation measures, such as: elevated trail segments for amphibians; seasonal closures, re-routing, or signage for sensitive locations/habitats; and trail routing that maximizes connectivity and minimizes disruption of identified key wildlife. Finally, project partners should develop a strategy to fill information gaps. This could be coordinated data collection by local non-profit community science groups, but professional data collection, analysis, and mapping, perhaps from lead federal agency partners, should also be prioritized. All data collection requires funding and resource support, so adequate fundraising organizations (e.g. the organization described in Action 8.1) will also play a role.

TIMELINE

With sufficient funding, a consultant-assisted recreation ecology report, compiling existing available data, identifiable conflicts/impacts, key data and study needs, potential mitigation options, and species/habitat enhancement opportunities could begin within months of adoption of the Vision Plan. Once initiated, it could be completed in 12-18 months.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



OBSERVATION + MITIGATION
Crowd-sourced citizen science tools like iNaturalist can economically provide high-quality data about wildlife use patterns, and allow project partners to target appropriate countermeasures, from signage to trail design to trail location, for limiting trail users' impact on key species.



Town of Whistler (BC)



Sierra National Forest CA)



Yosemite National Park (CA)

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.3 //

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing.

OVERVIEW

Other than 3.5 miles of Incline Road, which are paved to provide access to existing USFS recreation amenities and the community of Incline, the rest of the historic rail grade below the Foresta Road bridge (nearly 24 miles, including .3 temporarily paved miles around the Ferguson Rock Slide) is composed of a natural surface. As reflected in Action 3.3, the vision planning process revealed a near-universal belief among project participants that any new or enhanced trail along the historic rail grade be naturally surfaced (unpaved). This both aligns with the community's preferred rugged aesthetic, and can help moderate trail use and ensure that recreation activities have a limited impact on the river canyon's natural resources.

Mariposa County boasts many strong precedents for successful implementation and maintenance of this trail typology, including the existing segment of the Merced River Trail below Sweetwater Creek in BLM jurisdiction. There are also numerous examples of durable, naturally surfaced trails that are heavily used in Yosemite National Park. In both of these instances, trail design and maintenance activities adhere to agency guidelines, and sitework is carried out by both federal employees and qualified trail crews from organizations like the California Conservation Corps (CCC). These precedents provide compelling and inspiring case studies to shape the design and implementation of the Merced River Trail in ways that support the project's vision and goals.

DRAFT

NEXT STEPS

Since the Merced River Trail already exists in BLM jurisdiction, any new trail in the corridor would be located in Stanislaus National Forest, making their partnership in new trail design essential to ensuring that agency standards and requirements are met. This element of Action 4.3 has significant overlap with Action 2.4. Locally, the trail partnership can work to confirm with USFS the dimensions, material selections, and other technical trail considerations that would be required (or recommended) by the agency prior to designing new trail in the future.

Maintenance activities require the collaboration of BLM and USFS, and any local groups or contractors/partners who may implement the sitework. Short-term next steps include developing and strengthening partnerships with potential partners such as the CCC, and identifying a strategy for funding current and future trail maintenance.

TIMELINE

While the maintenance component of this action is ongoing and indefinite, the trail design aspects are a high-priority item which should commence upon adoption of the Vision Plan.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)







Merced River Recreation Management Area (CA)

QUALITY TRAIL CONSTRUCTION
Professional and semi-professional trail crews like those operated by the California Conservation Corps can be a high-quality supplement to agency trail crews for both constructing and maintaining the existing and future Merced River Trail in ways that align with federal requirements and local aesthetic priorities.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.4 //

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses.

OVERVIEW

Ensuring that the trail is not degraded by unauthorized users, especially off-highway vehicles like dirt bikes, is a major current responsibility of BLM in the existing Merced River Trail corridor. Doing so requires a combination of physical elements, signage and education, and diligent trail planning to prevent inadvertently establishing connections between the Merced River Trail and adjacent public lands where these uses are permitted.

As the trail becomes increasingly popular, this important management task becomes both more important and more difficult, requiring more resources for and effective coordination among the federal agency partners who have jurisdiction over the trail's right of way. Depending on the agency's preferences and policies, they could either partner with local trail advocates to help devise, fund, and implement appropriate unauthorized use countermeasures, or simply delegate those responsibilities to a qualified local organization. In either case, the potential conservancy identified in Action 8.1 would be ideally suited to implement this action in partnership with the relevant federal agencies.

Regardless of the implementation pathway, it is important that these countermeasures align with existing agency approaches to managing recreational impacts in their jurisdiction. For example, Yosemite requires a permit to stay overnight in a campground or when camping in wilderness, enabling them to track trail usage and ensure that visitors return safely to their destination. Should the recommended route be pursued further, NPS would have to set up a system that permits trail users that begin their journey outside of the park, allows trail visitors to camp at Crane Flat Campground, and perhaps designate a special backpacking camp.

NEXT STEPS

In order to enforce policies that pertain to unauthorized uses, the project partnership first needs to clearly define what use types are authorized—by federal law and policy—on the Merced River Trail. This is an explicit outcome of Actions 5.1 and 5.3, which are necessary precursors of full implementation for Action 4.4. However, in the short term, partners can begin inventorying current best practices in enforcement from relevant regional and national precedents. These could include physical measures (like gates), informational measures (like signage), and other practices, all with an emphasis on aesthetic appropriateness for the Merced River canyon. This effort could be led by the Merced River Trail Community Working Group with support from county staff.

TIMELINE

While the timeline for full implementation is contingent on completing Actions 5.1 and 5.3, short-term next steps can begin immediately upon adoption of the Vision Plan, and could take as little as six months to complete.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Merced River Recreation Management Area (CA)



Caprock Canyons State Park and Trailway (TX)

MEASURES FOR USE RESTRICTION

Land managers can apply a range of measures to ensure appropriate usage of the Merced River Trail, including various gate and fence-types that permit certain uses while discouraging others, and simple signage that clearly establishes use prohibitions.



Sam Houston National Forest (TX)



Coconino National Forest (AZ)

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.5 //

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads.

OVERVIEW

Quantifying the capacity of existing trail support elements is among the biggest gaps in the Merced River Trail partnership's understanding of the relationship between visitor use and the limits of the landscape. It is generally accepted that current infrastructure, including parking, comfort stations, trash collection, and other basic services, are extremely limited and restricted by physical and logistical constraints. However, though the river canyon's current use patterns are the subject of a year-long study by researchers at UC Merced (Appendix J), the limits of this infrastructure and the amount of use that they can support has not yet been determined.

Understanding current limits are important for protecting the river canyon's resources from visitor overuse. This understanding is also essential for forecasting the relationship between anticipated future use of the trail, and developing a strategy to mitigate future impacts from increased non-motorized multi-use recreation. A detailed and comprehensive grasp of the built and natural landscape's limits, in the context of reasonable and credible estimates for future visitation, is critical to effectively safeguard the trail's natural resources from visitor use.

For this study to be effective, it is imperative that federal and regional partners are closely involved with scoping and implementation. In particular, as operators of the trail's two primary trailheads, both BLM (Briceburg) and Merced Irrigation District (Bagby) should have prominent roles in sharing data, forecasting agency capacity, and other critical aspects of the study.

NEXT STEPS

In the absence of funding to support this study, initial efforts could take place as a project for a student(s) with relevant education, such as a landscape architecture studio course or a masters project for a student in environmental planning or resource conservation. This path would align with Action 4.1.

Long-term, this action requires a formal and comprehensive study that would require funding and qualified professional expertise. This could be funded and managed by the Mariposa County Planning Department and CWG, an appropriate conservancy organization (such as the one identified in Action 8.1), or a partnership between the County and such an organization.

TIMELINE

This is a high-priority action, implementation of which should commence immediately upon Vision Plan adoption.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

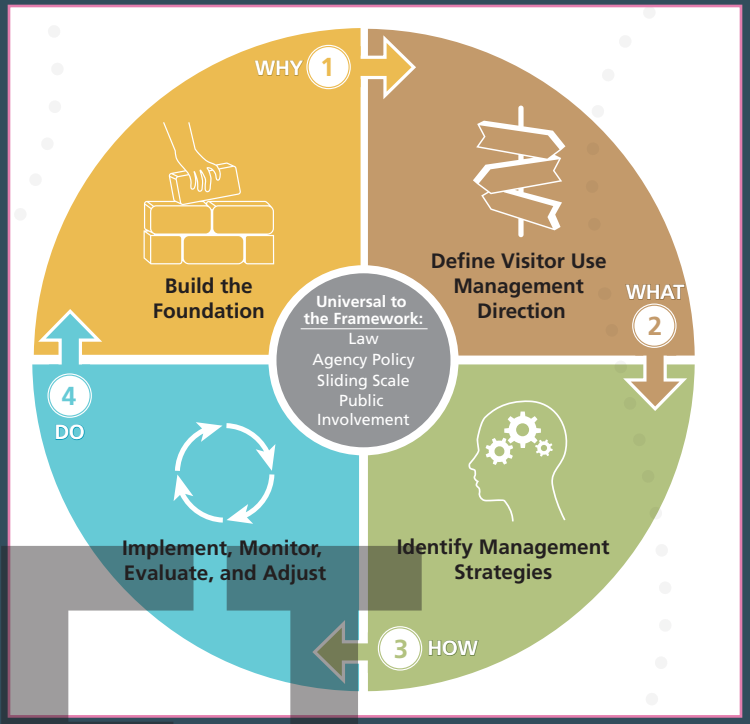
INTERAGENCY
VISITOR USE MANAGEMENT
COUNCIL

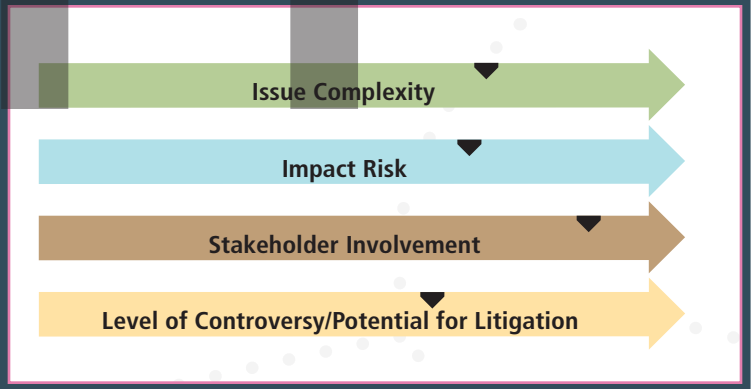
Visitor Use Management Framework

A Guide to Providing Sustainable Outdoor Recreation

Edition One | July 2016

DRAFT





INTERAGENCY VISITOR USE MANAGEMENT
A council of agency partners have been working to develop a universal framework to guide land managers seeking to address issues stemming from increased visitation and subsequent impacts to natural, cultural, and recreational resources on public lands.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.6 //

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use.

OVERVIEW

As catastrophic wildfire becomes increasingly common and destructive, communities and land managers must integrate wildfire risk reduction into all aspects of civic life, including outdoor recreation planning. In the context of the Merced River Trail, reducing wildfire risk requires educating visitors about responsible recreation behaviors, designing recreation elements to reduce the risk and impact of future events should they occur, and enforcing use restrictions that exist to keep visitors and the landscape safe from disasters.

Not only should the future Merced River Trail avoid increasing the risk of wildfire in the river canyon, but it also provides the public with several opportunities to promote resiliency and adaptation objectives that help reduce wildfire risk elsewhere in the county. This includes potential benefits like new funding streams for vegetation management activities in the trail corridor and the potential for new trail segments to double as (or be located on) shaded fuel breaks and other fire control lines,

Additionally, the same principles for promoting safe and disaster-resilient recreation—education, mitigative design, and enforcement—pertain to minimizing other visitor use impacts, such as litter control and trail conservation. As land managers and other members of the trail partnership work to reduce wildfire risk in the trail corridor, they can simultaneously be working to resolve current (and anticipated) visitor use impacts, including longstanding issues like illegal camping and human waste.

NEXT STEPS

Studying these impacts could be folded into the visitor use study described in Action 4.5. However, much of the on-the-ground implementation work for recommended mitigation measures, especially those related to law enforcement, will require new funding allocations from the budgets of affected federal agencies (BLM and USFS in particular), and/or through supplementary funds raised by other trail partners. At present, no services can be provided by federal land managers under current staffing levels, so this latter task is an ideal and important opportunity for the potential conservancy organization identified in Action 8.1. In the absence of additional resources for enforcement, mitigation efforts can focus on education related to Leave No Trace principles.

TIMELINE

If incorporated into the implementation of Action 4.5, the study of these impacts and detailing the overlap between wildfire risk reduction and other visitor use impact mitigations could commence immediately after Vision Plan adoption. The timeline for implementing the study will depend on its specific recommendations.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Detwiler Fire (2017)



Ferguson Fire (2018)

WILDFIRE RISK REDUCTION
The Merced River Trail can be an additional avenue through which federal, state, and local partners can pursue funding and resources to implement vegetation management and fuels reduction projects needed to mitigate the likelihood and impact of future catastrophic wildfire in the Merced watershed.

DRAFT

VISITOR USE IMPACTS
Mariposa County, Yosemite National Park, and the California Highway Patrol often struggle to address the impacts of out of bounds camping on areas along Highway 140 in the river canyon. While the river trail could exacerbate these and other related issues, the project also provides an opportunity to develop a collaborative approach for ensuring that additional users do not result in additional impacts.

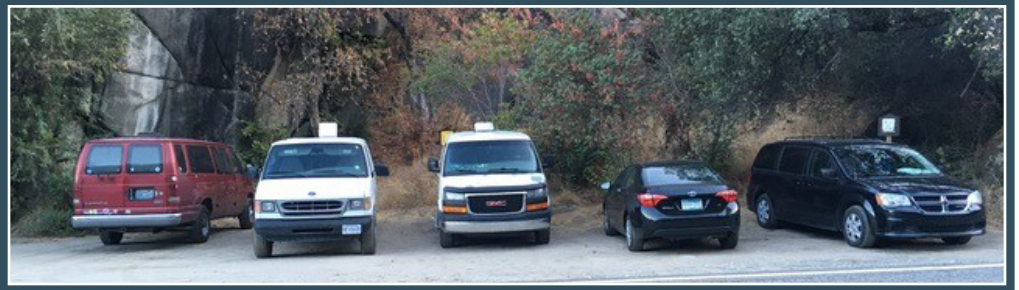


Regulatory signage along Incline Road





Remnants of an illegal fire and soiled toilet paper litter at the Caltrans sand pit



Illegal camping at Parkline Slab at the entrance to Yosemite

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

ACTION 5.1 //

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail.

OVERVIEW

The Merced River Trail will promote access along the trail corridor for a range of recreational opportunities, though specific allowances and restrictions per mode of travel may potentially differ by land agencies due to differences in policy, permitted use, or seasonal restrictions. Trail users need to have access to up-to-date, reliable, and official information about allowable public access, organized by travel mode, for the BLM and USFS units along the route (and potentially for the upstream route terminus in Yosemite National Park), including definitions of allowable use by type. This includes both current user types and potential future user types, such as group of overnight thru-hikers, day use beach goers, non-motorized bicycle technology (e-bikes), and equestrian users. Information also needs to be provided for vehicular travel on segments of the trail corridor shared with non-motorized users.

Initially, summary information for allowable public access along the trail corridor by each agency unit (Stanislaus National Forest, BLM Merced River Recreation Management Area); areas within units along the trail (BLM Wilderness Study Area); and trail access use guidelines across agencies pursuant to the river's Wild and Scenic designation would need to be collected, and confirmed for accuracy with the appropriate agency. Key documents to review include Wild and Scenic River managment plans, resource management plans, and various applicable best management practices for each agency. Then, this information would need to be shared publicly to review and discuss as needed. Long-term, this information would need to be kept current through close monitoring and collaboration with the pertinent agencies.

NEXT STEPS

Initial information collection and summary could be led by citizen groups, including the Merced River Trail Community Working Group (CWG). The organization identified in Action 8.1 would be a logical candidate for leading the online distribution of this information, and ensuring that it is maintained and current.

TIMELINE

Upon Board adoption of the Vision Plan, the CWG's role will then shift to supporting the plan's implementation. At that point, the group could immediately pivot to working on the initial components of this action.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Stanislaus National Forest (CA)



Merced River Recreation Management Area (CA)



City of Spokane (WA)



Yosemite National Park (CA)

CURRENT AND FUTURE NON-MOTORIZED USES

Though primarily used by hikers and trail runners, the existing Merced River Trail currently receives moderate traffic from cyclists, and the river is a seasonal destination for whitewater paddlers. Current and future planning efforts will need to understand the needs of additional non-motorized uses, such as e-bikes and stock use, which are prevalent in other public lands in the region.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

ACTION 5.2 //

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage.

OVERVIEW

A common refrain throughout the vision planning process was that some user groups would use the trail more frequently if many of the basic enhancements addressed elsewhere in the Action Plan were implemented. More clarity is needed on what those detailed enhancements are for specific user groups, especially equestrians and bikers. Once this input has been provided, land managers can evaluate the extent to which serving those needs is permissible, attainable, and desirable within existing trail and public governance.

While those determinations will likely involve various federal policy considerations that are outside the scope of the Merced River Trail Vision Plan, its worth reiterating important parameters for the trail that have been clearly established through this process:

- there is a local consensus and clear legal basis for an unpaved trail that is intended strictly for non-motorized recreational uses; and
- conservation and enhancement of the river canyon's ecological character is of the utmost importance for community members, and is enshrined in the Wild and Scenic River designations for the river in BLM and USFS jurisdiction

NEXT STEPS

Soliciting, organizing, and disseminating the input from new user groups could be implemented by citizen groups, including the Merced River Trail CWG. Whomever is ultimately responsible for this action should consider reaching out to credible recreation advocacy organizations, such as the International Mountain Biking Association, Backcountry Horsemen of America, Trout Unlimited, and American Whitewater.

TIMELINE

Implementation of this community-driven action can commence shortly after the Vision Plan is adopted, and could be completed fairly quickly depending on the responsiveness of recreation user groups.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

DRAFT

ACTION 5.3 //

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.

OVERVIEW

A comprehensive use plan for the Merced River Trail would aggregate segments of similar policies and permitted uses by recreational use, designation, and trail class. In addition to including and synthesizing agency policies (as discussed in Action 5.1), the use plan should also align with the outcomes—including the vision statement, goals, and recommended actions—described in the Merced River Trail Vision Plan. This might entail seasonal prohibitions of certain uses in areas with high habitat value (Action 4.2) or cultural importance (Action 3.5). Regardless of content, an effective messaging approach for the use plan will be crucial—studies have shown that simple, direct, proscriptive messaging can have a greater impact on user compliance.

This use plan could take the form of a Memorandum of Agreement or Understanding with each federal agency that outlines appropriate/permitted uses within the trail area. This would require extensive consultation with the three federal agencies in the river canyon, especially the USFS, where key segments of the trail do not yet exist. Importantly, this agreement would be tiered from existing federal land managment plans and regulations.

In order to simplify messaging on allowable uses, provide opportunities for trip planning and coordination, and increase the likelihood of compliance, trail segment use regulations should be presented in the context of the overall trail network. For instance, a map of the overall trail network might show color-coded segments that indicate trail class and uses, or the extent of the segment from a particular trailhead might be enlarged for detail about more specific uses or seasonal restrictions but remain linked to a reference map of all trail segments for an individual's planning purposes.

NEXT STEPS

This action likely requires an expansive study, for which a qualified consultant team would be beneficial. It may be efficient to include other relevant recommendations, such as Actions 4.2 and 4.6, in the scope of this project. In the short-term, funding could be pursued by the County and the project could be led by the Planning Department with the support of the CWG and the partnership of BLM and USFS. Long-term, this effort could be driven and conducted by the potential conservancy organization identified in Action 8.1.

TIMELINE

Once funded, conducting this planning project could take 12-24 months, depending on if the scope of the proposed planning process includes implementation of additional Action Plan recommendations.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

ACTION 6.1 //

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System.

OVERVIEW

From its headwaters near Yosemite Oaks and Triangle Roads, Bear Creek flows through the community of Midpines and meeting the Merced River at Briceburg. Along the way, it roughly follows Highway 140 past Midpines County Park, several areas for camping and lodging, and four YARTS stops. The creek experiences several precipitous drops, creates popular swimming areas, and passes through breathtaking foothills landscapes.

For many years, Mariposans have imagined a trail along this route. In 2012, Friends of Bear Creek, Midpines (FBCM) formed to explore and advance the trail concept, pursuing support from the National Park Service Rivers, Trails, and Conservation Assistance (RTCA) program to develop a feasibility study. The study (included as Appendix D) makes several recommendations to progress trail planning and implementation.

Since that time, the trail has been identified as a priority in the Mariposa County Recreation and Resiliency Plan. Additionally, Midpines County Park, likely a major trailhead and potentially terminus of Bear Creek Trail, has been identified as a priority project in the Mariposa County Creative Placemaking Strategy. Now, the Merced River Trail Vision Plan has identified the Bear Creek Trail as a rare and impactful opportunity to achieve the community's vision for the MRT as the basis for a network of recreational trails throughout the county and watershed.

DRAFT

NEXT STEPS

The Mariposa County Planning Department could lead this effort, with support from the county's Parks and Recreation Department, who currently operate and maintain Midpines County Park. Though FBCM no longer exists, other local organizations, such as the Upper Merced River Watershed Council or Midpines Planning Advisory Committee, could fill many of that organization's former roles with respect to the Bear Creek Trail.

Local advocates seeking to advance this recommendation could approach it incrementally, pursuing additional RTCA support to revisit, build upon, and advance the recommendations from the previous study, and using the outcomes of that effort to begin trail implementation. Or, they could opt to pursue larger grants for planning and designing the trail, perhaps while also enhancing Midpines County Park as its primary trailhead.

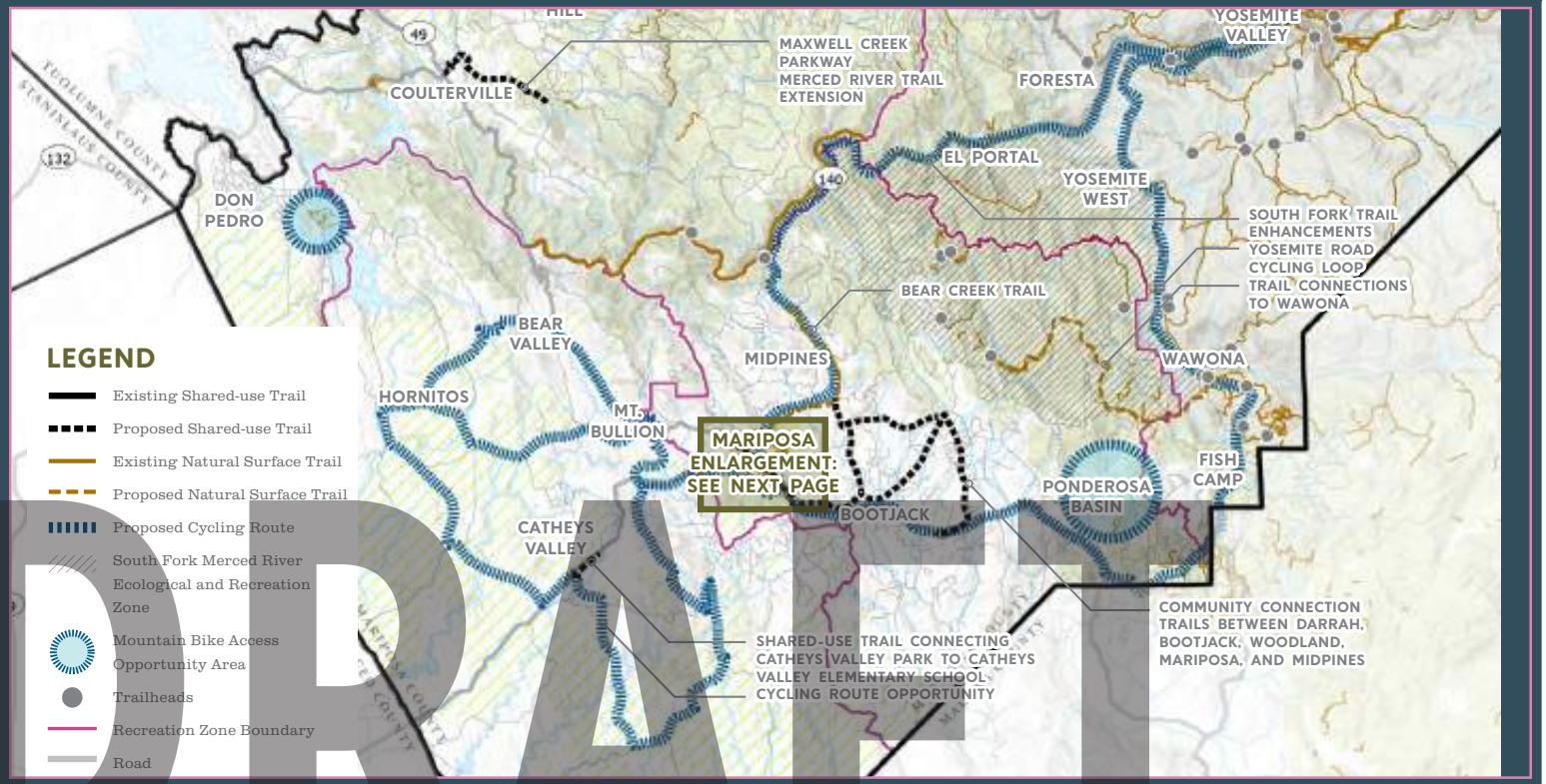
TIMELINE

Applications for RTCA support are due annually on March 1. If pursued, this option could likely result in a substantive deliverable within a year. Larger trail and trailhead planning efforts could take 24-36 months.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

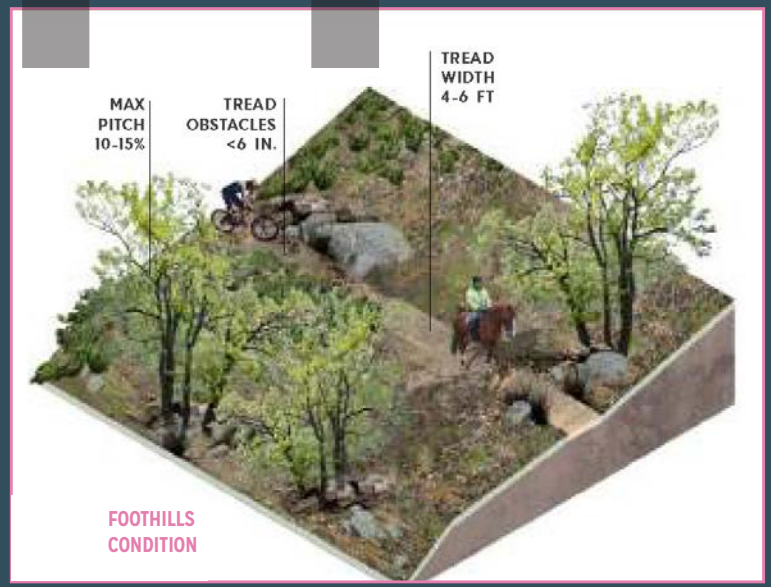
PROPOSED TRAIL SYSTEM EXPANSION

MULTI-BENEFICIAL VISION
In March 2021, the Mariposa County Board of Supervisors adopted the Mariposa Recreation and Resiliency Plan, which helps align the County's investments in parks, open space, and trails with climate change adaptation objectives like wildfire risk reduction. One of the core projects recommended in the plan is the development of a network of trails that could serve as destinations and conduits for the future users of the Merced River Trail.



TAILORED TRAIL TYPOLOGIES
The Recreation and Resiliency Plan identifies four trail types for different typical conditions found within the County's proposed trail system expansion. Two of them—the river corridor condition and foothills condition—provide instructive case studies for the Merced River Trail's scale, dimensions, and physical characteristics.





DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

ACTION 6.2 //

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam.

OVERVIEW

The Federal Energy Regulatory Commission (FERC) license for Merced Irrigation District's (MID) Merced River Hydroelectric Project includes conditions to develop a plan to align the project's existing Merced River Trail with a new trail segment that would follow the shoreline of Lake McClure and McSwain Reservoir. License conditions are in Appendix I, but significantly, the FERC plan includes conditions that MID:

"...shall, within 18 months of license issuance and in conjunction with BLM, develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain Dam to Bagby Recreation Area. The overall planning goal will be to align the Merced River Trail to follow the shoreline of Lake McClure and McSwain reservoirs where it is possible to do so. The Merced River Trail Conceptual Plan shall include the following: Table of Tables/Figures (Photos and maps), Executive Summary, Vision Statement, Purpose and Need, Setting, Discussion by Trail Alternative, Implementation-Merced ID's Merced River Trail Conceptual Plan."

Achieving this ambitious vision involves leadership from local and federal trail advocates, who are positioned to make recommendations to FERC, secure funding to implement the trail, and oversee it long-term. Historically and during the Vision Plan process, local trail advocates have expressed a desire for the trail to continue downstream from McSwain dam into Merced, perhaps to Lake Yosemite at the UC Merced campus.

NEXT STEPS

Both the Mariposa County Planning Department (trail planning and implementation) and the Merced River Trail CWG (advocacy and monitoring of the licensing process) have significant roles to play in this action. Interestingly, the Rails to Trails Conservancy has expressed interest in helping the project partners facilitate a potential connection to UC Merced and elsewhere in the City and County of Merced, and could be a strategic collaborator.

TIMELINE

Action is contingent upon FERC issuance of the License for the Merced River Hydroelectric Project. Once the License is issued, MID and BLM have 18 months to research and develop the Conceptual Plan and present it to FERC for inclusion in the MID operating license. Prior to that, the Merced River Trail project partners can begin mobilizing to find resources and build partnerships needed to collaboratively plan the trail below Bagby. Though a visionary and potentially transformative extension of the Merced River Trail, its important to note that the Vision Plan participants identified this action as less of a priority than other recommendations in this chapter.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT





Lake McSwain Recreation Area (CA)

DOWNSTREAM RECREATION
The developed recreation amenities at Lake McSwain, which include fishing, boating, a Splash-n-Dash in the lake, and camping/glamping sites around the lake, provide a vastly different recreation experience than the more rugged, minimally improved conditions above the dam in the river canyon,

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

DRAFT

ACTION 6.3 //

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions.

OVERVIEW

The Merced River Trail provides benefits beyond recreational use; namely the corridor can serve to bolster resilience of forest management through its dual use as a fire break, or by utilizing sections of already-existing fire break as connecting trail. Ensuring access to these routes as fire breaks can backstop existing but strained resources and bolster inter-agency response and mitigation efforts to wildland fire that protect communities and the regional economy.

The trail can also be used as an opportunity to educate users about environmental hazards occurrence and management by informing them of the dual utility of fire breaks, and other hazards exacerbated by climate change, such as major floods events and rockslides that in addition to large-scale tree mortality contribute to erosion throughout the Merced River canyon. Additionally, non-motorized routes can help reduce motorized use and overall emissions coming into Yosemite National Park. As such, the trail is vital for transitioning beyond carbon, and can help the Park and region reduce overall carbon emissions as part of broader County climate change mitigation objectives.

Further, ongoing, and close collaboration between advocates for the Merced River Trail and federal agency partners will help identify strategic opportunities for trail implementation and maintenance to support specific USFS and NPS objectives, resulting in additional resources needed to support implementation of this action.

NEXT STEPS

The development of the Vision Plan has helped initiate a collaborative partnership between Mariposa County, Stanislaus National Forest, and Yosemite National Park on these topics. Next steps in expanding and further formalizing that partnership could involve adopting Memorandums of Understanding or other similar agreements between forest/park leadership and the Mariposa County Board of Supervisors that are specific to the trail, its role in achieving shared objectives, and its relationship to other existing regional agreements.

TIMELINE

Growing and formalizing regional interagency partnerships through the trail project could begin immediately after the Vision Plan is adopted.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Ackerson Meadow Restoration, Yosemite National Park/Stanislaus National Forest



Yellow Star Thistle Removal, Merced River in Yosemite National Park



Merced Grove Wildland Fire Fuel Treatment, Yosemite National Park

COORDINATED WATERSHED APPROACH
Federal agencies in the Merced River corridor conduct a range of land management activities, including ecological monitoring and restoration, that the Merced River Trail could and should support.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

ACTION 7.1 //

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail.

OVERVIEW

Public information elements are essential for equipping trail users with the information they need to safely and responsibly recreate. In addition to providing important wayfinding and directional information, they also serve to prepare trail users, especially inexperienced ones, for the potential risks and hazards of a natural environment, and equip them with the knowledge needed to use a landscape without degrading it. These outcomes are all critical in the Merced River canyon, and specifically align with the community's vision for the Merced River Trail.

However, in addition to these important trail management and administrative functions, public information elements like signs, brochures, and websites can facilitate deeper connections to the river canyon. By interpreting the landscape's human and non-human sense of place, these features can enrich users' experience of the Merced River Trail. Public information elements that compellingly engage with relevant themes such as Indigenous narratives, native plant and wildlife species, and modern industrial history can promote a sense of attachment to and stewardship for the canyon's resource among visitors.

Indeed, the design of the elements themselves can contribute to this larger placemaking/placekeeping approach, reflecting the themes of the interpretive content through judicious use of materials, form, and other factors. However, the opposite is also true—excessive, illegible, inconsistent, or aesthetically inappropriate public information elements can degrade the canyon and trail's visual character, and hamper the visitor's experience. Care and deliberation must be taken to ensure that public information elements add to, and certainly do not detract from, the experience of enjoying the trail.

NEXT STEPS

The development of a signage and wayfinding master plan could be an impactful opportunity to articulate key issues and opportunities, and flesh out the details of the placement, design, and content of public information elements on the trail. Mariposa County could apply for funding, though it is critical to have support and collaboration from federal agency partners. In addition to having mandatory policies concerning these elements, including Sign and Poster Guidelines for the Forest Service • EM 7100-15, NPS-Sign System Specificatons and UniGuide Standards, and BLM National Sign Handbook H-9130-1, agencies may have resources to support implementation of this action.

TIMELINE

This is a medium-priority action. Once funded, the development of a signage and wayfinding master plan could take as little as 12 months.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Tonto National Forest (AZ)



Williamette National Forest (OR)



East Point Park Bird Sanctuary (ON)



Santa Rosa Plateau Ecological Preserve (CA)

SIGNAGE AS OPPORTUNITY

Interpretive, wayfinding, and warning/safety-related signage both provide important and enriching information for trail users, and can serve as appropriate opportunities to add to the river canyon and Merced River Trail's sense of place. Through both content, design, and materiality, signage can enhance the trail experience.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

ACTION 7.2 //

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan.

OVERVIEW

Vision Plan participants frequently identified citizen science as a compelling opportunity to combine the trail's potential to promote community stewardship for the river and canyon, and catalyze tangible environmental benefits for the landscape and watershed. Historically, there is significnat precedent for these kinds of initiatives in the Merced River corridor, from the grassroots effort to secure WIld and Scenic designation in the 1970s to the Upper Merced River Watershed Council's long-running water quality monitoring project at Briceburg.

This recommended action leverages and builds upon this heritage, identifying additional volunteer-driven priorities along (and supported by) the trail. Among others, this includes invasive species removal (Action 4.1), mapping wildlife use patterns (Action 4.2), and contributing to trail building and maintenance activities (Action 4.3). The Vision Plan also identifies the need for an organization to spearhead and coordinate these and other volunteer activities (Action 8.1), both ensuring the long-term sustainability of volunteer programs and deepening their impact for the community and landscape.

NEXT STEPS

Short-term, existing volunteer activiites such as the Great Sierra River Cleanup should continue, perhaps with new and expanded partnerships that broaden the program's reach to organziations and communities that historically have not been engaged in the river or other environmental stewardship initiatives.

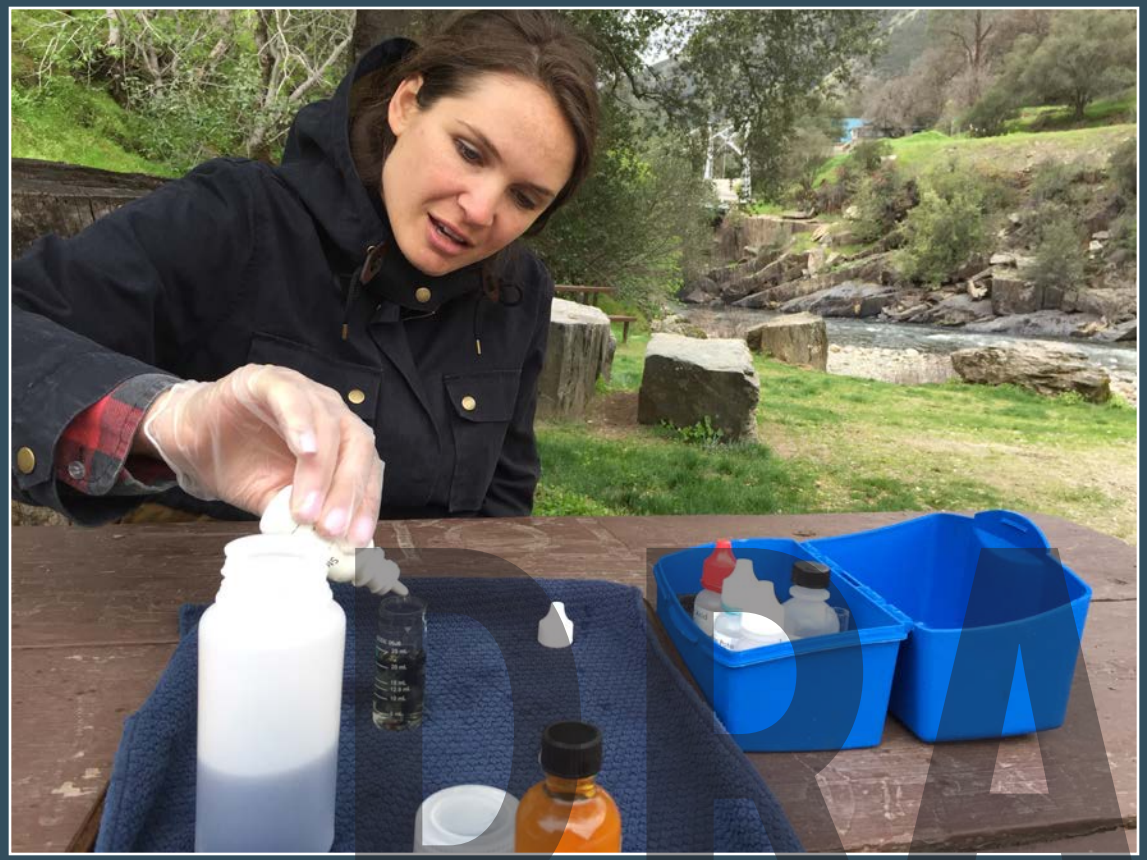
Long-term, it will require increased organizational capacity to coordinate and conduct the additional opportunities for volunteer engagement identified in the Action Plan. Additionally, coordination with the federal agencies is both beneficial, and in some cases, necessary for successful long-term implementation of this action. For example, by aligning citizen science initiatives with stated BLM, USFS, and NPS priorities, local engagement activities can efficiently contribute to ongoing federal efforts in the canyon. And in the case of trail maintenance/ construction, this work will need to take place under a formal agreement with relevant agencies, such as a non-cost share agreement, and activities would need to be determined and noticed in compliance with existing agency policies and requirements. The potential conservancy organization identified in Action 8.1 is ideally suited to serve these functions, and implementing this action should be part of its mandate.

TIMELINE

Short-term implementation is ongoing, while the timeline for long-term implementation will depend on the willingness and capacity of the coordinating organization.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

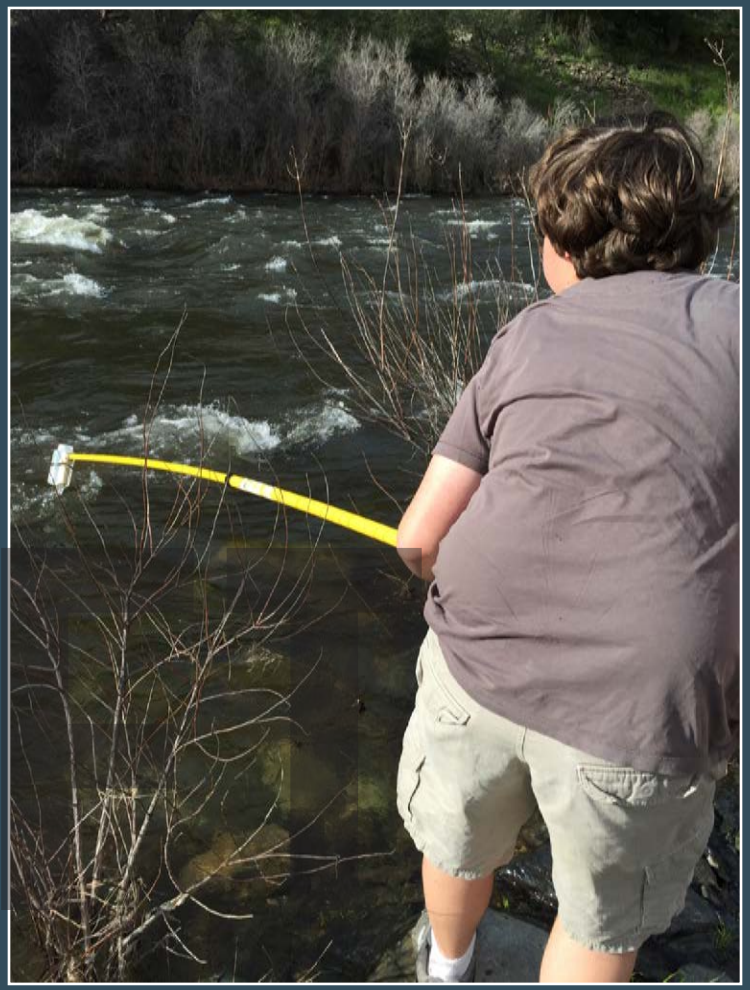


Water quality testing (Briceburg, CA)



Great Sierra River Cleanup (Briceburg, CA)





Water sampling (Briceburg, CA)

CITIZEN SCIENCE AND COMMUNITY STEWARDSHIP
Existing local organizations like the Upper Merced River Watershed Council (UMRWC) have a history of coordinating volunteer monitoring and conservation activities in the river canyon and along the existing Merced River Trail.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

DRAFT

ACTION 7.3 //

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail.

OVERVIEW

The Merced River watershed provides countless opportunities to engage with topics that have local, regional, and national importance, including human history, botany, and contemporary climate resiliency issues like catastrophic wildfire and flooding. The trail provides access to educational experiences where students of all ages can learn about these topics by experiencing them in the canyon—perhaps a more effective educational pathway than reading about them in a book or in a classroom. And in addition to place-based educational opportunities, these larger issues can also be explored in other ways outside of the river canyon, like through art in a gallery space, stories displayed in an interactive online map, public presentations, or even films (Action 3.1).

Regardless of the medium, the vision planning process underscored that Mariposans value community education and engagement on topics related to the Merced River watershed. Not only does a fuller awareness of the river equip Mariposans to serve as better stewards for its natural and cultural resources, but it also adds depth to local understanding of place.

Local trail advocates can continue to expand the delivery of education and engagement programs, including guided hikes, trail runs, and the development of trail- and river-specific curriculum that can be disseminated to educators throughout the county and elsewhere. Where appropriate, any onsite education programs can reference existing and future signage. These would be in addition to the significant educational benefits likely to stem from the boots-on-the-ground volunteer activities identified in Action 7.2.

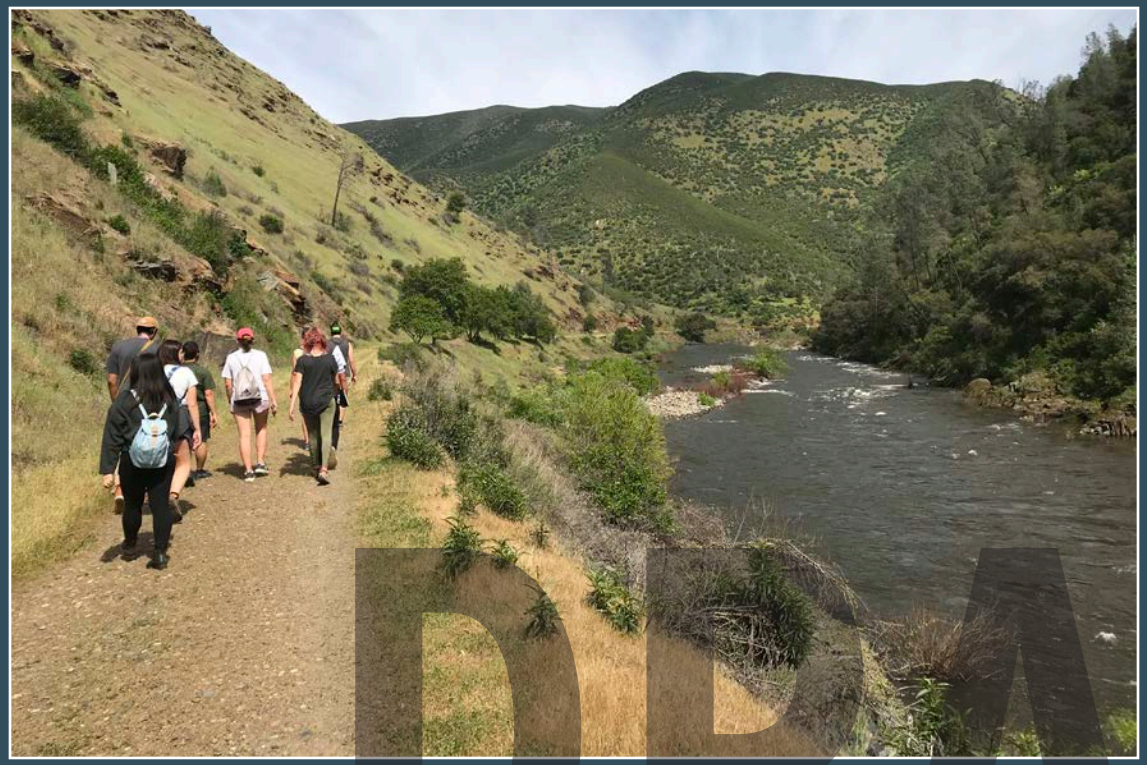
NEXT STEPS

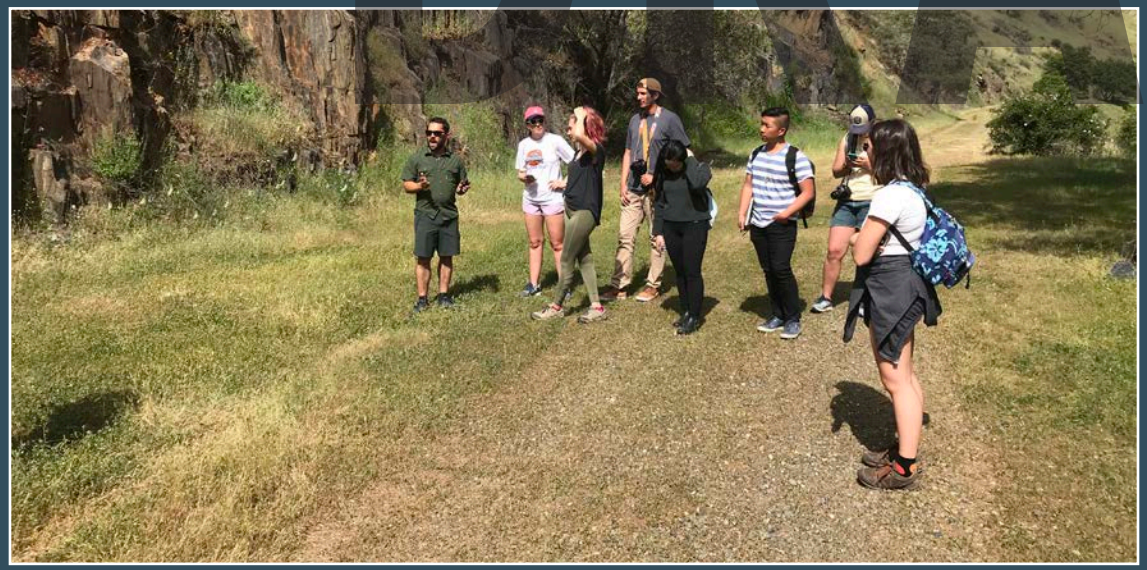
Because this recommended action relies on the expertise and leadership of local organizations and agencies, an impactful next step would be to engage with those organizations to identify their specific interest areas, ideas for expanded programming, and needs or resource gaps in delivering their educational and engagement programs. Example organizations include education entities like NatureBridge and potential event organizers like the Upper Merced River Watershed Council and Yosemite Composite Mountain Bike Team. The Merced River Trail Community Working Group (CWG) could initially spearhead this effort. Once needs are identified, the CWG could help develop a more specific and targeted plan for supporting local organizations.

TIMELINE

Initial outreach to help refine the CWG's role in supporting expanded engagement and education activities through the trail can get under way immediately upon plan adoption.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





Guided walks with Cal Poly SLO students (Merced River Recreation Management Area)



Wild and Scenic Film Festival, El Portal (CA)

OUTDOOR LEARNING ENVIRONMENT
The existing Merced River Trail provides a compelling environment for hands-on outdoor learning, with opportunities for place-based curriculums in ecology, cultural history, and other topics important to local and regional audiences of all ages.

DRAFT

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1
Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2
Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3
Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.1 //

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success.

OVERVIEW

While some of the recommendations in this Action Plan can be implemented by existing organizations operating within their mandates and with resources already in hand, many actions are outside the scope and capacity of local project partners. Furthermore, all of the actions identified here, as well as other actions that will surely be recommended by future Vision Planning efforts, demand long-term funding, oversight, and stewardship of a dedicated organization for whom the Merced River Trail is a primary focus.

Technically, such an organization does not currently exist in Mariposa County, though there are several candidate organizations that could expand their mandate to serve this critical role for the community and watershed. This will require paid full-time staff whose responsibilities include implementing the Action Plan, including the monitoring tasks identified in Actions 3.4, 7.2, and many related tasks in Goal 4. This organization would also have an important role in facilitating and coordinating between Mariposa County, its residents, and federal agencies active in the Merced River canyon, and could serve as the primary point of contact for members of the public seeking information about the trail, river, and watershed. It would also serve as a central location for materials, including scientific research and reports, as identified in Action 3.1.

NEXT STEPS

The visioning process identified the Upper Merced River Watershed Council (UMRWC) as a logical candidate to potentially serve this role, pending the availability of resources for staffing. Incidentally, the UMRWC is currently engaged in a capacity building and strategic planning effort funded through a grant from the Bureau of Reclamation, which perhaps could provide further detail and specificity to this recommendation. Conversely, a new organization could be formed whose explicit purpose is to serve as the Merced River (Trail) conservancy.

Regardless of the path forward, in order to be effective, any future conservancy will need support to get started with the personnel to both advance the recommendations in the Action Plan, and develop a self-sustaining organization. Funds could come from capacity building grants like the aforementioned BRM WaterSmart grant that the UMWRC successfully pursued, as well as from philanthropic support. Eventually, the Mariposa County Board of Supervisors may decide to allocate funding to this organization, as has been done with groups like the Mariposa County Arts Council, Yosemite/Mariposa County Tourism Bureau, and Mariposa County Firesafe Council.

TIMELINE

This is one of the highest-priority recommendations in the Action Plan. However, the timing will depend on the availability of funding, and the capacity for local leadership to identify and empower an organization to pursue it.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DIVERSE RESPONSIBILITIES + OPPORTUNITIES

An organization responsible for the long-term management, oversight, and stewardship of the river and trail is critical to the success of the Merced River Trail Vision Plan. Nearly all of the recommended actions would greatly benefit from such an organization to catalyze, fund, and/or direct their implementation.

The table to the right depicts the envisioned conservancy's potential role in advancing each of the Vision Plan's recommended actions.

ACTION	POTENTIAL CONSERVANCY ROLE
1.1	If the route issue remains unresolved, this group could support this collaborative decision.
1.2	Minimal role
2.1	This group could help fund this study, though primary responsibility would likely lie with Mariposa County.
2.2	This group could drive implementation of this action, and ensuring general compliance with the MID settlement.
2.3	Identifying strategic sites and implementing restoration activities could be both be a tasks, especially the former.
2.4	This group would be the driving force in achieving this trail implementation milestone.
3.1	Developing and expanding this program would be a major task.
3.2	This group could pursue funding to support implementation of this action.
3.3	Rather than establishing principles, the focus would be on installing/maintaining the trail in accordance with them.
3.4	This would be a primary responsibility and function of this group.
3.5	This group's actions would be governed by the recommendations and spirit of this action.
4.1	Collaborating with universities and non-profits would be an opportunity, though not an obligation
4.2	This group could either lead this action, or support it through fundraising and volunteer organization.
4.3	This group would support this action through fundraising and volunteer coordination.
4.4	This group would be a key collaborator and local point of contact for BLM, USFS, and NPS partners.
4.5	This group could fund this study, and/or provide other resources for existing conditions monitoring.
4.6	This group could fund this study, and/or provide other resources for existing conditions monitoring.
5.1	This action, especially the publicizing aspects, would be a major responsibility of this group.
5.2	This would primarily be a Mariposa County action, which this group could support.
5.3	This group could help fund and be a central stakeholder in implementing this recommendation.
6.1	Minimal role
6.2	This group would likely have a minimal role, depending on their geographic area of emphasis.
6.3	This could be a major long-term focus of this group.
7.1	This group could raise funding to design, install, and maintain these elements.
7.2	This would be a primary responsibility of this group.
7.3	This would be a primary responsibility of this group.
8.1	-
8.2	This group could raise funding to design, install, and maintain these elements.
8.3	This would be a primary responsibility of this group.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

POTENTIAL CONSERVANCY PRINCIPLES

1 BE A NON-PROFIT

IN ORDER TO EFFECTIVELY FUNDRAISE, IT IS ALMOST ESSENTIAL FOR THE ORGANIZATION TO BE A 501(C)(3) NON-PROFIT. THOUGH THIS DESIGNATION WOULD LIMIT THE ENVISIONED CONSERVANCY'S ABILITY TO LOBBY, IT WOULD PROVIDE TAX-EXEMPT STATUS AND REQUIRE THE ESTABLISHMENT OF A BOARD OF DIRECTORS TO ENSURE THE ORGANIZATION STAYS FOCUSED ON ITS PURPOSE.

2 BE AUTHORIZED

GIVEN THE CLOSE PARTNERSHIP THAT MUST EXIST BETWEEN THE ENVISIONED CONSERVANCY AND THE FEDERAL AGENCIES WITH JURISDICTION OVER THE TRAIL, IT IS ESSENTIAL THAT THE ENVISIONED CONSERVANCY ORGANIZATION BE RECOGNIZED AND AUTHORIZED, LIKELY THROUGH A MEMORANDUM OF UNDERSTANDING/ AGREEMENT OR NON-COST SHARE AGREEMENT, TO WORK ON TRAIL ISSUES

3 BE INDEPENDENT

WHILE THE ENVISIONED CONSERVANCY WILL BE A CLOSE COLLABORATOR AND STAKEHOLDER FOR THE FEDERAL AGENCIES THAT MANAGE THE LAND IN THE RIVER CANYON, THEY MUST ALSO BE IN A POSITION TO ENSURE THAT THOSE AGENCIES COMPLY WITH THEIR STATUTORY AND LEGAL OBLIGATIONS, ESPECIALLY WITH REGARD TO TRAIL ESTABLISHMENT AND MAINTENANCE.

4 BE FULLY STAFFED

THOUGH THE ORGANIZATION WILL BE CHARGED WITH ASSEMBLING AND DEPLOYING COMMUNITY VOLUNTEERS FOR A RANGE OF ACTITIVIES, CAPABLE, QUALIFIED EMPLOYEES ARE NECESSARY FOR THE ENVISIONED CONSERVANCY TO SUCCESSFULLY IMPLEMENT THE MERCED RIVER TRAIL VISION PLAN. NECESSARY POSITIONS INCLUDE AN EXECUTIVE DIRECTOR, A FINANCIAL MANAGER, AND A COMMUNITY ENGAGEMENT DIRECTOR.

5 BE MULTI-DISCIPLINARY

THE PLANNING EFFORT REVEALED A SHARED COMMUNITY VISION FOR THE MERCED RIVER TRAIL AS MORE THAN JUST A RECREATIONAL AMENITY—IT IS A CATALYST FOR EDUCATION, STEWARDSHIP, AND CONNECTIONS TO THE WATERSHED, AND AN ARENA FOR ENVIRONMENTAL RESTORATION AND CONSERVATION. THE ENVISIONED CONSERVANCY NEEDS TO BE ABLE TO PURSUE ALL OF THE FACETS OF THIS VISION.

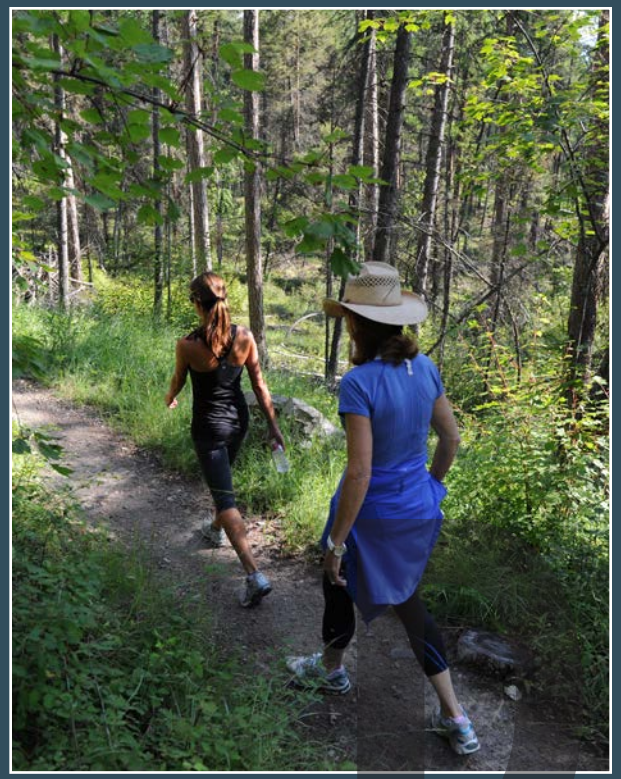
6 BE ACCOUNTABLE

THE ENVISIONED CONSERVANCY WOULD BE ACCOUNTABLE TO ITS BOARD MEMBERS, BUT ALSO MUST BE ACCOUNTABLE TO AREA STAKEHOLDERS. FOR THIS REASON, IT IS CRITICAL THAT THE ORGANIZATION BE BASED IN MARIPOSA COUNTY, COMPRISED PRIMARILY (IF NOT EXCLUSIVELY) OF MARIPOSA COUNTY RESIDENTS, AND MAINTAIN A STRONG PRESENCE IN THE LOCAL COMMUNITY.

DRAFT

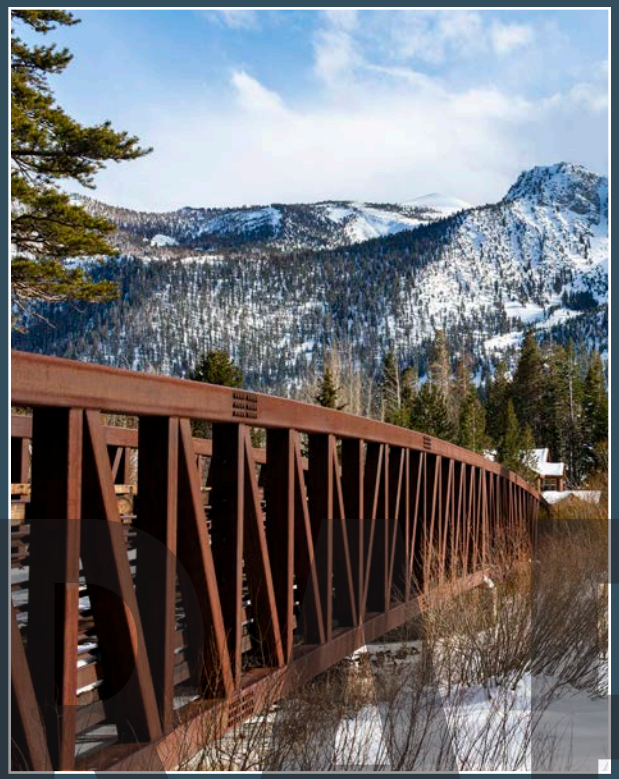
KEY ORGANIZATIONAL TENETS
The Vision Plan provides a roadmap for the future conservancy to follow in implementing a community-supported vision for the Merced River Trail. Ultimately, that organization will have the authority to set its course, but the planning effort has identified six key tenets to help guide the group's formation.

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Mammoth Lakes Trail System includes more than 300 miles of trails improved and stewarded by a partnership between the Town of Mammoth Lakes, California, Inyo National Forest, and the nonprofit Mammoth Lakes Recreation.

The long-term vision is supported by a collaborative master plan and interagency governance. A local special tax initiative helps fund the trail work. Mammoth Lakes is also working to integrate trail and open space planning into wildfire risk reduction efforts.



Sierra Buttes Trail Stewardship is a nonprofit organization that builds and maintains trails around the Sierra Buttes, Tahoe, Plumas, and Lassen National Forests of California.

Trail work is accomplished through professional trail builders, coordinated volunteers, and contracts with the U.S. Forest Service. Businesses and residents support work through volunteer work events and programs like Adopt-a-Trail and $1 for Trails. Community events bring families and user groups together.



Whitefish Legacy Partners is a nonprofit organization that helps expand, develop, manage, and maintain a network of trails around the Glacier National Park gateway community of Whitefish, Montana.

They acquire land and easements to expand access. Trails are designed, constructed, and maintained with professional and volunteer crews. The organization also leads educational programming for youth and adults.

REGIONAL AND NATIONAL PRECEDENT

Public lands, trails, and trails systems throughout the Sierra and elsewhere in the US are supported by a range of high-capacity non-profits whose models, successes, and lessons learned can be enormously instructive in developing and operating a future Merced River Trail conservancy and advocacy organization.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.2 //

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs.

OVERVIEW

Established and clearly marked trails help to funnel overall use and reduce collective impacts. For instance, trailheads and connections between trail classes (e.g., from shared gravel road to single track) need to be identified in the context of a larger trail network of bathrooms, trash cans, and signage. Reference maps and linked signage showing the trail network can help users to pre-plan, coordinate with others, and adjust their activities across a broad array of decisions from safety considerations to personal activity preferences and changing weather conditions.

To both limit the trail's impact on the landscape and ensure that trail elements are in working order with minimal maintenance, amenities such as bathrooms, trash cans and signage should be concentrated at hubs of high visitor use where impacts can be disproportionately greater. The 2022 UC Merced trail use and vehicle count study is valuable for determining use levels to inform trail support. Hub locations shall be determined based on use levels, with the highest use areas receiving needed infrastructural improvements to minimize maintenance needs and support access at a capacity commensurate with use levels and seasonal visitor's needs across the recreational spectrum.

At these locations, it is critical that trail support elements are designed and constructed to be durable, and aligned with the rugged, intentional aesthetic that the community has strongly endorsed (and which is reflected in Actions 3.3 and 7.1). This would entail emphasing natural materials, especially stone, and avoiding prefabricated, off-the-shelf furnishings. It should be noted that co-locating features at front country hubs can help to limit the amount of support elements throughout the Wild and Scenic segments of the trail, limiting the visual impact of these elements throughout the trail corridor. Trail support elements that involve new structures and maintenance obligations in the less accessible, far-flung areas of the trail corridor should be avoided, and the trail experience should remain primitive in these locations.

NEXT STEPS

Expanding and detailing this action could be part of the trail design guidelines described in Action 3.3, and combined into the scope for a future planning project that could be managed by the Planning Department and Merced River Trail CWG. Additional items in that larger planning project could include Actions 2.1, 4.2, and 5.3.

TIMELINE

The 2022 trail use and vehicle count study will be completed in January 2023, at which point the trail hub planning and design work can begin in earnest.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.3 //

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities.

OVERVIEW

Since the existing segments of the Merced River Trail are within BLM jurisdiction, that federal agency has historically been solely responsible for supporting trail building and maintenance activities. In recent years, Mariposa County has been able to assist BLM staff to identify and secure external funding to augment this work, but the vision planning effort indicated that focused and dedicated work is needed to both sustainably execute these activities, and to coordinate them across federal agencies and throughout the river canyon,

The potential conservancy organization identified in Action 8.1 would be perfectly suited to carry out this action, which is likely to entail a combination of traditional non-profit development activities (like grant writing and philanthropy) and other funding mechanisms as appropriate. Complementary income could come from programmatic revenue, like tickets to special events and Merced River Trail merchandise, or allocations from federal and local agencies who benefit from a future conservancy's stewardship of the trail and river canyon.

The Mariposa County Recreation and Resiliency Plan identifies several particularly potent opportunities for the future conservancy to consider. In particular, the plan recommends raising the county's transient occupancy tax (TOT) to align more closely with other communities in the region, and allocating the incremental increase to recreation and resiliency initiatives. If the TOT is increased, the future conservancy could potentially secure some of these recreation and resiliency funds. This conservancy could also work to enshrine the seasonal trail worker positions mentioned in Action 3.3.

NEXT STEPS

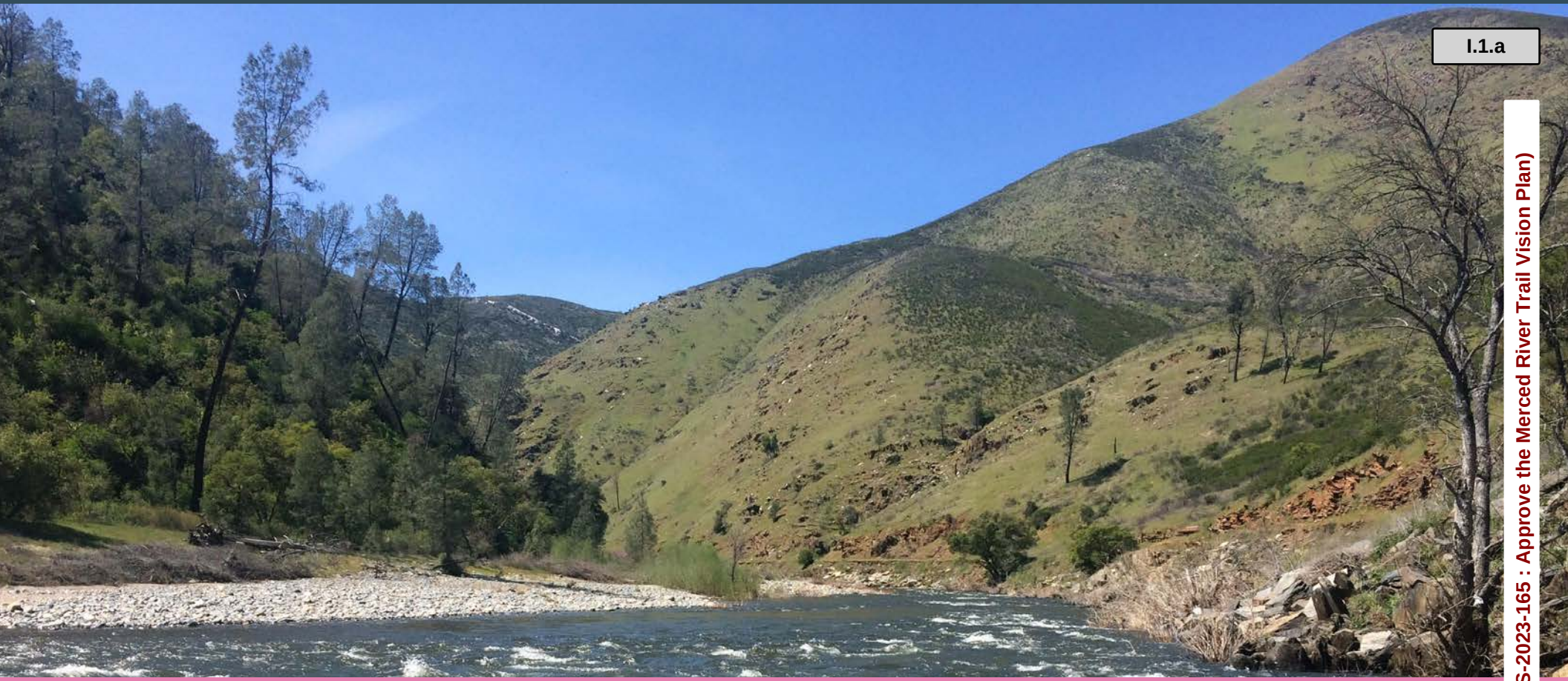
Since this action is primarily the purview of the potential conservancy organization identified in Action 8.1, it is crucial for that organization to be established before fully implementing Action 8.3. However, with sufficient public support, implementation of the TOT adjustment that is called for in the Recreation and Resiliency Plan could be an appropriate next step. For approval, this issue would need to be put before voters in the form of a ballot initiative, which can be accomplished through action of the Board of Supervisors (requiring a supermajority to pass) or by citizens initiative (requiring a simple majority).

TIMELINE

While the timeline for fully implementing this action depends on implementation of Action 8.1, progress on the TOT-related ballot measure could move forward within the year.

DRAFT

Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MERCED RIVER TRAIL

VISION PLAN //



Attachment: MRT Vision Plan DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

RESOLUTION NO. 2022-09

A RESOLUTION OF THE MERCED RIVER TRAIL COMMUNITY WORKING GROUP PROCLAIMING SUPPORT FOR THE DRAFT MERCED RIVER TRAIL VISION PLAN AND RECOMMENDING ITS ADOPTION.

WHEREAS, the Merced River Trail Community Working Group ("CWG") was established on July 9, 2019 to formally advise the Mariposa County Board of Supervisors on the development of a coordinated plan for the Merced River Trail; and

WHEREAS, the group has met consistently since that time, including during the height of the COVID-19 pandemic, to discuss, direct Planning Department staff on, and review materials related to the planning effort's community engagement and plan production activities; and

WHEREAS, the draft of the Merced River Trail Vision Plan submitted to the Board of Supervisors for discussion at the March 21, 2023 meeting distills nearly three and a half years of dedicated work, collaboration, and consensus building, both among the CWG at regular meetings and among the community through the planning process; and

WHEREAS, the CWG has been intimately involved from the beginning of the document production process in creating, revising and reviewing materials for this draft Vision Plan, and are keenly familiar with its format, content, and recommendations.

NOW, THEREFORE, THE MERCED RIVER TRAIL COMMUNITY WORKING GROUP DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Statement of Support and Recommendation for Adoption. The CWG hereby states its support for the draft Merced River Trail Vision Plan, and recommends that the Mariposa County Board of Supervisors vote to adopt this document and authorize staff to work on implementing its recommendations.

Section 3. Statement of Commitment. The CWG hereby reaffirms its commitment to continuing to support the vision for the Merced River Trail by assisting the Mariposa County Board of Supervisors in advancing the Vision Plan's recommendations, once the plan is adopted.

PASSED AND ADOPTED by the MRTCWG this 25th day of January 2023, by the following vote:

AYES: Wendy Brown, Michael Martin, Tara Fouch-Moore, Art Baggett, Ralph Mendershausen, Jeff Jenkins, Susie Clark
NOES:
ABSENT: Jessica Thompson
ABSTAIN:

Attachment: CWG Resolution of Support (RES-2023-165 : Approve the Merced River Trail Vision Plan)

United States Department of the Interior

NATIONAL PARK SERVICE
Interior Regions 8, 9, 10, and 12
909 First Avenue, Suite 500
Seattle, WA 98104

IN REPLY REFER TO:

February 24, 2023

Mariposa County Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

Dear Mariposa County Board of Supervisors:

Since late 2019, the National Park Service's Rivers, Trails, and Conservation Assistance (RTCA) program has worked in partnership with the Mariposa County Planning Department in their ongoing effort to develop a community-driven vision for the completion of the Merced River Trail. Specifically, we have worked to facilitate engagement and coordination of key agency partners, land managers, and community stakeholders in support of the development of the comprehensive Merced River Trail Vision Plan.

Through this planning effort, we sought to understand and assess a range of potential issues and opportunities with respect to land ownership, trail routing alternatives, community interests, natural resource protection, education and stewardship, and anticipated operations and maintenance needs to identify strategies to frame the overall vision concept and provide a foundation for successful implementation.

We applaud Mariposa County's vision and initiative to realize the unique and transformative potential of the Merced River Trail. Extending and enhancing the trail from Bagby to Yosemite National Park will establish over 63 miles of multi-use trail benefiting a broad range of user groups—from hikers, to cyclists, to equestrians and kayakers—and support many of the goals and priorities the County has identified in other plans such as the Mariposa County Economic Vitality Strategy (2017), Mariposa Creek Parkway Master Plan (2019), and Mariposa County Recreation and Resiliency Plan (2021).

In addition, we'd like to recognize and honor the vision and persistence of the community members who have continued to move the Merced River Trail planning process forward over many years. The NPS-RTCA program first worked on this project over 30 years ago, assisting community partners to develop an initial opportunities and constraints analysis of the Merced River corridor with an eye on formalizing a publicly accessible trail along the existing railroad bed.

RTCA works in partnership with local government and non-profit organizations to help achieve their objectives consistent with the mission and values of the National Park Service, contributing to a broad national portfolio of outdoor recreation and natural resource conservation efforts. The Merced River Trail project was selected through a competitive application process from numerous communities requesting technical assistance from our program.

We have been honored to collaborate with Mariposa County and its dedication group of partners on the Merced River Trail Vision Plan and appreciate the opportunity to assist in laying a foundation for future success. Thank you for your time and consideration!

Sincerely,

Patrick Johnston
Supervisory Outdoor Recreation Planner
National Park Service – Rivers, Trails & Conservation Assistance Program
patrick_johnston@nps.gov

Attachment: NPS-RTCA Support Letter_merced river (RES-2023-165 : Approve the Merced River Trail Vision Plan)

USDA United States Department of Agriculture | Forest Service | Pacific Southwest Region Stanislaus National Forest

19777 Greenley Road
Sonora, CA 95370
209-532-3671
TDD: 209-533-0765
Fax: 209-533-1890

File Code: 2310; 2350
Date: March 7, 2023

Mariposa County Board of Supervisors
5100 Bulllion Street
Mariposa, CA 95338

Dear Board of Supervisors,

The USDA-Forest Service, Stanislaus National Forest supports the "Merced River Trail Vision Plan" and is committed to collaborating with the Bureau of Land Management (BLM), the National Park Service (NPS), Mariposa County, and other members of the project team in its planning and implementation efforts. We support Mariposa County's adoption of the Merced River Trail Vision Plan and looks forward continuing to serve as a partner for the project team.

The proposed Merced River Trail identified in the Vision Plan would traverse along 10 miles of Stanislaus National Forest-managed land between BLM and NPS jurisdictions. Within this segment, USFS manages three campgrounds, each with vault toilets, potable water, and tent sites, as well as four day-use/picnic areas. We collaborated with the project partners, led by Mariposa County, to devise a Vision Plan that identified priority needs, and maximizes opportunities for future funding to implement plan recommendations.

Identifying short-term and long-term implementation hurdles was critical to articulating this shared vision of the Merced River Trail. With input from our agency, as well as BLM and NPS, the Merced River Trail Vision Plan project team has resolved the most important questions surrounding the project, expressed a collective community vision for trail alignment, design, and programming, and laid the foundation for acceptable NEPA-ready projects. We are eager to continue our partnership with Mariposa County to advance the Vision Plan's recommendations.

Sincerely,

Recoverable Signature

X

Signed by: JASON KUIKEN
JASON KUIKEN
Forest Supervisor

Attachment: USFS Formal Letter 1 Signature (eSign) FY 2023 608873 (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: USFS Formal Letter 1 Signature (eSign) FY 2023 608873 (RES-2023-165 : Approve the Merced River Trail Vision Plan)

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution No. 23-___ A RESOLUTION APPROVING THE MERCED RIVER TRAIL VISION PLAN, FINDING THE PROJECT IS EXEMPT FROM CEQA, AND AUTHORIZING COUNTY DEPARTMENTS AND AGENCIES TO PURSUE IMPLEMENTING ITS RECOMMENDATIONS.

WHEREAS, previous planning efforts led by each of the federal agencies that have jurisdiction in the Merced River canyon (Bureau of Land Management, US Forest Service, and National Park Service) have identified a non-motorized recreational trail along the historic Yosemite Valley Railroad grade as an appropriate and desirable use in that area; and

WHEREAS, numerous Mariposa County plans (including the 2006 General Plan, 2017 Economic Vitality Strategy and 2017 Regional Transportation Plan) and previous citizen groups (including the Mariposa County Hiking and Equestrian Trails Advisory Committee) have recommended this trail as a tool for achieving various community benefits; and

WHEREAS, the Board has previously acknowledged that a coordinated and focused strategy is needed to both articulate a shared community vision for the Merced River Trail, and grapple with a range of technical and logistical issues associated with the project; and

WHEREAS, the Board has also previously acknowledged that dialogue between diverse community stakeholders and expertise from within our community is essential to shaping that community vision and solving complicated questions associated with project implementation; and

WHEREAS, the Board therefore empaneled the Merced River Trail Community Working Group (CWG) to devise, participate in, lead, and synthesize the results of a lengthy community engagement effort to develop the Merced River Trail Vision Plan; and

WHEREAS, the CWG has thus far achieved these objectives and facilitated the development of a compelling Vision Plan that both 1) reflects a broad range of opinions and perspectives on the Merced River Trail, and 2) provides recommendations for effective and achievable actions to be taken by the County, its federal partners, and other stakeholders to implement the Merced River Trail in accordance with the Vision Plan.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors does hereby approve the Merced River Trail Vision Plan, find this action is exempt from the California Environmental Quality Act, and authorize county departments and agencies to pursue implementing its recommendations.

Attachment: Resolution (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ON MOTION BY Supervisor _____, seconded by Supervisor _____, this resolution is duly passed and adopted this 21st day of March 2023 by the following vote:

AYES:
NOES:
EXCUSED:
ABSTAIN:

_____
Miles Menetrey, Chairman
Board of Supervisors

ATTEST:

_____
Danielle Bondshu, Clerk of the Board

APPROVED AS TO FORM:

_____
Steven W. Dahlem, County Counsel

Attachment: Resolution (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: Mariposa County Merced River Trail Vision Plan

Project Location: Countywide

Description of Project: The Merced River Trail Vision Plan is an initiative spearheaded by Mariposa County, with collaboration from federal partners, to provide locally supported specificity and guidance for the agencies for a non-motorized recreational trail, primarily located on the historic Yosemite Valley Railroad grade, between Bagby and Yosemite National Park. Through an extensive community engagement effort, led by the County's Merced River Trail Community Working Group, the Vision Plan builds on existing federal plans to articulate a local vision for this trail that is referred to, though not detailed, in adopted agency management plans. The outcomes of the planning process provide a community-supported blueprint for balancing the trail's civic benefits, including recreational, educational, and cultural, with the Merced River canyon's environmental significance and unique character.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency Carrying Out Project: County of Mariposa

Exempt Status: General Rule Exemption, Section 15301(b)(3), CEQA Guidelines

Reasons Why Project is Exempt: Adoption of the Merced River Trail Vision Plan is not an action that is subject to environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, because it can be seen with certainty that there is no possibility that the adoption of the plan may have a significant impact on the environment. The Vision Plan has no potential to cause a significant impact to the environment because it is a planning study that does not implement or fund any specific projects. Any specific projects will be subject to independent environmental review prior to their implementation.

Lead Agency Contact Person: Mikey Goralnik, Community Design and Development Planner

Phone Number: (209) 966-5151

_____ _____

Steve Engfer
Planning Director

Date

Attachment: Notice of Exemption (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MERCED RIVER TRAIL

VISION PLAN ADOPTION // 3.21.2023

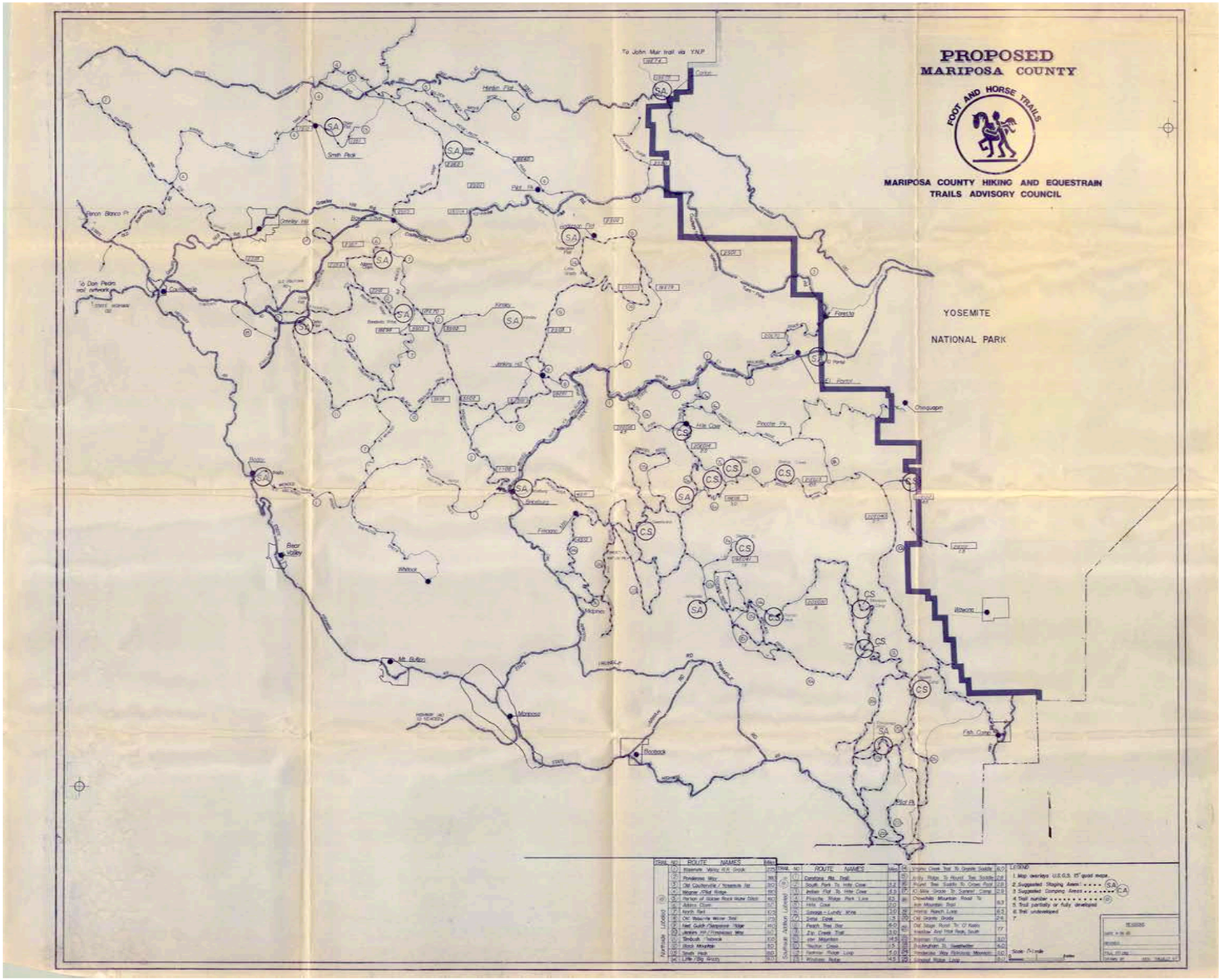
BACKGROUND

- RECOMMENDED IN COUNTY GENERAL PLAN (CONSERVATION + OPEN SPACE AND REGIONAL TOURISM ELEMENTS)

- RECOMMENDED IN ECONOMIC VITALITY STRATEGY

- IDENTIFIED AND DESCRIBED IN EACH AGENCY'S WILD AND SCENIC RIVER MANAGEMENT PLAN

- PRIORITY TO EXPRESS LOCAL PREFERENCES AND PRIORITIES FOR TRAIL IMPLEMENTATION AND UTILITY



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MERCED RIVER TRAIL COMMUNITY WORKING GROUP

- OFFICIAL COUNTY ADVISORY COMMITTEE TO DRIVE AND ADVISE BOARD OF SUPERVISORS ON THIS PROJECT
- CONSISTENTLY MEETING SINCE OCTOBER 2019
- 39 OFFICIAL PUBLIC MEETINGS (40 IS TOMORROW)
- ADVISE ON, REVIEW, AND PRODUCE CONTENT FOR THE FINAL VISION PLAN
- CRAFT AND IMPLEMENT THE COMMUNITY PLANNING PROCESS

VOTING MEMBERS

Art Baggett
Ralph Mendershausen
Michael Martin
Jessica Thompson
Wendy Brown
Tara Fouch-Moore
Susan Clark
Jeffrey Jenkins
CURRENTLY VACANT
Rosemarie Smallcombe
Miles Menetrey

VOTING MEMBERS
NON-VOTING MEMBERS

FORMER MEMBERS

Bill King
Laurel Anderson
Catherine Collamer
Dean Bernacchi
Jeff Gabe
Ben Goger
Nick Ross-Rhudy
Tony McDaniel
Tom Sweeney

VOTING MEMBERS
NON-VOTING MEMBERS

Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

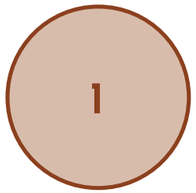
PLANNING FRAMEWORK

- VISION -> GOALS -> ACTIONS
- DRAFT CONTENT PROPOSED BY CWG FOR COMMUNITY TO REACT TO
- IN-PERSON AND ONLINE OPPORTUNITIES FOR THE COMMUNITY TO REACT AND PROVIDE INPUT AND RECOMMENDATIONS
- INPUT SYNTHESIZED AND ADDRESSED BY CWG
- REVISIONS VOTED ON BY CWG PRIOR TO MOVING ON TO THE NEXT STEP IN THE DECISION-MAKING PROCESS

1. VISION → 2. GOALS → 3. ACTIONS

1. VISION

WHAT ARE OUR HIGHEST ASPIRATIONS FOR THE MERCED RIVER TRAIL?



EXAMPLES

- "THE MERCED RIVER TRAIL WILL BE A REGIONAL RESOURCE TO INCLUDE RECREATIONAL ACCESS AND REFLECT THE COMMUNITY'S DESIRE FOR A TRAIL THAT INCLUDES THE AREA'S HISTORY, CULTURE, AND ECOLOGICAL RESOURCES."
- "THE MERCED RIVER TRAIL WILL BE A HIGH-QUALITY MULTI-USE TRAIL IN THE MERCED RIVER CANYON THAT PROMOTES THE HEALTH AND WELL-BEING OF THE PEOPLE, CREATING OPPORTUNITIES FOR SUSTAINABLE ECONOMIC DEVELOPMENT AND SERVING AS A PROTOTYPE FOR A COMPREHENSIVE COUNTY-WIDE TRAIL NETWORK IN MARIPOSA COUNTY."

2. GOALS

HOW CAN WE REALIZE THAT VISION?



EXAMPLES

- MINIMIZE CONFLICTS BETWEEN HUMAN AND NON-HUMAN USERS OF THE MERCED RIVER CORRIDOR
- EMPHASIZE INCLUSIVE AND EQUITABLE NARRATIVES ABOUT THE PAST, PRESENT, AND FUTURE OF THE MERCED RIVER IN ANY INTERPRETIVE FEATURES
- ENSURE THAT ANY CHANGES OR ADDITIONS TO THE RIVER CANYON ARE APPROPRIATELY SCALED AND DESIGNED TO THE NATURAL CONTEXT IN WHICH THEY EXIST

3. ACTIONS

WHAT DO WE NEED TO DO TO ACHIEVE THESE GOALS?



EXAMPLES

- PRESERVE A MINIMUM IMPACT AESTHETIC IN THE CONSTRUCTION OF THE MERCED RIVER TRAIL, INCLUDING THE USE OF NATURAL MATERIALS AND DRY-STONE MASONRY TECHNIQUES THAT ARE CONSISTENT WITH THE HISTORIC TRAILS OF THE AREA.
- MAP WILDLIFE HOTSPOTS AND DEVISE APPROPRIATE AND EFFECTIVE MEASURES TO MINIMIZE THE IMPACT OF TRAIL USE ON WILDLIFE, ESPECIALLY AT THESE LOCATIONS
- MAXIMIZE OPPORTUNITIES FOR LOCAL VOLUNTEERS IN TRAIL PROJECTS

Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PLANNING PROCESS

REVISIONS → REVISIONS → REVISIONS

SPEAKER SERIES // OPEN HOUSES // SURVEYS

February 20, 2020
Native American Sense of Place and Project Vision

December 14, 2020
Ecological Identity and Project Goals

March 29, 2021
Conservation and Advocacy History and Open House

January 7, 2021
El Portal Open House (online)

March 29, 2021
Community Open House (online)

June 16, 2021
Midpines Open House (in person)

December 2020-March 2021
Project Goals Community Survey

September-December 2021
Project Actions Community Survey

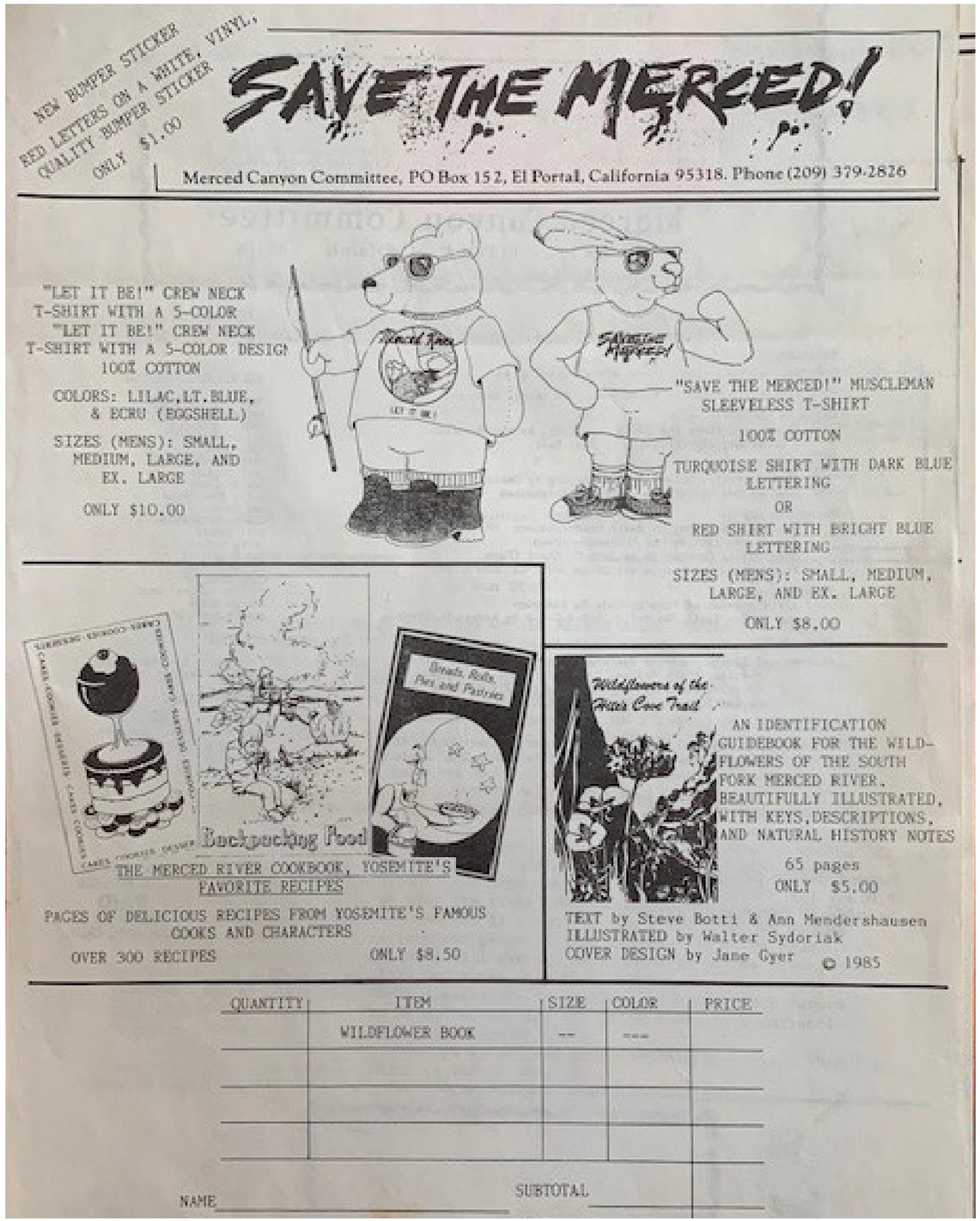
FINAL CWG REVISIONS + APPROVAL → **BOARD APPROVAL**

REGULAR CWG MEETINGS
CONTINUED COORDINATION WITH FEDERAL PARTNERS
TARGETED DIALOGUE WITH LOCAL STAKEHOLDERS

Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CHAPTER 1 // OVERVIEW + CONTEXT

- DIFFERENCE BETWEEN A VISION PLAN AND A MASTER PLAN
- OVERVIEW OF MERCED RIVER CANYON HISTORY // CULTURAL AND ENVIRONMENTAL
- PLANNING CONTEXT // FEDERAL + LOCAL PLANS AND REGULATIONS
- PROJECT GENESIS + HISTORY
- WRITTEN BY STAFF + CWG MEMBERS



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CHAPTER 2 // VISIONING PROCESS

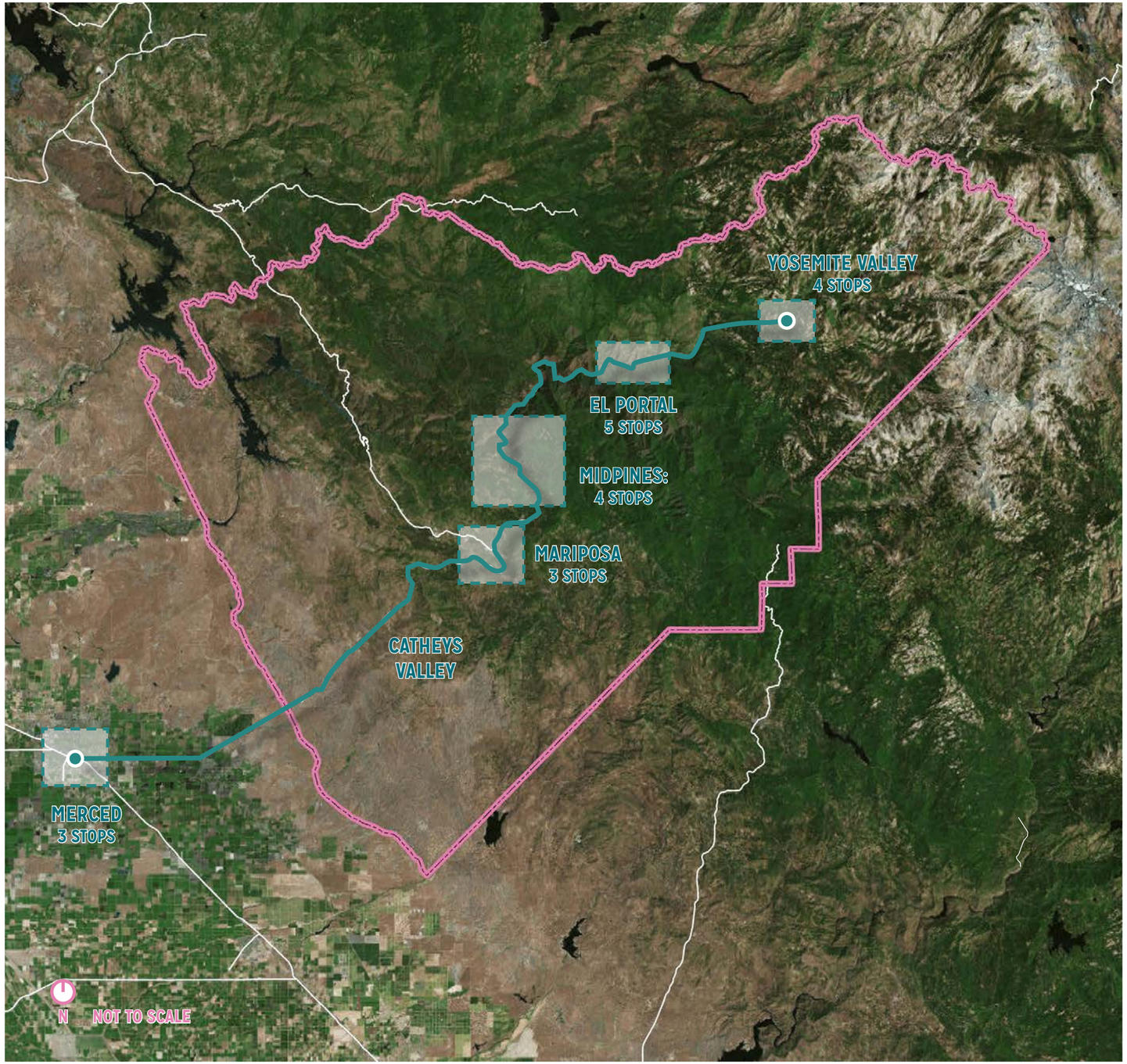
- PRELIMINARY DIALOGUES
- MERCED RIVER TRAIL COMMUNITY WORKING GROUP
- VISIONING FRAMEWORK
- COMMUNITY ENGAGEMENT ACTIVITIES + OUTCOMES
- WRITTEN PRIMARILY BY STAFF



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CHAPTER 3 // ACTION PLAN

- THOROUGH EXPLANATION OF EACH RECOMMENDED PROJECT ACTION
- OVERVIEW, NEXT STEPS, AND TIMELINE FOR EACH ACTION
- FOR MOST ACTIONS, THERE ARE ALSO RESOURCES TO SUPPORT IMPLEMENTATION
- WRITTEN BY STAFF + CWG MEMBERS



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CHAPTER 4 // APPENDICES

- SELECT RESOURCES THAT HAVE BEEN ACCUMULATED THROUGHOUT THE PROJECT PLANNING AND IMPLEMENTATION PROCESS, EG:

- SCOPES OF WORK, INTERMEDIATE DELIVERABLES, AND OTHER ITEMS THAT WILL BE USEFUL IN THE FUTURE

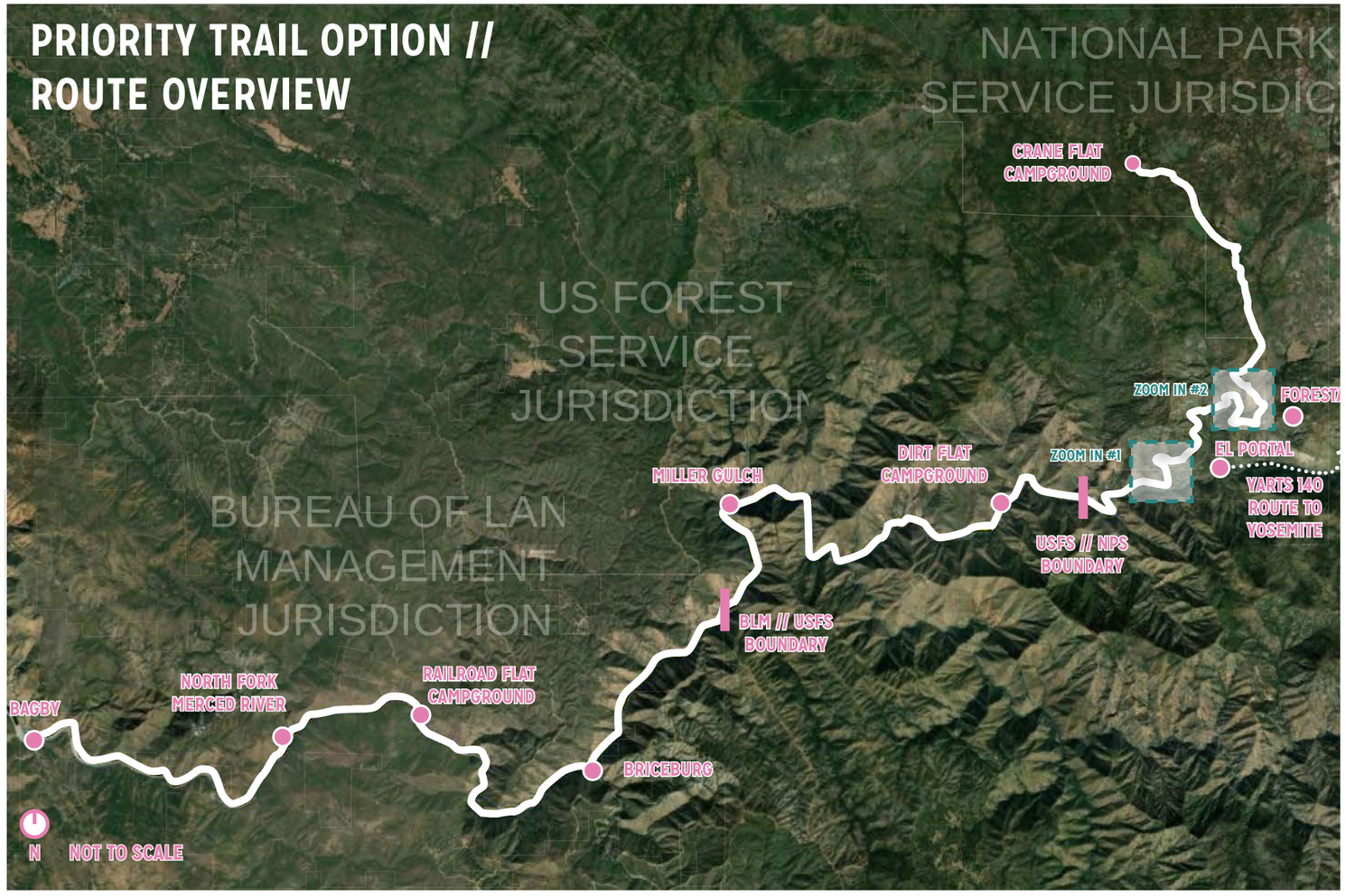
- COMPELLING HISTORIC DOCUMENTS AND OTHER ITEMS THAT ARE OF INTEREST, WHOSE UTILITY IS NOT YET CLEAR



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)

NEXT STEPS

- BOARD ADOPTION AUTHORIZES COUNTY STAFF TO WORK ON IMPLEMENTING THE VISION PLANS RECOMMENDATIONS
- CHAPTER 3 IDENTIFIES PRIORITY ACTIONS TO WORK ON IN THE SHORT-TERM
- REVISION OF THE CWG'S ROLE FROM A PLANNING SUPPORT BODY TO AN IMPLEMENTATION SUPPORT BODY



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)



THANK YOU



Attachment: Adoption Presentation (RES-2023-165 : Approve the Merced River Trail Vision Plan)


CHAPTER 1 // OVERVIEW + CONTEXT


CHAPTER 2 // VISIONING PROCESS


CHAPTER 3 // ACTION PLAN


CHAPTER 4 // APPENDICES

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mother Lode Field Office
5152 Hillsdale Circle
El Dorado Hills, CA 95672
www.ca.blm.gov/motherlode

March 21, 2023

Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

Dear Board of Supervisors,

The Bureau of Land Management (BLM) would like to state its support for the Merced River Trail. The Mother Lode Field Office is deeply committed to the Merced River Trail project, and we see the vision plan as a critical milestone in achieving this transformational project.

BLM has been protecting the natural and cultural resources of the river well before the 1991 Merced Wild and Scenic River Management Plan codified these management directives. This plan is still our guiding document that shapes nearly all management decisions within the Merced River corridor. The plan specifically calls out the purchase, by willing sellers, of private property inholdings for public access and unified management of the W&S River. Also called out as Action 28: Trail Construction—Old Yosemite RR Grade from Bagby to El Portal for non-motorized vehicle use to include equestrian, bicycles, and hiking access. Action 29: calls out developing an interpretive plan for the river corridor. The 1991 Merced River W&S River Management Plan also calls out the "Merced Canyon Trail" by name and instructs agencies to "develop or improve trailhead facilities." Page 66 of the joint USFS/BLM Plan from 1991 states the following. "The demands to design, construct, operate and maintain the Incline Road (Merced River Canyon Trail) for hiking, horse, and mountain biking will require coordination by all agencies to implement. The demands to coordinate with private landowners (the) necessary recreation easements to facilitate the Merced River Canyon Trail project will increase over the term of this plan."

The BLM is responsible for maintaining approximately 19 miles of trail between Bagby and our border with Stanislaus National Forest. This effort has been challenging over the years. Along the trail are three campgrounds, each with picnic tables, vault toilets, metal fire ring/grills, and two developed day use area that provides access to the river. We are committed to continuing to maintain these amenities and to facilitating user access to them. Additionally, we are eager to connect trail users with the Merced Wild and Scenic River corridor's Outstandingly Remarkable Values, and recreational opportunities including boating, hiking, fishing and biking, botanical diversity and spectacular wildflowers, unique wildlife including the protected limestone salamander, as well as abundant cultural resources.
The Merced River Trail Vision Plan is ambitious, and we are eager to work with Mariposa County, the US Forest Service, and the National Park Service on implementing the Vision Plan's general recommendations. If some of the biggest obstacles identified years ago in the W&S River Plans can be solved collaboratively, this Vision Plan will accomplish more than any one agency can realistically achieve alone.

Attachment: LOS_BLM (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Sincerely,

Jeff Horn
Acting Field Manager
Bureau of Land Management
Mother Lode Field Office, CA

Attachment: LOS_BLM (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MERCED RIVER TRAIL

VISION PLAN // APPENDICES





Looking downstream in BLM jurisdiction

CONTENTS

APPENDIX A // BIBLIOGRAPHY FOR OVERVIEW OF MERCED RIVER CANYON HISTORY // 2

APPENDIX B // MERCED RIVER CANYON HISTORICAL TIMELINE // 4

APPENDIX C // ASCENT PROPOSAL FOR ENVIRONMENTAL SERVICES // 14

APPENDIX D // BEAR CREEK TRAIL RIVERS, TRAILS, AND CONSERVATION ASSISTANCE CONTENT (2012) // 18

APPENDIX E // MARIPOSA COUNTY BOARD OF SUPERVISORS CORRESPONDENCES // 24

APPENDIX F // MERCED RIVER TRAIL COMMUNITY BENEFITS STUDY (2020) // 28

APPENDIX G // MILLER GULCH SITE DESIGN CONCEPTS (2021) // 46

APPENDIX H // MILLER GULCH SITE ASSESSMENTS + CLEANUP OPTIONS (2021) // 54

APPENDIX I // MERCED RIVER CONSERVATION COMMITTEE WHITE PAPER // 66

APPENDIX J // PRELIMINARY TRAIL COUNT DATA // 74

APPENDIX K // PROPOSED MARIPOSA COUNTY FOOT AND HORSE TRAILS (1983) // 80

APPENDIX L // MERCED W&SR CORRIDOR SIGNAGE & COMMUNITY NEEDS REPORT (2022) // 82

APPENDIX M // MERCED RIVER TRAIL OPPORTUNITIES AND CONSTRAINTS STUDY (1989) // 104

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX A

BIBLIOGRAPHY FOR OVERVIEW OF MERCED RIVER CANYON HISTORY - BAGBY TO YOSEMITE

DRAFT

Chapter 1 of the Vision Plan includes what is likely the first general history of the Merced River canyon as a subject unto itself. As such, it is critical to point out that the bibliography here is a beginning which will hopefully see refinement and expansion over time.

By far the greatest number of sources consulted dealt with the Native Americans before, during, and after the Gold Rush, with most sources obtained through the Mariposa County Library or inter-library loan. The library itself has little on the subject but was extremely helpful.

The section on industrial history focuses on infrastructure that is still visible, hence the attention to railroad and inclines. That section relies on standard local works such as those by Hank Johnston and Jim Law. Nicholas Perlot's diary provides compelling and eye-opening content on the salmon story, which, though very old, has not been well chronicled elsewhere.

Material on the Meyer family grazing came with the generous help of Betty Mankins and Janet Bibby. Other families raised cattle and grazed them in the canyon, as place names like "Schilling" attest. Those stories await their own telling.

Material on the conservation movements in the canyon is based on a presentation on the subject delivered on March 29, 2021 as part of the Merced River Trail Community Speaker + Engagement Series (recorded here). These accounts were based on the author's close experiences with the local movements and organizations involved. The largest and most dramatic of those conservation efforts was the Merced Canyon Committee. The author's papers from that time, as well as those of Richard Kunstman, were donated to the Yosemite Research Library in 1988. Those of Ronald Stork remain in his possession.

Barrett, S.A and Gifford, E.W., Miwok Material Culture: Indian Life in the Yosemite Region. Yosemite Natural History Assn. 1933.

Barrett, S.A. The Geography and Dialects of the Miwok Indians. UC Press. Berkeley,1908. Accessed at https://archive.org/TheGeographyandDialectsOfTheMiwokIndians.

Bopp, Tom, "Salmon in the Merced and South Fork of the Merced. Wawona Journal, Nov. 16, 2008.

Carroll, Tim, "Merced River Canyon Floating Workshop: The Geology of the Canyon". BLM Folsom Resource Area Office handout. 2pp. March 27, 1991.

California Journal of Mines and Geology, Vol. 53, #s 1&2, January-April 1957.

Clark, Galen, Indians of the Yosemite Valley and Vicinity: Their History, Customs, and Traditions, Kings River Press, Lemoore, CA, 1904.

Curtis, Edward S., "The Miwok" in The North American Indian:The Complete Portfolios, Vol. 14, 1914.

Dickson, Ephriam, "Yosemite History Facebook" Facebook Blog # 150: "The Ferguson Mill to Yosemite Valley Toll Road Company, 1872-1873, August, 2022."

Fagan, Brian, Before California: An Archaeologist looks at our Earliest Inhabitants, Rowman and Littlefield, Walnut Cr., 2003.

Gaskell, Sandra and Michael Martin," Indigenous Fisheries of the Southern Sierra Miwuk California 1851", SCA, Riverside, CA 2010.

Giacomazzi, Sharon, "Briceburg: location, location, location." *Mariposa Gazette*, 22 December, 2022, p. B7.

Giacomazzi, Sharon, Trails and Tales of Yosemite and the Central Sierra, Bored Feet Press, Mendocino, 2001.

Gutierrez, Ramon A. & Orsi, Richard J, Contested Eden: California Before the Gold Rush, In: California Historical Society, California History, Vol. 76, # 2&3, summer and fall 1997.

Heizer, Robert F, The Destruction of the California Indians, Univ. of Nebraska, Lincoln, 1974.

Heizer, Robert F. and Elsasser, Albert B., The Natural World of the California Indians, UC Press, Berkeley, 1980.

Heizer, Robert F. and Almquist, Allan J., The Other Californians, UC Press, Berkeley, 1971.

Johnston, Hank, Railroads of the Yosemite Valley, Yosemite Association, 1995.

Kroeber, A. L., Handbook of the Indians of California, Dover Publications, NY, 1976.

Law, James, Memories of El Portal, Mariposa Heritage Press, 1993.

Madley, Benjamin, An American Genocide, The United States and the California Indian Catastrophe, Yale University Press, 2017.

Mankins, Betty Meyer, (Daughter of Horace Meyer) email exchange on Grazing in the Merced River Canyon. In the author's possession. Jan. 2022.

Margolin, Malcolm, The Way we Lived, California Historical Society, Berkeley, 1993.

Mendershausen, Ralph, Treasures of the South Fork, Book Publishers Inc., Fresno, 1983.

Merced River Wild and Scenic River Plans- see under federal agencies.

National Park Service, Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement, February, 2014. (See Yose_Planning@nps.gov)

National Park Service, NPS Rivers and Trails Conservation Assistance, Western Region, "Merced River Trail: Opportunities and Constraints", Aug. 3, 1989.

Perlot, Jean-Nicolas, Gold Seeker, Yale Univ. Press, New Haven, 1985.

Phillips, Thomas B., "Las Mariposas Grant Tour", Mariposa Museum and History Center, 2009.

Radanovich, Leroy, Yosemite Valley Railroad, Arcadia Publications, Chicago, 2010.

Rawls, James J. and Bean, Walton, California An Interpretive History, 10th edition, McGraw-Hill, NYC, 2012.

Snyder, James, Correspondence with Superintendent Finley, "Did Salmon Reach Yosemite Valley or Hetch-Hetchy," Yosemite Research Library, May 9, 1993. Sturtevant, William C., Handbook of North American Indians Vol.8, "California" by Robert F. Heizer, Washington, 1978.

Secrest, William B., The Destruction of the California Indians, Craven Street Books, Fresno, 2003.

US Dept. of the Interior BLM Bakersfield District Office, Merced Wild and Scenic River Management Plan, March, 1991.

Yoshiyama, Ronald M. and others, "Historical and Present Distribution of Chinook Salmon in the Central Valley Drainage of California" In Fish Bulletin 179, Sacramento, 2001. Available online.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX B

MERCED RIVER CANYON HISTORICAL TIMELINE

DRAFT

Dr. Ralph Mendershausen, long-time Mariposa County resident, river advocate, and original member and vice chair of the Merced River Trail Community Working Group, prepared this historical timeline of major events in the Merced River canyon to accompany the presentation delivered on March 29, 2021 as part of the Merced River Trail Community Speaker + Engagement Series (recorded here).

As with the history section included in Chapter 1 of the Vision Plan, this timeline is not intended to be a complete and fully comprehensive chronicle of the entire Merced River canyon's history. Instead, this timeline captures major milestones that are pertinent to the Merced River Trail and the primary aspects of the trail project and the community's vision for it—recreation, interpretation (including interpretation of human history in the canyon and watershed), and community engagement in environmental conservation and stewardship issues.

7,000-10,000 YA native occupation, most recently Southern Sierra Miwuk

1806 Gabriel Moraga (a Californio) lead a Spanish exploration expedition into the Central Valley. He (re)named Mariposa Creek and the Merced River became "Rio de Nuestra Senora de la Merced".

1848 Discovery of gold near Jamestown in the heart of Central Miwuk territory.

1849 James Savage leaves Sutter's Fort and establishes trading post on the Merced near the South Fork confluence. He becomes a Caudillo of local Indians and has many mine gold for him.

1849 Discovery of Mariposa, Pine Tree, and Josephine lodes. These became the axis of Fremont's Las Mariposas Grant which he subsequently (re)located, through many court cases, to cover those lodes. The ores from Bear Valley and the original Pine Tree reached a volume that had to be brought to the Merced River for processing.



THE CALIFORNIA GOLD RUSH
Located on the southern edge of the Mother Lode, Mariposa County saw explosive growth of the mining industry during the California Gold Rush. Mines like the Mount Ophir Mine (above), which opened in 1851 less than 10 miles south of Bagby, drastically changed local communities and landscapes.

1849-1860 First mining phase (Gold Rush) and first surge in population.

1850 Savage's Trading Post on the Merced attacked by Indians

1851-1852 Skirmishes ("wars") between Indians and miners lead to major displacement and resource losses. Indians driven out of Yosemite; "discovery" of Yosemite; treaties and reservations with area tribes do not endure, leaving them without legal or territorial standing. The wish of the miners was to drive out the natives, put them on reservations, and have free access to their lands for mining. The reservations failed to take hold.

1859 Fremont wins control of the Las Mariposas Grant (44,387 acres).

1859 First damming of the Merced at Benton Mills (today's Bagby). Use of river and later steam power to run the mill.

1860 Beginning of first period of river lode mining at Ferguson Mine and Hite Mine.

1861 Flood destroyed Fremont's dam at Benton Mills (Bagby) Ongoing financial problems of the grant.
1862 Flooding damages several of the Mariposa Grant's mines.

1860's and later A trail route to Yosemite from Mariposa via Jerseydale, Hite's Cove, Indian Flat, and the river canyon was the first winter route to Yosemite.

1860's-1875 Benton Mill (Bagby) functioning and eventually 80 stamp mill was operating.

1873 The River Tunnel Mine project of the Fremont Grant managers to bore south along the Mother Lode veins from the river's edge to Mariposa (12 miles). The idea of draining the older mines while drilling a new one seemed brilliant, but the ore did not pan out; the company dissipated in litigation.

1873 James Hennessey establishes his farm near the Merced River. Very enterprising green grocer, purveyor of fresh goods in Yosemite Valley, Bodie, and Fresno Flats (Oakhurst).

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1875-1900 Generally a period of inactivity and economic depression in Mariposa County mining.

1887 Possible barite mining on the south side of the Merced.

1888 Passage of a Mariposa County bond issue for $75,000 to build an all-weather road to Yosemite. The idea was James Hennessey's, but the decision was not followed by action until the state became involved.

1888 Salmon still plentiful in the Merced River.

1890 Yosemite National Park formed.

1891 Cavalry unit arrives in Wawona.

1893 Sierra Forest Reserve established.

1900 First car in Yosemite (autos subsequently banned there).

1900-1920 Second mining boom period and renewed population growth in Mariposa County. Introduction of electricity and turbine power and railroad.

1900-1915 Revival of the Pine Tree Mine

1902 Yosemite Valley Railroad incorporated and commences right-of-way acquisition.

1905 Boundary adjustment (430 sq. mi.) on Yosemite's western edge to accommodate existing and future industrial interests.

1906 Yosemite Valley and Mariposa Grove receded to the national park. Park headquarters moves to the Valley.

1906 Construction of Yosemite Valley Railroad begins.

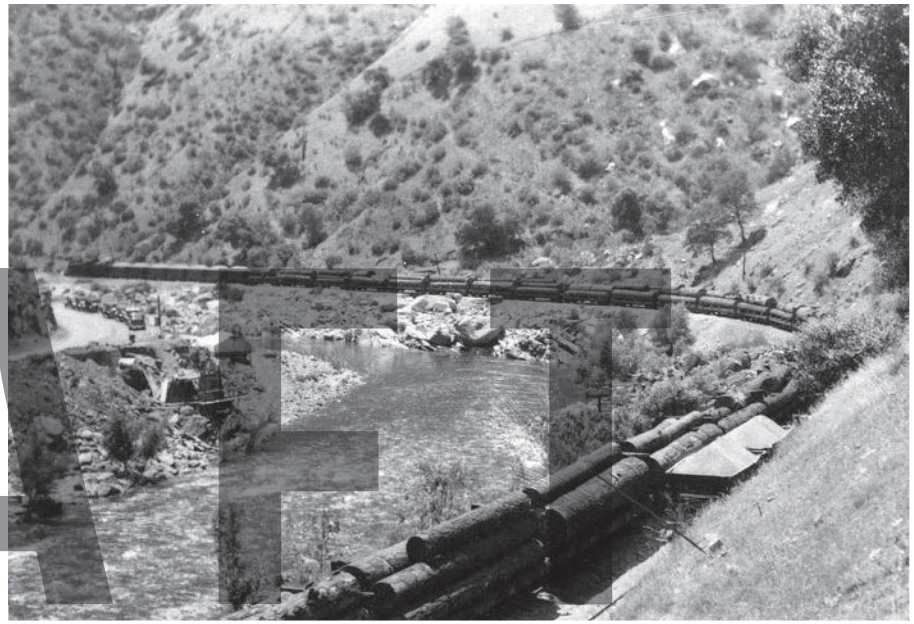
1906 Yosemite visitation is 5,414.

1907 Yosemite Valley Railroad begins operations

1908-9 Bob Halstead and Bill Grenfels begin barium mining in El Portal.

1909 Brices move store and inventory from Whitlock area to north side of the river serving industries with retail and postal services.
1910 Yosemite visitation is 13,735.

1910 Yosemite Lumber Company begins harvesting sugar pine on south side of the Merced.



SUGAR PINE HARVESTING AND TRANSPORT
The introduction fo the Yosemite Valley Railroad to the Merced River canyon accelerated industrial activities in the watershed. This includes commercial timber operations, especially involving sugar pine harvesting. The railroad made transporting vast amounts of Sierra sugar pine from higher elevations to the Central Valley and beyond, where the lumber was critical to the city building work taking place throughout California.

1910 Beginning of barium mining just west of El Portal. This lasted until 1948. About 400,000 tons of Barite was marketed at about $2,760,000, 73% of California production. Eventually, this closed because the National Lead Co. had better ore and transportation in Nevada. The closing of the Yosemite Valley Railroad in 1945 was the main factor behind this decision.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1911-1940 Population in the canyon roughly 2000 engaging in mining, logging, timber, and railroad.

1912 Incline railroad for Yosemite Lumber Co. constructed on south side of the Merced near El Portal.

1913-1923 Yosemite Lumber Co. logs 6000 acres of privately owned land above the south side of the river; first Incline to bring lumber down to the river/railroad.

1917 Mountain King Mine disaster, 7 die of asphyxiation.

1918 Cascade dam and Power Plant completed in Yosemite.

1920 Construction commences on All-Weather Highway (Highway 140).

1921 High water takes out Bagby dam shutting down power house of Mariposa Commercial and Mining Co.

1922 All-Weather Highway reaches Mariposa.

1922 Bagby power station burns and ceases to function. Total destruction.

1923 Yosemite Lumber Co. relocates its operations to north side of the Merced and a new Incline railroad.

1923 All-Weather Highway reaches the river at Briceburg. Good conduct convicts (30; later grew to 200) used to work on the highway for wages. Large camp established there.

1923 Horace Meyer purchases McCauley Ranch at Big Meadow;

1924 Briceburg bridge built to supply Highway 140 construction via railroad.

1924 Yosemite visitation is 105,894.

1924 Woods Fire burned Whitlock area down to near Briceburg construction camp (inmate crews).

1925 Fire destroys lumber and buildings at Bagby.

1925 All-Weather Highway completed to National Park Service boundary.

1925 Portland Cement Co. begins operation at Emory (Miller Gulch).

1925-1926 Best years of the Yosemite Valley Railroad.

1926 All-Weather Highway opens for use.

1926 Elsie Brice moves her store to her mining claim on the highway 140 side of the river.

1926 All Weather-Highway dedicated; built by State (Hwy 140)

1927 Official opening of Highway 140.



ALL-WEATHER CONNECTIONS THROUGH THE RIVER CANYON
The completion of the All-Weather Highway, which links downtown Mariposa (and Merced) with Yosemite Valley via the Merced River canyon, had an enormous impact on park access and visitation. The road enabled tourists from the Central Valley, throughout California, and eventually the rest of the nation and world to easily drive to the park, with implications for local businesses and the landscape that Mariposa County continues to grapple with today.

1927-1941 Yosemite visitation is 490,430 and plateaus at this level until World War II.

1928 Sharp decline in railroad revenues.

1923-1927 Heyday of the Yosemite Valley Railroad passenger traffic, lumber, and profits.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Late 1920's Spring grazing in the El Portal and Ned's Gulch areas (up to Big Meadow) by Horace Meyer. He brought the cattle from Whitlock onto the Hwy 140 roadbed, drove them up the road, swimming them across the river and into the Rancheria area.

1927 Construction of "Briceburg Inn."

1921-1926 "Great Exchequer Dam" completed.

1930 15,570 acres of sugar pine inside Yosemite boundaries purchased for the Park, half of that paid for by John D. Rockefeller. "Rockefeller Grove" was due to be logged by Yosemite Sugar Pine Logging Co. and is now a cross-country ski and hiking area north of Crane Flat.

1930-1942 Third and last mining boom in Mariposa County; renewed population growth in Mariposa County. Motor vehicles, internal combustion engines, railroad.



THE AGE OF THE AUTOMOBILE
The increasing popularity of the personal automobile in the middle portions of the 20th century were felt throughout Mariposa County. This includes in the local tourism economy; for many Americans, the personal automobile helped make previously distant public lands like those in the Merced River watershed attainable.

1939 70,000 acres burn in Bagby-Coulterville area.

1939 Final dismemberment of Fremont Grant into large ranching parcels, ie. Horace Meyer, Frank Trabucco.

1939 Yosemite Sugar Pine Lumber sells 7200 acres of the choicest sugar pine to the federal government.

1942 End of sugar pine logging above the Merced River.

1942 US Production Board shut down gold mines in the US (Order L-208). 1944 Portland Cement Co. disbands.

1945 Yosemite Valley Railroad abandoned; last freight contracts were for barium. Main causes include the cost of repairs after the flood of 1937, the loss of passenger traffic to cars, and the decline of freight revenues when the Yosemite Sugar Pine Co. sold its holdings.

1946 Yosemite visitation is 640,483.

1950 Floods cause major damage in Yosemite

1954 Yosemite visitation tops 1,000,000 for the first time.

1955 Flood causes major damage in Yosemite; exceeds the levels of the 1937 flood.

1958 Commercial use of Brice's at store ceases.

1958 El Portal property acquired as new administrative site by NPS.

1960 Trailer Village in El Portal completed.

1960 (?) Limestone salamanders given early protection under Calif. Fish and Game Code with "Fully Protected Status." This prohibits any incidental take/injury and provides for no mitigation measures. The speices is not covered by the Endangered Species Act because it was protected prior to 1973.

1963 Flood

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1964 Flood

1964-1969 Construction of Merced Irrigation District's (MID) New Exchequer Dam six miles above Merced Falls expands Lake McClure to 1,000,000 acre feet, flooding Bagby site under fifty feet of water. The dam has prevented flooding in the past but more recently struggled with persistent droughts. It fell to 7% of capacity in 2015 after three years of drought. MID seeks to raise the spillways slightly to capture "more water." They have since had issues with dam safety after the Oroville flood, Wild and Scenic River (WSR) limits, limestone salamander habitat, and the need for an Act of Congress to impact a WSR.

1966 Redbud planting program in the Merced River Canyon by Yosemite All-Year Highway Association,

1967 Yosemite visitation is 2,238,300

1970-1990 Period of sustained population growth in Mariposa County (doubling) without connection to extractive industry. Pursuit of Rural Lifestyle.

1968 National Wild and Scenic Rivers Act passed Congress under President Johnson.

1980's Suction dredging popular along the Merced River, especially below Briceburg. Today such dredging is illegal in California because of lawsuits demonstrating detrimental environmental impacts on water quality, fishery, recreation. There were nineteen mining claims on the Lower Merced at the time of designation in 1992.

1982 MID applied for a preliminary permit to look into the feasibility of a 70 Megawatt, 370' dam on the remote and roadless South Fork Merced. Granted by Federal Energy Regulatory Commission (FERC) in early 1983. This grew out of the Arab Oil Embargo; fear of energy shortage was a major national concern. The proposed lake would have come near the western edge of the Park and been visible from Hwy. 41 inside Yosemite. This act galvanized residents from Mariposa and El Portal to attempt the protection of the South Fork Merced. All major national environmental organizations soon endorsed protection of the South Fork of the Merced.

1982 Southern Sierra Miwuk launch their effort at federal tribal recognition. This is still ongoing today.

1983 Formation of the Merced Canyon Committee to oppose MID dam for hydropower on the South Fork Merced. The MID project was the major dam proposal. Mariposa County soon dropped initial opposition in hopes of getting water from the South Fork directly.

1984 Joseph Keating proposed a dam at Dry Creek on the Merced River; a mini-hydro project was also proposed for Crane Creek. These dam projects made it mucah easier for a local grass roots organization, which eventually reached 600 members, to broaden their effective national campaign to protect the rivers of Yosemite National Park.



GRASSROOTS ACTIVISM FOR RIVER PROTECTION
Mariposans and their regional and nationwide allies rallied to pressure Congress to designate the Merced River Wild and Scenic, affording significant federal protections.

1986 BLM designates its first Area of Critical Environmental Concern for the limestone salamander protection (Feliciana Mtn).

1987 Yosemite visitation is 3,152,275.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1987 Merced River above Briceburg designated a National Wild and Scenic River by Act of Congress, and signed by President Reagan. The bill was carried by Congressman Tony Coelho and later supported by Senators Cranston and Wilson. The Lower River--Briceburg to the point of max flood control storage of Lake McClure, 8 miles-- was held back from full designation to give Mariposa County time to develop and carry out a realistic plan to pump water from the River to the Stockton Creek Reservoir. The legislation also created a half mile river corridor below Briceburg as a designated "Study River" to curtail squatting through regular refiling of permanent mining claims, which prevented both public access and recreational mining activities.

1988 The half mile wide corridor below Briceburg further protected with designation of a second Area of Critical Environmental Concern by the BLM for the limestone salamander in July.

1989 Max Brice sells Briceburg property to Bureau of Land Management. BLM would restore and refurbish the stone building to serve administration of their portion of the Wild and Scenic River.

1989 First interagency document on Merced River Trail put out by NPS, Western Region. Enthusiastically discusses the Merced River Trail.

1991 BLM's "Merced Wild and Scenic River Management Plan" published. This explained rationale for withdrawal of public lands along the river below Briceburg due to exclusive use of mining claims by some miners and mining clubs. "The withdrawal is needed to prevent future land tenure decision and actions under the mining laws which could…affect the Merced's existing character." Action Plans listed include a two-mile easement from MID for "hiking and mountain biking" at Lake McClure.

1992 Designation of the Lower River from Briceburg to Lake McClure (PL 102-432). The legislation fixed the upper end of the reservoir at 867'. Designation preserved public access to the river below Briceburg and ended mining/dredging encampments from effectively privatizing public lands. Designation of the three miles of river below Mountain King Mine as "Wild" preempts any mineral entry. MID has tried, without success, to increase Lake McClure storage capacity.

1993 BLM's budget allocates $250,000 for additional campgrounds and facilities for the designated "Recreational" roadway segment between Briceburg and Mountain King Mine.

1996 Saxon Creek Project completed, with pumps buried far beneath the river road a mile below Briceburg. The project brings Mariposa some Merced River water that can be stored in a million gallon tank. This water proved essential in 2015. Mariposa's original claim of 112,000 acre feet of South Fork water was always fantastic. The Saxon Creek project gave them 5000 acre feet. Cost about $10, 000,000. Both pumps together can pump 7 CFS.



MERCED RIVER FOR MARIPOSA'S USE
The Saxon Creek project (which actually diverts Merced River water *near* Saxon Creek) pumps water directly from the river to the Stockton Creek reservoir via three 1000 horsepower pumps. The pump station is constructed entirely beneath the historic Yosemite Valley Railroad bed just west of Briceburg, meaning this critical utility serving virtually all Mariposans is invisible to even the most discerning trail user.

1996 Yosemite visitation is 4,046,207.

1998 BLM campground restoration on Lower River completed.

1999 Local volunteers work on weed eradication on Lower River. BLM

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

begins hand spraying invasive yellow star thistle after 2-3 years.

2000 Creation of Yosemite Area Regional Transportation System (YARTS) brings public transportation to the canyon; first NPS W&S River plan.

2003 BLM restoration of the Briceburg store with grants and support from the Upper Merced River Watershed Council (UMRWC).

2003 Fall river cleanups initiated.

2003 Weed eradication (yellow star thistle) begins using paid crews. This was supported by state grants from the UMRWC. These efforts covered the entire lower river but especially Mountain King to North Fork and up the North Fork.

2005 Trail crews started working on the Merced River Trail, restoring/improving tread and brushing. They started with an ACE crew that was available for two weeks over two years. More recently, the California Conservation Corps (CCC) has been doing the work. There have been about six paid trail crews over the years. The most recent CCC crew was available for six weeks and did the most work yet to bring the MRT and the North Fork Merced trail up to a very usable standard. There have also been several workdays on the MRT by local volunteers such as Mariposa Trails.

2006 Ferguson slide blocks several hundred yards of Highway 140 just west of south Fork confluence. Caltrans soon releases a plan for a North Side Fix because of the special status of limestone salamanders found on south side. This involved two viaducts arcing over the river.

2006 Meyer Family grazing lease with BLM in the canyon lapses.

2007 In March 2007, Judge Ishii granted the Park permission to carry out flood related emergency repairs only, but obliged them to carry out a formal planning process for the Wild and Scenic Merced.

2007 Yellow star thistle eradication successful; efforts move upriver from Mountain King and assumed by BLM.

2008 Telegraph Fire burns from July 25-August 6. 34,000 acres. Both sides of the Merced River.



FERGUSON ROCK SLIDE
In 2006, a massive rockslide on the south side of the Merced River destroyed a segment of Highway 140 between Yosemite and Mariposa. In order to restore access along the All-Weather Route, Caltrans installed two bridges around the slide, which take motorists to the north side of the river, where they bypass the slide by driving on the historic Yosemite Valley Raliroad grade. In 2014, Caltrans decided to pursue a rockshed to permanently replace the bridges. Completion is anticipated in 2027.

2009-2014 Re-licensing process for MID for its facilities on the Merced. This soon had to proceed without including the raise of the spillways desired by MID to increase the reservoir capacity. That continues on a political track as it involves an Act of Congress. The final document includes new recreational agreements between MID and BLM (4E agreements), which are binding/contractual. They include bridge concepts to facilitate non-motorized trails between North Fork confluence and Bagby. First of these steps would be a BLM bridge over the North Fork of the Merced. No timeline at present.

2009 Second NPS W&S river plan.

2011 A unique state law to protect the river and allow a south side

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

fix to the Ferguson Slide damage on Hwy 140 below Savage's Trading Post. California needed to permit a one-time exception to the Fish and Game Code allowing for mitigation in the form of purchase of additional parcels of known prime habitat on Feliciana Mountain adjacent to the first ACEC for the rare endemic limestone salamanders managed by California Fish and Wildlife. Without this, the Ferguson fix would have had to use viaducts over the river to avoid taking any salamanders, which are not found on the north side. That is what happened in 2011 thanks to Friends of the River, Defenders of Wildlife, and Assemblywoman Kristen Olsen.

2011 Congressman J. Denham carries bills to undo W&S protections half a mile above 867' level of Lake McClure. HR 869 and HR 2578 both die. No WSR has ever been de-designated for purposes of expanding a reservoir.

2014 National Park Service publishes its final Wild and Scenic River Management Plan and EIS for the Merced River.

2016 Yosemite visitation surpasses 5,000,000.

2017 Detwiler Fire burns both sides of the river from July 16- August 24. 82,000 acres.

2017 Near catastrophe at Oroville Dam on the Feather River and spillway failure lead to major downstream evacuations. Oroville and Exchequer on the Merced River are very similar in age, design, and materials. No further efforts to raise or modify the Exchequer spillways since this scare, despite Trump presidency and a Republican majority in Congress.

2018 Ferguson Fire (megafire) destroys last buildings remaining at Miller's Gulch. Burns both sides of the river to El Portal area and Ferguson Ridge. Jumped the river between Ned's Gulch and Miller Gulch.

2019 Briceburg Fire destroys PG&E power station at Briceburg and replaced by solar array with backup stand alone.

2021 About 180 vacation rentals in the region of Mariposa, Midpines, and El Portal. 23 B&B's in the same area. Mariposa County-inside and outside the park- has about 1000 such businesses.

2022 Mariposa County has not abandoned all claim to additional water from the Merced. Under terms of its most recent contract with MID, Mariposa has set up an escrow account towards a future project that would serve "Beneficial Use" of the County, ie. It could not be sold for revenue. Such a project is most likely to serve the Northside of the county, ie. using Maxwell Creek. A Maxwell Creek project would impact inflows into the Merced.



OROVILLE DAM CRISIS
After heavy rainfall in the 2016-2017 rainy season, the dam on the Feather River near Oroville (in the northern Sierra Nevada foothills, less than 150 miles northeast of Bagby as the crow flies) came perilously close to failing. Though disaster was averted, the incident did cause damage to downstream ecosystems, and caused evacuation of nearly 200,000 residents living below the dam. This event highlighted the risks of dam building, and perhaps contribute to a hesitancy to raise or modify similar dams such as the Exchequer Dam on the Merced.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX C

ASCENT ENVIRONMENTAL PROPOSAL FOR ENVIRONMENTAL SERVICES

DRAFT

In FY 2020-2021, Mariposa County submitted an application to the Wildlife Conservation Board's Public Access grant program to develop the Merced River Trail Feasibility Study, Implementation Plan, and NEPA/CEQA Compliance. If funded, this project would have been a more technical and detailed complement to the Vision Plan's priority- and direction-setting outcomes.

In order to develop that application, the County received a preliminary proposal from Ascent Environmental for the proposed scope of work. Though the proposal was not funded, this detailed scope of work provides a comprehensive understanding of many of the necessary next steps in the trail planning effort, and a basis for the costs of the consultant services necessary to execute them.

These materials are included here because of their relationship to multiple recommendations in the Action Plan, especially:

- ***Action 2.4: Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan***
- ***Action 4.2: Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife***
- ***Action 4.5: Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads***

January 10, 2019

Mikey Goralnik, PLA, AICP, LEED Green Associate
Community Design and Development Planner
Mariposa County Planning Department
5100 Bullion Street
Mariposa, CA 95338

Subject: Proposal for Environmental Services
Merced River Trail Project
Stanislaus National Forest, Mariposa County

Dear Mikey:

Ascent Environmental, Inc. (Ascent) appreciates this opportunity to submit a scope and cost estimate to assist with National Environmental Policy Act (NEPA) compliance for an approximately 4-mile segment of the Merced River Trail Project within the Stanislaus National Forest in Mariposa County. We understand that, although the U.S. Forest Service (Forest Service), Stanislaus National Forest, will be the lead agency for NEPA compliance, Mariposa County will assist the process by funding and managing the environmental compliance task to support establishment of a designated and maintained trail. This section would connect existing segments of the Merced River Trail, which in its entirety will run from Bagby at State Route 49 to Crane Flat in Yosemite National Park.

Environmental compliance will focus on NEPA review of Segment 5 of the Merced River Trail, from Sweetwater Creek to the Ferguson Slide. Segment 5 follows the Old Yosemite Valley Railroad alignment, hugging the north/east bank of the Merced River, in parallel to State Route 140, which is located on the south/west bank of the river. We understand that Mariposa County anticipates purchasing an easement for trail access across the private parcel that is surrounded by National Forest System (NFS) lands (APN 0060100240) within this segment. This easement would then be deeded to the Forest Service, which would trigger NEPA review to designate and maintain the trail. In addition, the rail alignment from the Bureau of Land Management (BLM) maintained trail connection at Sweetwater Creek to Incline Road south of the Ferguson Slide would need NEPA review for official trail designation, construction, and maintenance.

Ascent has not been able to consult directly with the Stanislaus National Forest staff in preparation of this scope and cost estimate. Therefore, our proposed approach to the NEPA document, the anticipated set of specialist reports, and the associated reconnaissance surveys is based on our experience on NEPA documents for the Forest Service in other National Forests. Prior to finalization of the scope of work, it will

Ascent Environmental, Inc., 455 Capitol Mall, Suite 300, Sacramento, CA 95814 Main: 916 444 7301 Fax: 916 444 3927 ascentenvironmental.com

be important to consult with Forest Service environmental staff, because NEPA and specialist report practices vary depending on the National Forest and type of project involved.

This is an exciting opportunity to see this critical section of trail constructed and maintained. We look forward to assisting Mariposa County and the Stanislaus National Forest in completing the NEPA compliance. If you have any questions regarding the enclosed scope of work and cost estimate, please feel free to contact us.

Sincerely,

Suzanne Enslow
Project Manager
p: 916.842.3170
e: suzanne.enslow@ascentenvironmental.com

Gary Jakobs, AICP
Principal
p: 916.930.3182
e: gary.jakobs@ascentenvironmental.com

Attachments:

A Scope of Work
B Price Proposal

DRAFT

ATTACHMENT A

PROPOSED SCOPE OF WORK
MERCED RIVER PROJECT – STANISLAUS NATIONAL FOREST
MARIPOSA COUNTY

PROJECT UNDERSTANDING

The following scope of work is intended to complete National Environmental Policy Act (NEPA) compliance for an approximately 4-mile segment of the Merced River Trail Project within the Stanislaus National Forest in Mariposa County. The U.S. Forest Service (Forest Service), Stanislaus National Forest, will be the lead agency for NEPA compliance. However, Mariposa County will assist the process by funding and managing the environmental compliance task to support establishment of a designated and maintained trail. This section would connect existing segments of the Merced River Trail, which in its entirety will run from Bagby at State Route 49 to Crane Flat in Yosemite National Park.

The following tasks focus on environmental compliance for Segment 5 of the Merced River Trail, from Sweetwater Creek to the Ferguson Slide. Segment 5 follows the Old Yosemite Valley Railroad alignment, hugging the north/east bank of the Merced River, in parallel to State Route 140, which is located on the south/west bank of the river. We understand that Mariposa County anticipates purchasing an easement for trail access across the private parcel that is surrounded by National Forest System (NFS) lands (APN 0060100240) within this segment. This easement would then be deeded to the Forest Service, which would trigger NEPA review to designate and maintain the trail. In addition, the rail alignment from the Bureau of Land Management (BLM) maintained trail connection at Sweetwater Creek to Incline Road south of the Ferguson Slide would need NEPA review for official trail designation, construction, and maintenance.

Because Segment 5 follows the existing disturbed rail line and it is anticipated that limited ground-disturbing work would be required to construct and maintain the trail, this scope assumes that a Categorical Exclusion (CE) will be the appropriate NEPA compliance document. It is anticipated that specialist reports, as scoped herein, will be necessary to substantiate potential resource impacts and support the Forest Service's Decision Memo. However, the Forest Service has not yet been directly consulted in preparation of this scope. Therefore, the proposed approach to NEPA compliance, including the use of a CE and anticipated set of specialist reports and associated reconnaissance surveys should be reviewed with the Forest Service to confirm or revise to ensure that the scope aligns with their needs to support a decision. For instance, if the project would not qualify for a CE, preparation of an Environmental Assessment, leading to a Finding of No Significant Impact would be the likely NEPA process approach.

Mariposa County will review of draft documents and will oversee quality control. However, Stanislaus National Forest will retain responsibility as the NEPA lead agency in completion of the Case File and Decision Memo for the project. Mariposa County Planning Department will be the primary point of contact for Ascent.

This scope anticipates that Forest Service specialists will assist in providing Ascent and Ascent subcontractor report preparers with records pertaining to specialist studies that are being conducted.

These may include reports, relevant environmental review documents, GIS files, and individual Forest Service specialist records that have been previously collected for the project area.

The Forest Service will be responsible for carrying out consultation with the State Historic Preservation Officer, U.S. Fish and Wildlife Service, and other state or federal agencies, as required.

PROPOSED SCOPE OF WORK

Task 1: Project Initiation

Ascent will compile and review existing project plans and data from Mariposa County and Forest Service staff. Ascent will attend one startup meeting to initiate the environmental review process and gather any additional project-related materials and technical reports. Ascent will review all information and discuss any issues or questions with the county.

Task 2: Scoping

Scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded. Scoping is intended to discover if information emerges that could point to the need for an Environmental Assessment. Prior to scoping, the project will be listed in the Stanislaus National Forest Schedule of Proposed Actions. A list of interested and affected parties will be developed in coordination with the Forest Service and Mariposa County that will be notified and consulted on the project prior to scoping. An initial list of these parties includes:

- U.S. Fish and Wildlife Service
- Regional Water Quality Control Board
- California Department of Fish and Wildlife
- Native American tribal representatives

Ascent will prepare a scoping letter, send out the scoping letter, and collect and maintain comments on the project for inclusion in the Case File.

Task 3: Specialist Reports

Based on our experience with NEPA documentation for other National Forests, Ascent anticipates that the Forest Service may require the following specialist reports to provide a sufficient level of information in the administrative record to support use of a CE and substantiate the findings in the Decision Memo. This list of specialist reports should be reviewed and confirmed or revised by the Forest Service.

- Cultural Resources Inventory and Report
- Biological Assessment/Biological Evaluation for Terrestrial and Aquatic Animal Species - Review of potential impacts to federally listed and Forest Service Sensitive wildlife and fish species

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

- Biological Assessment/Biological Evaluation for Botanical Species - Review of potential impacts to federally listed and Forest Service Sensitive botanical species
- Management Indicator Species (MIS) Report - Review of potential impacts to MIS listed in the Stanislaus National Forest Land and Resource Management Plan
- Invasive Plant Risk Assessment
- Migratory Bird Analysis Report

It is assumed that specialist reports/technical data currently available or prepared by the Forest Service would be made available to Ascent.

Task 4: Prepare Administrative Draft Categorical Exemption/Decision Memo

Ascent will prepare a NEPA CE Decision Memo, with the required format and content per Forest Service guidance. The Decision Memo will include the category of the proposed action, the rationale for using the category, and a finding that no extraordinary circumstances exist warranting further documentation in an Environmental Assessment or an Environmental Impact Statement (based on the findings of the specialist reports). Ascent will review public/scoping input in preparation of the CE Decision Memo and will maintain a project file.

The Draft CE Decision Memo will be submitted electronically in an MSWord version for review by Mariposa County and the Stanislaus National Forest. Based on one set of consolidated comments, Ascent will prepare a screencheck CE for final review by the county and Forest Service. Upon final review input and approval, Ascent will finalize the CE Decision Memo and will submit a web-ready PDF file, an MSWord file, and up to 10 paper copies of the final CE.

Task 5: Meetings and Project Management

Suzanne Enslow will serve as project manager for preparation of the NEPA document and specialist reports, with the management team also including Gary Jakobs, AICP, as Principal. This scope of work assumes up to two in-person meetings and up to six conference calls attended by the project manager and/or technical specialist and up to one additional staff member. This task also includes standard project management tasks such as timely preparation of invoices and maintenance of project records.

ATTACHMENT B

PRICE PROPOSAL
MERCED RIVER PROJECT – STANISLAUS NATIONAL FOREST
MARIPOSA COUNTY

The proposed price to complete the enclosed scope of work is estimated to be $135,000. This estimate is itemized by task, as summarized below and is intended to give Mariposa County a reasonable understanding of the effort and costs involved in completing NEPA CE/Decision Memo, based on our professional experience. Please note that the price is estimated based on a good faith effort and current understanding of the project needs, but without direct consultation with the Forest Service. Therefore, upon discussion with Mariposa County and the Forest Service, the list of technical studies, NEPA approach, or level of effort may need to be revised, altering the proposed scope and costs. If selected, Ascent is very interested in listening to the needs of Mariposa County and the Stanislaus National Forest and is willing to revise the scope of work and price to meet expectations.

TASK	Estimated Cost
Task 1: Project Initiation	$5,000
Task 2: NEPA Scoping	$10,000
Task 3: Forest Service Specialist Reports:	
Cultural Resources Inventory and Report	$18,000
Wildlife Biological Evaluation/Biological Assessment	$18,000
Botanical Biological Evaluation/Biological Assessment	$15,000
Wildlife and Botanical Management Indicator Species (MIS) Assessment	$10,000
Invasive Plant Risk Assessment	$12,000
Migratory Bird Treaty Act Analysis Report	$4,000
Task 4: NEPA Categorical Exclusion/Decision Memo	$30,000
Task 5: Project Management	$10,000
Expenses (Mileage, Materials, Maps, Etc.)	$3,000
TOTAL	$135,000

ASSUMPTIONS

1. **Lump-Sum Price.** The proposal is a lump-sum price to perform the proposed scope of work. Monthly invoices will be submitted based on percentage of progress toward completion occurring in each billing period.
2. **Price Allocation to Tasks.** The proposed price has been allocated to tasks. Ascent may reallocate budget among tasks, as needed, as long as the total contract price is not exceeded.
3. **Environmental Assessment.** The current scope of work is proposed to result in a CE with specialist reports. If the decision is made to prepare an Environmental Assessment, Ascent can provide this environmental document with an amendment of the scope of work and price.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DRAFT

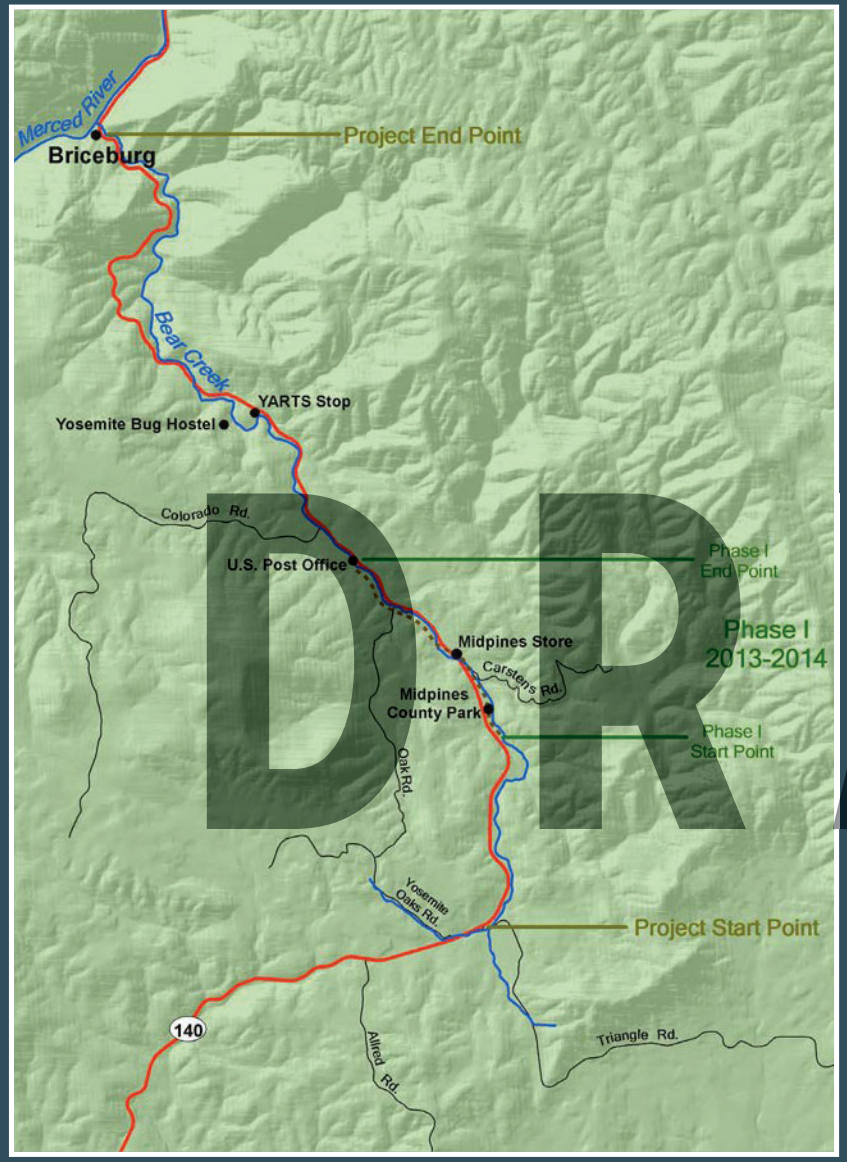
APPENDIX D

BEAR CREEK TRAIL RIVERS, TRAILS, AND CONSERVATION ASSISTANCE CONTENT (2012)

In 2012, a Midpines-based grassroots group called Friends of Bear Creek, Midpines applied for and received assistance from the National Park Service Rivers, Trails, and Conservation Assistance (RTCA) program to advance the Bear Creek Trail. Conceived of as a multi-use recreational trail along Bear Creek from above Midpines County Park to the creek's confluence with the Merced River at Briceburg, the trail has the potential to provide convenient recreational access for trail users in Midpines and, with its trailhead at Midpines County Park, visitors from throughout Mariposa County and elsewhere.

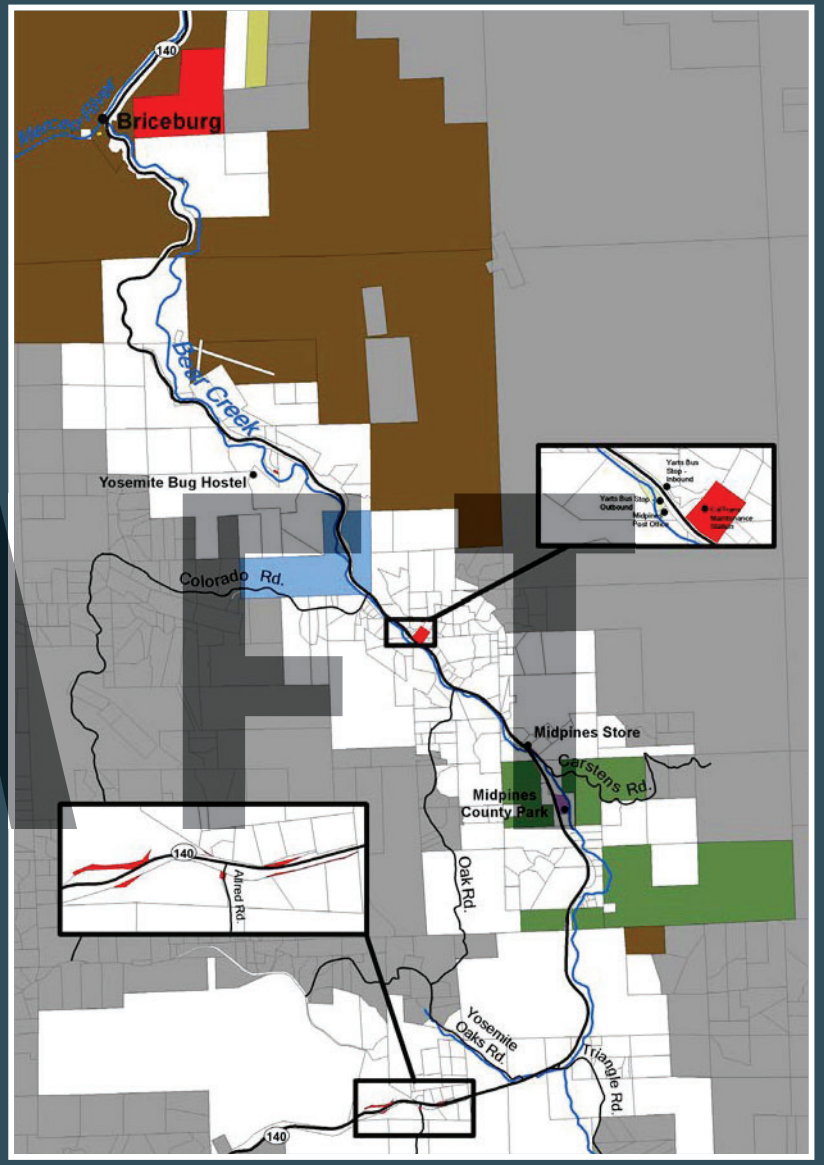
The RTCA deliverables included several maps, and a memorandum containing preliminary feasibility analysis and recommendations for advancing the Bear Creek Trail. These materials are included here because of their relationship to ***Action 6.1: Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System.***

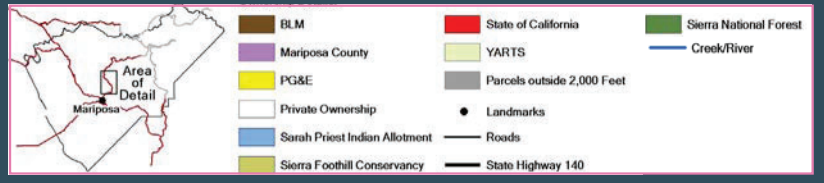
BEAR CREEK TRAIL CONCEPT





PARCELS WITHIN 2000' OF HWY. 140





DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

National Park Service
U.S. Department of the Interior

Rivers, Trails & Conservation Assistance Program

Pacific West Region

333 Bush St.
Suite 500
San Francisco, CA 94104

(415) 623-2320: Rice
(209) 379-1450: Donovan
(423) 322-4151: Williamson

Project Review Memorandum

To: Barbara Rice, Program Manager
Rivers, Trails and Conservation Assistance Program (RTCA)
Pacific West Region

From: Harry Williamson

Date: April 20, 2013

Re: Preliminary Feasibility Assessment of Bear Creek Trail Project

DRAFT

Background

This report is provided as a summary of recommendations from the NPS Rivers, Trails, and Conservation Assistance Program regarding efforts to develop a multi-use recreation trail proposed by the Friends of Bear Creek, Midpines (FBCM). The FBCM sought counsel in organizational capacity building, planning (outreach, facilitation of a meeting with multiple potential partners), conceptual master planning, and grants and funding assistance. The FBCM appears to have capacity for organizational expansion, visioning including both long and short term goals and objectives, and implementing improvements at the Mariposa County Park in Midpines (which will serve as the terminus/anchor for the proposed trail project).

The request for assistance was divided into two efforts: Jim Donovan (JD) – organization capacity building and visioning and Harry Williamson (HW) – development of a preliminary trail feasibility assessment and brief report regarding the proposed trail. At the center of the feasibility assessment is a master, GIS-based map developed by Steve Bowes, NPS, Pacific West Region.

Central to the FBCM's goals and charter is eventual connectivity between Mariposa and Yosemite National Park (YOSE). The Bear Creek Trail would connect Midpines to the proposed Merced River Trail at Briceburg. To the south, the trail would connect with the Stockton Creek Trail, which is now in planning as envisioned by the Mariposa County Multi-use Trail Alliance

This report is based upon review of the following project documents and communications:

- Application for assistance to the NPS RTCA Program, dated July 27, 2012, submitted by the Friends of Bear Creek Midpines;
- Bear Creek Letters of Support;
- Friends of Bear Creek Midpines Project Brochure;
- Bear Creek Project Parcel Map, Mariposa County Planning Dept, GIS unit;
- Bear Creek Project Map, Mariposa County Planning Dept, GIS unit;
- Map of "Proposed Trail System", Mariposa to Briceburg, FBCM
- Midpines Property Parcel Map, vicinity of County Park;
- Sierra National Forest Map;
- Multiple emails between Harry Williamson and Ed Temple, FBCM;
- Parcel map request from HW to Emily Meriam, Mariposa County. Planning Dept;
- Caltrans ROW maps request from HW to Eddie Young, Caltrans Surveys, Dist. 10;
- BIA inquiry regarding status of Sara Priest parcel from HW to Carmen Fazio, BIA, Sacramento;
- BLM boundary lines inquiry from HW to Jim Eicher, BLM Eldorado Hills Office.

The following site visits and meetings were attended:

- Meeting with FBCM on October 11, 2012, HW and JD
- Site reconnaissance on December 5, 2012, HW
- Meeting with FBCM on December 6, 2012, HW and JD

Project Proponents

Friends of the Bear Creek, Midpines (FBCM) is an ad-hoc, action-oriented committee having no specific legal stature or structure. It is not incorporated as a non-profit organization, nor is it officially designated as a subdivision of local government. However, the group's leadership includes many of the appointed membership of the Midpines Planning Advisory Committee. In order to help facilitate implementation of its general plan and conduct community outreach, Mariposa County has organized planning advisory committees for rural residential clusters. The committee is advisory; it receives presentations on development proposals and other matters affecting the community and reports directly (in writing) to the county's board of supervisors. Clearly, FBCM is organized to take responsibility for the project and instill citizen-based action and support. The county supervisor whose district includes Midpines is an active participant in FBCM meetings.

Many of the Friends are also affiliated with the Upper Merced River Watershed Council. One is a board member while another is a former board member. At the time when the RTCA consultation commenced, FBCM had been considering incorporation as a non-profit organization but soon determined that the formation of a new organization was unnecessary. Instead, in late 2012, FBCM proposed that they become a subcommittee to the watershed council. The watershed council recently lost part-time staff when a state grant was exhausted, then lost its office and records in a structural fire, and was considering cessation or dissolution. The board saw FBCM as a pool of talented and motivated community residents (long-term relief in succession planning) and welcomed the FBCM into the fold. This relationship allows both groups to share information and resources (such as office space, future staffing and grant writing opportunities), and it allows FBCM to accept tax-deductible donations as a discreet initiative of an established non-profit organization.

NPS staff has not yet been tasked to provide organizational development assistance. This is primarily because the group is focused on the technical support being provided, and other matters. RTCA is invited to meetings as participants, but is not involved in developing meeting agendas. JD will discuss needs and the potential future roles of RTCA with Ed Temple.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Feasibility Assessment

Two elements of the project were examined: Development of improvements at the Mariposa County Park, Midpines and the approximately 8-mile proposed multi-use trail. The trail project was further divided into two segments: the southern segment Midpines to the Yosemite Bug (MP 31 on Hwy. 140) and the northern segment from the Yosemite Bug to Briceburg.

Mariposa County Park, Midpines – This is an existing county park adjacent to Bear Creek. It is a relatively small parcel which is dominated, for the most part, by developed facilities: Yosemite Area Regional Transit System (YARTS) terminal, large Mariposa County Fire Station, small picnic area, large parking area (Park and Ride), restrooms, and a developed playground. Ingress and egress from the fire station occurs through the park. FBCM has been instrumental in planning and implementing various improvements to the natural and riparian areas of the park. They have hosted area clean-ups, addressed the removal of invasive plants in the riparian zone, and cooperated with CA Department of Forestry in thinning the brush in the riparian and forested portions of the park. The FBCM Charter has been adopted by Mariposa County Supervisors and they have considerable autonomy to proceed with park improvements, restoration of the riparian zone, erection of an entrance sign, and development of a trail along Bear Creek. Their intention is that a major portion of the trail will be ADA compliant. Their current priority is to acquire two large parcels which are contiguous with the park. The northern (Jones) parcel is the highest priority and it consists of natural floodplain which connects Bear Creek with Hwy 140 and Carstens Rd. (USFS land) and extends northward in a linear form almost to the next landmark, Midpines Country Store. At that point Bear Creek flows under Hwy 140. FBCM is actively pursuing the Jones Tract acquisition. They have approached the owner who appears to be a willing seller. They have the counsel of a local realtor and are seeking a reasonable appraiser to conduct an appraisal which meets the federal appraisal guidelines ("Yellow Book") which enable them to pursue Land and Water Conservation Funds (LWCF) and/or other grants. They have also identified potential Mariposa County funding (federal or state pedestrian transportation funds) which has been approved for projects such as the proposed trail and development work at the County Park. FBCM understands that LWCF and other similar types of funding require a completed transaction prior to reimbursement.

The other parcel under consideration, known as the "Chicken Ranch", lies to the south and is a large parcel contiguous with Bear Creek and contains several derelict structures. This parcel could be key to extending the trail southward to Midpines Summit and eventual connection with the Stockton Creek Trail (when completed). JD recently *learned that a young couple from San Francisco recently acquired the Chicken Ranch parcel. This turn of events does not preclude a trail connection through the property and FBCM intends to work on a trail alignment with the new owners*.

Most importantly, acquisition and/or easement arrangements with these two parcels would increase the natural/undeveloped area of the County Park considerably and would provide the basis for an extended, ADA compliant natural and historic interpretation experience, in addition to providing a critical link to the park which serves as the anchor to the overall trail project. This element of the overall project appears to be well conceived, achievable, and worthy of grants and funding opportunities (LWCF, etc) in the near term.

Bear Creek Trail Feasibility Assessment

Southern segment (Midpines to Yosemite Bug) – This should be considered the first priority of the overall multi-use trail project due to the following:

- Connectivity between Midpines and the Yosemite Bug. This segment connects the anchor trailhead (Midpines County Park) to a popular lodge and hostel which accommodates pedestrian users (hikers and cyclists). The Yosemite Bug is unique. It is served by YARTS and provides a practical, low-impact platform from which YOSE visitors can launch a park visit.
- The topography of the southern segment is relatively flat with superior opportunities to take advantage of Hwy 140 Right of Way (ROW) and relatively large parcels of private land to deal with. Note: The Sara Priest parcel (BIA Trust land) presents specific challenges.
- The private parcels in this segment have received the most attention from FBCM in their preliminary assessments of corridor purchase or easements.
- The topographical constraints of the northern segment (discussed later) are considerable and perhaps insurmountable.

Northern segment (Yosemite Bug to Briceburg) – This segment of the trail is highly challenging for the following reasons:

- Shortly downstream from the Yosemite Bug (about MP 32.5 on Hwy. 140) Bear Creek dives into the Merced River canyon, becoming a series of high-gradient cascading falls on the east side of the highway for about 1.5 miles to Briceburg. The elevation difference between the Bug resort and Briceburg is almost 1,500 feet. The slope on either side of the creek is very steep and would be next to impossible to traverse with a trail. Alternatives to staying within the Bear Creek watershed would be remaining on a ridgeline on the west side of the highway or dropping into an entirely different watershed to the east. Both alternatives would involve lengthy diversions and deviate from any view of the creek. Both sides of Hwy 140 are primarily private parcels, until you approach the Merced River where there are large BLM holdings.
- To remain within the Bear Creek (Hwy 140) corridor adjacent to Bear Creek would limit the alignment to being contiguous to the highway with only limited Caltrans ROW on the east side (virtually none on the west side) and also encounter several developed private parcels. Staying that close to the highway would defeat a key objective of the project, providing a safe, relatively natural experience.
- The proposed Merced River Trail is in limbo, especially for the segment that would connect El Portal to YOSE. The existing abandoned Yosemite Valley Railroad bed and ROW on the north side of the Merced River currently provides multi-use trail opportunity, particularly between Briceburg to Bagby on BLM land, including multiple, developed campsites. Portions of the right of way have been quit-claimed to landowners who are regarded to be opposed to recreational trail use or development.
- An existing light-duty suspension bridge may provide the only possible connection between Bear Creek and the Merced River Trails. The local segment of Merced River is designated as a Wild and Scenic River, managed by BLM. Since adoption of the Wild and Scenic Rivers Act, it has become nearly impossible to build new structures across a Wild and Scenic River. If the existing bridge provides the only opportunity for a river crossing, alternative routes for trail alignment become limited exclusively to the rugged terrain of Bear Creek canyon.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Products and Recommendations

A GIS-based master map of the Bear Creek Trail project was developed by Steve Bowes, NPS, Pacific West Region. This includes a GIS topographical base map with layers for the following:

- Private property lines along the Hwy 140 and Bear Creek corridor, provided by Mariposa County Planning Agency
- Federal land boundaries in the vicinity of the trail corridor – this is mainly Sierra and Stanislaus National Forests and BLM land (managed out of the Folsom Area Office).
- Caltrans Right-of-Way (ROW) post mile references along Highway 140 which correspond to the ROW boundary maps, included in a CD, attached.
- Key features within the trail corridor such as County Park boundaries, post mile designations along the highway for ROW reference, private roads alongside of the highway, and significant state and local government easements and lands.

This map will be useful for FBCM to identify easement and land acquisition opportunities and, when mounted on foam core, for presentations to prospective supporters and stakeholders.

Based on the conditions described above the following recommendations are made:

- FBCM should proceed with its planned vision and site plans for the County Park in Midpines. Given Mariposa County's approval, they should pursue the following:
    - Obtain approval and specifications from the County and Caltrans regarding the proposed sign (Midpines, Pride of the Sierra, etc.) to be erected at the park entrance.
    - Develop a site plan for the existing park (including the proposed acquired Jones parcel) containing an informational kiosk and a loop trail which focuses on Bear Creek with natural and historic features interpreted.
    - Proceed with acquisition of the Jones parcel while a willing seller has an interest. Reach out to the owner of the "Chicken Ranch" and assess the possibility of picking that parcel up, hopefully integrating that in the LWCF grant.
    - Proceed with application for LWCF grants through California DPR. This initial grant would focus on land acquisition (Jones track, perhaps the Chicken Ranch track) and ADA-compliant trail development within the County Park.

- Identify opportunities for land acquisition through fee purchase and/or conservation easements with the BCT corridor. Identify a central point of contact for the Myok Tribe's Sara Priest BIA Trust parcel and individual landowners within the tribe with parcels along the proposed trail alignment. The owner of the Sugar Pine, within the BCT corridor has recently demonstrated an interest in including that parcel.
- Coordinate these activities with the FBCM project public outreach and public relations effort with a more detailed path forward on the County Park improvements and trail plan.
- Reapply for RTCA project for FY-14, strengthening its case with the progress made during the consultation. Also underscore the developing tie with Don Fox (ex YOSE Landscape Architect) and Tim Luddington (retired trail crew foreman) with other associated projects included in YOSE initiatives.

Harry Williamson, NPS Contractor, RTCA Projects

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Highway 140 bridge over Sweetwater Creek as seen from the historic rail grade

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DRAFT

APPENDIX E

MARIPOSA COUNTY BOARD OF SUPERVISORS CORRESPONDENCES

At multiple points during the visioning process, the Mariposa County Board of Supervisors expressed their support for the planning effort and the Merced River Trail in general. This includes several official correspondences between the Board and state and federal agencies. This appendix collects those correspondences for posterity.

MARIPOSA COUNTY RESOLUTION NO. 92-509

A RESOLUTION SUPPORTING THE RAIL-TO-TRAIL CONCEPT FOR MERCED RIVER CORRIDOR

WHEREAS, expanded trail opportunities have been encouraged in California; and

WHEREAS, Congress and the California Recreational Trails Committee supports the preservation and development of trails as a means of expanding recreational and alternative transportation opportunities and improving the quality of life; and

WHEREAS, several public agencies: Bureau of Land Management, United States Forest Service - Sierra National Forest, Yosemite National Park, Merced Irrigation District, Merced County, Merced City, and Mariposa County, have formed a task force to create eighty (80) miles of trail through the Merced River corridor, connecting Yosemite National Park with the central valley; and

WHEREAS, the "Merced River Trail" would restore life to an abandoned railroad corridor (the historic Yosemite Valley Railroad bed) by providing recreational opportunities and public enjoyment for bicyclists, hikers, equestrians, nature enthusiasts, and boaters; and promote local tourism and opportunities to enjoy and appreciate the pristine beauty of the area; and

WHEREAS, a commemorative event is planned for October 3, 1992, at which time the Bureau of Land Management is dedicating the section of the trail running through their land;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, that the rail-to-trail proposal be supported and the county continue to work with the other agencies involved.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd day of September, 1992, by unanimous vote.

ARTHUR G. BAGGETT, JR., District I

GEORGE P. RADANOVICH, District IV

SALLY S. PUNTE, District II

GERTRUDE R. TABER, District V

ERIC J. ERICKSON, District III

BOARD OF SUPERVISORS COUNTY OF MARIPOSA STATE OF CALIFORNIA

MARIPOSA COUNTY BOARD OF SUPERVISORS — AGENDA ACTION FORM — DATE: 9-22-92 — AGENDA ITEM NO.: 13

DEPARTMENT: Board — BY: Supervisor Baggett — PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Adopt the attached resolution supporting the rail-to-trail concept for the Merced River corridor.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None on this request.

Board has supported grant applications for the Merced Trail project.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1) Approve.
2) Do not approve or provide alternative direction.

COSTS: (x) Not Applicable
A. Budgeted current FY $
B. Total anticipated costs $
C. Required additional funding $
D. Internal transfers $

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $
B. Reserve for contingencies $
C. Source description:
Balance in Reserve for Contingencies, if approved: $

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:
Res. No.: 92-509 Ord. No.
Vote - Ayes: Noes:
Absent: Abstained:
( ) Approved ( ) Denied
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:
ATTEST: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
X Recommended
___ Not Recommended
___ For Policy Determination
___ Submitted with Comment
___ Returned for Further Action
Comment:
A.O. Initials:

Action Form Revised 5/92

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Mariposa County
Local Transportation Commission

4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356 office
(209) 966-2828 fax
www.mariposacounty.org

Team, Service, Stewardship

November 13, 2018

Mike Healy, Executive Director - MCLTC
Mariposa County Public Works Department
4639 Ben Hur Road
Mariposa, CA 95338

Dear Mr. Healy,

I am writing on behalf of the Mariposa County Local Transportation Commission to offer our support for Mariposa County's application to the FY 19-20 Sustainable Communities grant program to support the Merced River Trail project. This grant will significantly advance our community's efforts to grow our multi-modal transportation capacity, while simultaneously meeting our economic development, public health, and environmental conservation objectives.

This ambitious project will benefit residents throughout Mariposa County, and to do so in ways that cut across departments and agencies within the County. The project's transportation and mobility benefits have been identified in planning efforts such as the 2011 Bicycle and Pedestrian Transportation Plan and 2012 Regional Transportation Plan. Further, the 2017 Economic Vitality Strategy, which directs the County's investments in economic development projects, acknowledges the significant economic benefits that can accrue from this project. Most importantly, this project aligns with a variety of topics covered in the 2006 General Plan, including issues related to conserving and leveraging our rural environment for sustainable growth.

This opportunity will tangibly and significantly advance a project that will be of service to Mariposa County residents, and to more than a million annual visitors to our community. As a resource for economic development, public health, and environmental conservation, the Merced River Trail project sits at the intersection of some of our community's most resonant issues and opportunities, and offers us an extraordinary opportunity to advance our quality of life without sacrificing the natural resources which make us who we are. We endorse this application, and are committed to participating in all phases of this project.

Sincerely,

Marshall Long,
Chair, Mariposa County Local Transportation Commission

Mariposa County
Board of Supervisors

District 1 ... Rosemarie Smallcombe
District 2 ..... Merlin Jones
District 3 ..... Marshall Long
District 4 ..... Kevin Cann
District 5 ..... Miles Menetrey

Dallin Kimble
County Administrative Officer

René LaRoche
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
Fax (209) 966-5147
www.mariposacounty.org/board

September 24, 2019

Sierra National Forest Headquarters
1600 Tollhouse Road
Clovis, CA 93611

To Whom it May Concern:

On behalf of Mariposa County and the Mariposa County Board of Supervisors, I write to express support for the Merced River Trail, a multi-use trail on the historic rail grade along the northern banks of the Merced River. Mariposa County has long identified this project as a significant opportunity for trail development, and has recently made it a central element of the community's recreation, public health, economic development, and creative placemaking agendas. As momentum continues to grow behind this project, our hope is that Sierra National Forest will continue to collaborate with Stanislaus National Forest, Mariposa County, the Bureau of Land Management, National Parks Service, and committed trail advocates from throughout the region to implement this legacy project, and take whatever steps are necessary make this shared community vision a reality.

I believe it is important for the land management plan to acknowledge the Merced River Trail as a potential future project, and to reference the project whenever appropriate in the document. I also hope that, by addressing this project's enormous potential for communities in the Merced River watershed, the forest's management plan will pave the way for the trail to be designated, designed, and ultimately implemented in accordance with the Wild and Scenic River Act.

On behalf of our community, thank you for considering our comments. We look forward to working with you to protect and enjoy our public lands.

Sincerely,

Miles Menetrey, Chair
Mariposa County Board of Supervisors

Mariposa County - - An Equal Opportunity Employer

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Mariposa County
Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE
District 2 ..... MERLIN JONES
District 3 ..... MARSHALL LONG
District 4 ..... KEVIN CANN
District 5 ..... MILES MENETREY

DALLIN KIMBLE
County Administrative Officer

RENÉ LAROCHE
Clerk of the Board

P. O. Box 784
Mariposa, CA 95338
(209) 966-3222
(800) 736-1252
Fax (209) 966-5147
www.mariposacounty.org/board

February 24, 2020

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for the Merced River Trail Project

Dear Senator Feinstein:

On behalf of Mariposa County, I write to inform you about exciting new developments for the Merced River Trail, and ask your support for the ongoing project to establish and connect nearly 60 miles of continuous recreational trail along historic rail grade in one of the most beautiful parts of the country.

The Merced River Trail is a jewel in the crown of the greater Northern California/Yosemite National Park region. In its final version, the Merced River Trail will be a comprehensive, multi-use, non-motorized recreation resource on the historic Yosemite Valley Railroad grade. Those using the Trail will travel from UC Merced to El Portal, and then from El Portal to Yosemite National Park via Foresta.

Currently, Mariposa County is focusing on developing interagency and community consensus around a vision for a 10-mile segment of the trail within Stanislaus National Forest – although the variety of recreational amenities included therein are managed through an agreement by neighboring Sierra National Forest.

We are also identifying and making a plan to resolve issues with trail ownership – while the trail is owned and managed in different parts by the Bureau of Land Management, the US Forest Service, and the National Park Service, there are also portions of the trail currently on private land. Our goal is to ensure that the entire trail, from start to finish, is accessible by the public, implemented in accordance with the community's vision, and compliant with all applicable local, state, and federal laws. We aim to work with the various stakeholder agencies to ensure federal acquisition of these lands to connect the trail and preserve its use for generations to come.

DRAFT

Working together to ensure federal support across departments is critical to realizing the community's vision for the Merced River Trail, as it will fill a gap between existing areas of active recreational use. The project supports the development of a truly unique recreational amenity that will have immense public health, economic development, and environmental benefits for our disadvantaged community. We hope you will support the Merced River Trail, and help usher a smooth transition to long-lasting, synchronized trail management.

Sincerely,

Kevin Cann, Chair
Mariposa County Board of Supervisors

cc: The Honorable Kamala Harris
The Honorable Tom McClintock

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX F

MERCED RIVER TRAIL COMMUNITY BENEFITS STUDY (2020)

DRAFT

In 2020, Mariposa County used expiring Caltrans Rural Planning Assistance funding to contract with Headwaters Economics (HE) in the development of the Merced River Trail Community Benefits Study. An independent, nonprofit research group that works to improve community development and land management decisions, HE has substantial experience in developing similar studies and analyses, including for western gateway communities like Mariposa County.

Typically, these studies would rely on site-specific data collected as part of the project scope. However, given the compressed timeline due to the funding's sunset date, the decision was made to identify more general community benefits—including economic growth, quality of life, and public health benefits—that could be expected to accrue from the Merced River Trail based on comparable projects elsewhere in the western US.

The full report is included here because of its professional quality and useful precedent-based insights on the trail's impact potential for Mariposa County. Note that the trail map that was used in the Community Benefits Study represented the pre-Vision Planning conception of the trail alignment. During the vision planning process, this version of the route alignment was found to be unpopular with project participants, especially those in the communities of El Portal and Foresta.



DRAFT

Merced River Trail Community Benefits Study

HEADWATERS ECONOMICS







Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Merced River Trail Community Benefits Study



1. About
The trail will connect communities and existing trails along the Wild and Scenic Merced River. p.4



2. Community Vision
The high quality of life provided by outdoor recreation is one of Mariposa County's most valuable assets and has been prioritized by the community in many plans and policies.. . . . . p. 5



3. Economic Growth
Trails attract and retain businesses, visitors, and families, helping to grow and diversify the economy. . . . . p. 7



4. Quality of Life
Outdoor recreation is an essential part of life in Mariposa County and access to the outdoors supports community wellbeing. . . . . p. 9



5. Public Health
Access to trails improves physical and mental health, especially for the most vulnerable members of the community.. . . . . p. 10



6. Synergies
The Merced River Trail can support other community goals, such as habitat conservation, equity, cultural heritage, climate adaptation, and wildfire risk reduction. . . . . p. 11

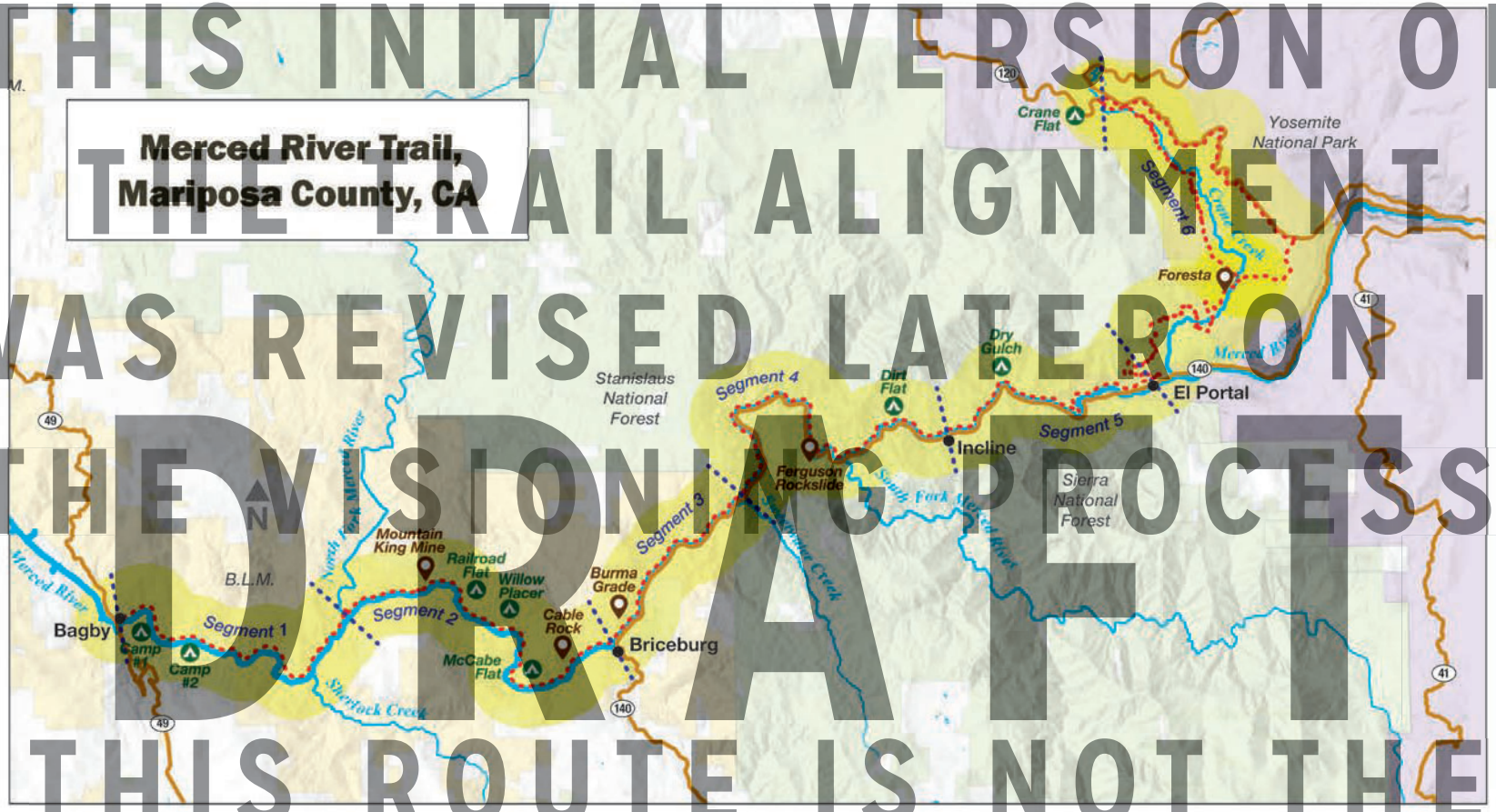


7. Maximize Benefits
Specific strategies around planning and engagement will amplify the trail's impacts. . . . . p. 13

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

THIS INITIAL VERSION OF THE TRAIL ALIGNMENT WAS REVISED LATER ON IN THE VISIONING PROCESS. DRAFT THIS ROUTE IS NOT THE COMMUNITY'S PREFERRED ROUTE.



Segment 1: Bagby to North Fork (approx. 6 mi.)

The Bagby trailhead features parking, boat take-out, and camping. Two campgrounds are accessible on the south side of the river. During times of high water, users must carefully wade across the North Fork where it joins the main stem of the Merced River.

Segment 2 North Fork to Briceburg (approx. 7 mi.)

Users share the trail with infrequent automobile traffic as it follows the gravel Briceburg Road upstream to the Briceburg visitor's center. This section includes the popular Cable Rock swimming area and three BLM campgrounds: Railroad Flat, Willow Placer, and McCabe Flat.

Segment 3: Briceburg to Sweetwater Creek (approx. 4 mi.)

This stretch of single-track trail is popular with hikers and bikers. The trail intersects the Burma Grade, a road that provides recreational access to the northern slopes of the Merced River Canyon.

Segment 4: Sweetwater Creek to Incline (approx. 8 mi.)

Here, the old railroad grade is on National Forest and private land and is not currently designated as trail. At the Ferguson Rockslide the trail follows a narrow vehicular detour and then follows the gravel Incline Road.

Segment 5: Incline to Old El Portal (approx. 5 mi.)

The trail provides access to National Forest recreation areas on the north side of the river, including the Dirt Flat and Dry Gulch campgrounds. Transit stops connect users at the Rancheria neighborhood and the El Portal Service Station.

Segment 6: Old El Portal to Crane Flat (approx. 9 mi.)

The trail goes through the Old El Portal community, passing a small grocery store and transit stop. The historic rail grade ends and the trail climbs out of the river canyon to the community of Foresta. It then terminates at Big Oak Flat Road in Yosemite National Park.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1 About the Merced River Trail

The Merced River Trail is a proposed recreational resource along the historic Yosemite Valley Railroad (YVRR) grade on the northern banks of the Merced River. The primary emphasis is on a nearly 40-mile segment of trail located entirely within Mariposa County, almost all of which is adjacent to a reach of river that has been designated Wild and Scenic by the federal government. Future trail segments will establish regional nonmotorized connections at the YVRR's historic downstream terminus in Merced. Nearly 17 miles of the trail are managed for hiking, biking, and horseback riding. Other sections require restoration to clear landslides and improve trail accessibility.

The purpose of this report is to describe the economic, quality of life, public health, and other benefits that Mariposa County and its residents are likely to enjoy from the Merced River Trail based on research and experiences of communities with similar projects.

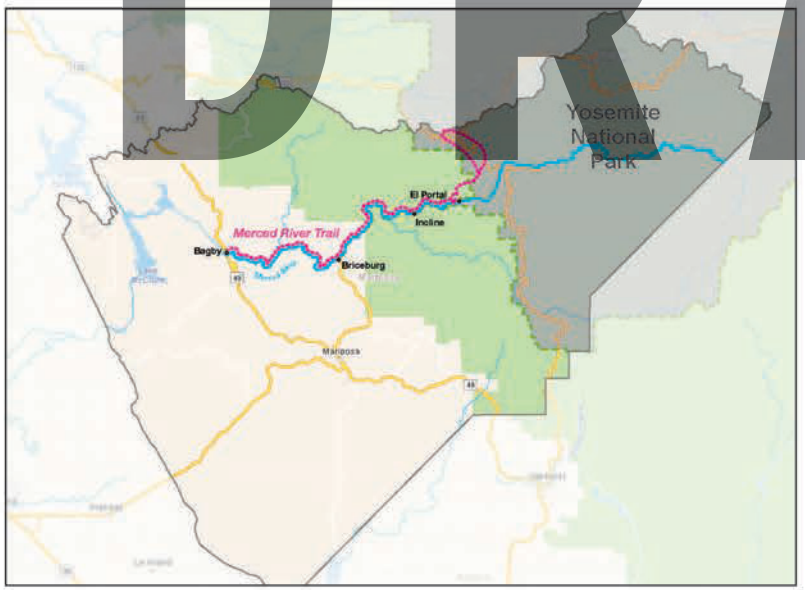



Photo by Bob Wick, BLM

Our Vision

The Merced River Trail will manifest our community's appreciation of our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River. It will address the growing needs for education, accessible recreation, and regional economic development with the imperative for conserving the canyon's many remarkable resources. The Trail will serve as a central connective component of an existing and future network of trails.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

2 Alignment with Community Vision

Through public process and community engagement, Mariposa County has identified a vision for its future, and priorities and goals to achieve it.

General Plan[1]

- Recreational opportunities are identified as a core issue of importance both for local residents and for regional tourism.
- The Merced River Trail is explicitly identified as an opportunity to expand regional tourism (13.1.01).
- **The Merced River Trail will advance the following goals:**
  - increase public access to trails (Goal 13-3);
  - enhance cooperation with partner agencies (Goal 12-4);
  - enhance regional tourism opportunities (Goal 13-1); and
  - help to strengthen and diversify the economy (Goal 6-4).

Strategic Plan[2]

- Increasing the number and mileage of publicly accessible trails is a primary infrastructure initiative.
- **The Merced River Trail will advance the following goals:**
  - develop active infrastructure that encourages recreation and increase the number and mileage of publicly accessible trails (Objective 4.1); and
  - promote Mariposa as a livable, family-friendly community (Objective 5.2).

Economic Vitality Strategy[3]

- The Merced River Trail aligns with the core value of "a vibrant community where citizens can live, work, socialize, and recreate in a safe, attractive, and healthy environment."
- Promoting and upgrading the Merced River Trail is explicitly identified as an action step to develop tourist attractions and events (Action 1.2.3).
- **The Merced River Trail will advance the following goals:**
  - position Mariposa County as a year-round destination (Objective 1.3);
  - expand and diversify tourist activities (Objective 1.2);



Photo by David Greenwood, BLM

DRAFT

- help attract new businesses (Objective 2.2);
- retain and expand existing businesses (Objective 3.1);
- protect Mariposa County's quality of life (Objective 5.1); and
- improve pedestrian and bicycle pathway connectivity to enhance quality of life (Action 5.1.4).

Bicycle and Pedestrian Transportation Plan[4]

- The Merced River Trail is explicitly identified as a priority bicycle project.
- **The Merced River Trail will advance the following goals:**
  - encourage a multimodal transportation system (Goal AT2);
  - develop a safe, accessible transportation system for all users (Goal AT3);
  - develop a continuous, interconnected system of bikeways (Goal B1);
  - connect pedestrian routes (Goal P1);
  - develop a bikeway system that incorporates aesthetics and rural characteristics (Goal B2); and
  - provide a comfortable environment for bicyclists by enhancing safety (Goal B3).

Regional Transportation Plan[5]

- A lack of bicycle and pedestrian paths and trails has been identified as a regional concern.
- **The Merced River Trail will advance the following goals:**
  - develop and construct a regional bicycle, pedestrian, and equestrian trail system (Objective 3.1);
  - develop projects with consideration of air quality and greenhouse gasses (Objective 5.2);
  - reduce demand for travel by single-occupancy vehicle (Objective 9.2); and
  - improve livability and encourage walking and bicycling (Objective 10.1).



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

3 Economic & Business Impacts

Research has documented that communities with amenities such as trails have more prosperous economies.[6] The quality of life from trails can encourage economic development by:

- Attracting visitors who spend money at local businesses;
- Promoting the development of new retail opportunities that address existing gaps in the outdoor recreation sector;
- Stimulating spending by local residents who buy outdoor gear, food, and supplies;
- Attracting entrepreneurs, new residents, retirees, and others who want to live in a community with a high quality of life;
- Attracting a talented workforce that wants to live close to outdoor recreation;
- Providing job opportunities for those building, maintaining, managing, and stewarding the trail.



+ Tin Shed Sports has become a hub for locals and visitors alike to the mountain town of Nederland, Colorado (pop. 1,400) as a full-service bike and ski shop, as well as a café and coffee roaster that hosts live music and other community events.

- Recreation infrastructure such as trails adds to a community's quality of life, making it easier for businesses to recruit and retain employees.[12]
- The Merced River Trail directly supports goals and action steps identified in Mariposa County's *Economic Vitality Strategy*, including economic diversification to support good-paying, year-round jobs in the county and developing and marketing recreational activities available in the county.[13]



"Mariposa as a destination is more important than ever with the potential of long-term limited access into Yosemite National Park. Enhancing recreational activities in Mariposa County will drive more visitors into our market, increase repeat visitation, and provide opportunities for economic growth. Further, investing in such activities will better the overall health of our residents and visitors alike. We fully support the Merced River Trail Project along with additional recreational initiatives in the future."

- Scott Fiester, Executive Director, Mariposa Chamber of Commerce"

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Visitors coming to Mariposa County to enjoy the trail would spend money at hotels, restaurants, and gear stores, supporting local businesses and jobs.

- More than 4 million people per year visit nearby Yosemite National Park. The Merced River Trail would provide activities to attract some of Yosemite's visitors to towns along the trail. The trail could help make Mariposa a recreation destination outside the park, capitalizing on its proximity to Yosemite while increasing the community's economic resilience when the park is closed.
- The Merced River Trail, at a lower elevation than Yosemite, can help Mariposa County diversify its off-season offerings and bring visitors to town, helping to reduce seasonal unemployment.


Photo by Will Brewster

+ **The Whitefish Trail system in Whitefish, Montana, a gateway community for Glacier National Park, has 22,000 visitors each year, who spend about $6.4 million annually, supporting 68 jobs in this community of 8,300.[7]**

A network of trails in Mariposa County could be sites for events such as bike races and fun runs. Organized events bring participants and spectators to the area and help initiate regular return visits.

+ **In northern Wisconsin, participants in nonmotorized events spend an average of $260 during their trip. Events also encourage visitors to return to the area again: participants return an average of four times per year.[8]**
+ **In Gallup, New Mexico, mountain bike races bring between $333,000 and $650,000 in revenue per event.[9]**
+ **At a mountain bike race in North Carolina, racers spent $296 in the area, on average. Racers who stayed in the area to visit other attractions spent even more.[10]**
+ **In Oregon, participants in mountain bike tours and races spent between $1,100 and $1,600 during their trips.[11]**


Photo by David Greenwood, BLM

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

4 Quality of Life Improvements

The high quality of life provided by outdoor recreation is one of Mariposa County's most valuable assets. It has been identified by community members as a priority in the county's General Plan and Economic Vitality Strategy and contributes to the area's identity, heritage, and sense of place. Trails can:

- Enhance a community's outdoor culture;
- Tie together communities along the trail for a common purpose;
- Enhance physical and mental health;
- Create an inexpensive, accessible, and equitable place for families and neighbors to recreate; and
- Offer an opportunity to connect and learn about nature.

Trails attract and keep new residents.

+ In Jackson, Wyoming, nine out of 10 survey respondents used pathways and trails. Ninety-six percent of residents stated that outdoor recreation was an important factor in their decision to move to or stay in the area.[14]

+ In Whatcom County, Washington, 95% of long-time residents—many of whom are mountain bikers, hikers, and trail runners—stated that trails are important to their decision to stay in the area.[15]

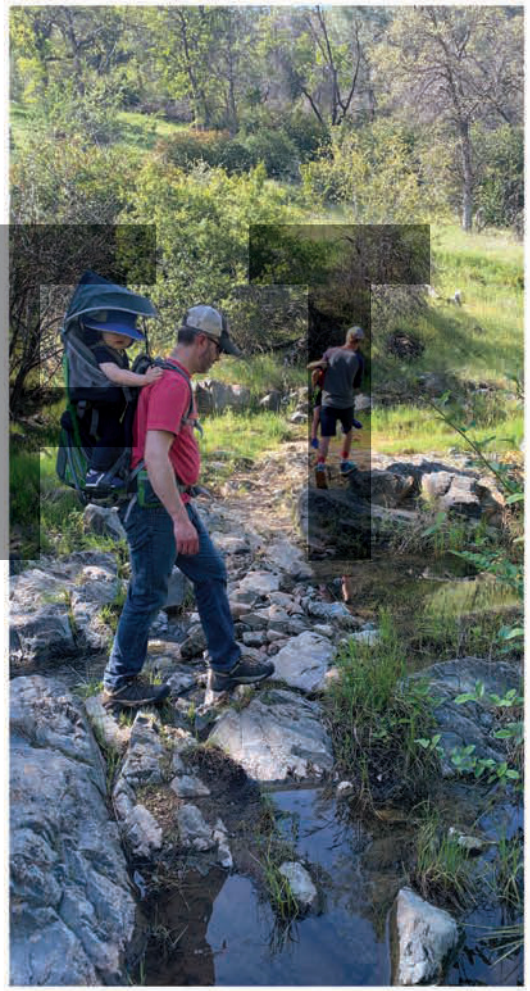
+ Other studies conducted on the Perkiomen Trail in Pennsylvania,[16] the Whitefish Trail,[17] and the Omaha Recreational Trails[18] show that, in addition to being economic drivers, trails enhance the quality of life of residents.

Trails located near where people live and work, like the Merced River Trail, often are very popular.

+ In Missoula County, Montana, 89% of residents had used city parks in the last year, 73% had used hiking trails, and 56% used paved commuter trails.[19]

Needs for trail construction and maintenance may spur the development of a Youth Corps organization, many of which operate throughout California. Youth Corps organizations provide members with jobs, and also improve social outcomes for members: more than a year after their work with the Corps, members report higher hourly earnings, a higher rate of college graduation, and lower rates of criminal offenses.[20] The U.S. Forest Service, one of the land managers along the river corridor, operates numerous Youth Conservation Corps crews.

The Merced River Trail also has the potential to connect to additional recreation areas at higher elevation, helping to catalyze a regional trail system that would contribute even more to developing the county's outdoor culture.



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

5 Public Health Benefits

Public health research shows that when people live close to trails, they tend to be more physically active. The COVID-19 pandemic has brought to light the critical need for close-to-home access to the outdoors. Resources like the Merced River Trail—designed to be easily accessible, safe places to exercise and spend time outdoors—have been particularly valuable while many sites, such as national parks, have been closed due to COVID-19.

- Research has found that people are more physically active when there are trails nearby, reducing incidence of cardiovascular disease, cancer, mortality, and childhood obesity.[22] Many of the largest gains occur with the people who are often most difficult to reach with public health programs: those who are not already walkers, people with a high school education or less, or those who have low incomes.[23]
- Several studies have found that people experience significant improvements in self-esteem and mood after exercising outside.[24]
- Several studies have found the health benefits of new trails, measured in avoided healthcare costs, outweigh the cost of building and maintaining a trail system by 2:1.[25]
- Designated bike paths can help bikers and pedestrians feel safer, and therefore they are more likely to be physically active.[26]
- Improved safety is particularly valuable for people commuting to work via bike, as they do in El Portal. Research has found that bike routes separated from traffic can significantly reduce the risk of injury or death.[27,28]
- In Mariposa County in 2019, one-in-four adults are obese, and 19% of adults report no leisure time physical activity.[29] The Merced River Trail will provide easily accessible opportunities to increase physical activity, reducing chronic disease incidence and improving residents' mental health.[30] Sections of the trail also could be used to support programs that integrate health care with outdoor recreation, such as Prescription Trails and Walk with a Doc.[31]
- Mariposa County struggles with limited access to primary care medical providers like physicians and dentists. In Allen County, Kansas, community planners found that improving access to amenities like dog parks were popular with residents and also made it easier to recruit professionals like dentists to the area.[32]



"Safe, accessible places to be active are associated with improved health outcomes known to reduce chronic diseases such as obesity, diabetes and heart disease. Increased opportunities for accessible, safe, no-cost, and interactive outdoor physical activity is health strategy worthy of exploring, and the Merced River Trail can be a significant addition to our community's portfolio of public health resources."

-Ginnie Day, MPH, CHES
Mariposa County
Health & Human Services

DRAFT

6 Synergies with Community Values



Habitat Conservation

The Merced River Trail corridor is home to a Wild and Scenic River and important wildlife habitat. The Merced River Trail will help create a continuous corridor of publicly managed land, increasing the ability to collaboratively manage for the benefit of wildlife. A sustainably-designed trail, trailheads, waste disposal, and other amenities can reduce impacts to wildlife.[33] Well-designed trails can compartmentalize impacts to a limited space and help keep users out of sensitive areas. Through programming, signage, and events, trails can help educate the public about wildlife species, habitat conservation, and responsible recreation. Easier access to the river corridor also can facilitate opportunities to expand ongoing aquatic research, improving understanding of the area's ecology and potentially providing job opportunities to support researchers.



Equity

The benefits of trails—including the health, economic, and quality of life improvements—are greatest for people who live near trails, especially for the most vulnerable populations. Research has shown that children who live near green space are less likely to be obese or overweight.[34] The gap in mortality rates between low- and high-income residents decreases with proximity to green space, and people across all income levels have improved health when they live closer to trails.[35] By providing an active recreation resource in rural Mariposa County, the Merced River Trail can help create equitable access and distribute the benefits of trails to more residents. During the coronavirus pandemic, this need is especially significant.



Cultural Heritage

The Merced River Trail is on the ancestral lands of the Southern Sierra Miwuk Nation. Native traditions, heritage, and contribute to more inclusive, equitable, and representative expressions of the region's history and identity. In order to be successful, it is essential that the trail's interpretive and cultural storytelling elements are the product of a process of co-creation and collaboration with the tribe.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Climate Resilience

Trails that connect communities become more than recreational amenities—they become integrated into the transportation network. Research shows that new trails that connect gaps in existing networks result in a greater share of bicyclists,[36] and proximity to bicycle facilities increases bicycle commuting, especially when separated from roadways.[37,38] By linking into existing transportation and trail networks, the Merced River Trail can become an important transportation route. This can help reduce greenhouse gas emissions and other air pollutants in Mariposa County while also improving health and quality of life for commuters.[39]

As the climate continues to warm, having a diverse portfolio of recreational opportunities can benefit the economic vitality and health of Mariposa County. The Merced River Trail can be an alternative destination if other venues, like Yosemite National Park, are inaccessible due to severe storms, wildfires, or floods.



Wildfire Risk Reduction

Trails can reduce wildfire risk by acting as fuel breaks and by providing access to remote areas for fuel treatment and wildfire suppression. However, if not well-managed, trails can also act as potential sources for wildfire ignition from campfires and motorized vehicles off-trail. To reduce potential for human ignition, the Merced River Trail can remain nonmotorized and limit camping to designated areas. Programming and signage can also create opportunities to educate users about how to reduce wildfire ignitions, the role of fire in the region's ecology, and steps the community can take to reduce risk. Placement of new trail segments outside of the Merced River corridor can be explored with regional wildfire experts to identify where trail construction can help create fuel breaks.



Balancing Growth

Mariposa County's diverse and unique landscape can help it become a year-round outdoor recreation destination. As the community works to enhance its recreation economy, welcome all users, and expand trail connections, the demand for trails will increase. The design and vision of the Merced River Trail can help ensure that this growth does not compromise the ecological, scenic, and cultural resources of the region.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

7 Strategies for Maximizing Trail Benefits

DRAFT

Trailhead strategy.

Position trailheads and access points to maximize equity across communities, improve usefulness for transportation, create connections to local businesses, and minimize environmental impact.

Build for sustainability.

Use sustainable trail design practices to reduce sedimentation and erosion, avoid sensitive areas, and restore areas already degraded.[40] Provide adequate facilities to reduce impacts from human and dog waste.

Tie to transportation.

Leverage the trail design for transportation where it is an important connector. Improve trail tread, road crossings, and road separations to improve safety and increase use. Tap into transportation planning and funding programs such as the Federal Land Access Program and US BUILD grants.

Reach new users.

Integrate programming to build the next generation of trail stewards, raise awareness, reduce user conflicts, and ensure equitable access.

For example:

- Communities have had great success reaching families and new trail users through junior ranger programs, free trail activities, guided walks, or loaner gear. Colorado State Parks lend activity backpacks to kids for self-paced trail education.
- Take educational presentations off the trail and into existing community institutions like schools, churches, civic organizations, and cultural centers to broaden your reach.

Nurture leadership.

Foster relationships and partnerships to support jobs and businesses like gear shops, youth corps, and researchers. Begin building relationships with business and nonprofit leaders who could initiate and run programs and enterprises that are mutually beneficial with the Merced River Trail.

Sign the way.

Use signage to make wayfinding easy for new users and to direct attention to important issues and build synergies. Signs can help minimize off-trail impacts, contamination from human waste, and risk of wildfire ignition from campfires, especially when they are clever and strategically located.

For example:

- Partners near Bozeman, Montana collaborated to develop signage highlighting the importance of dog waste to water quality. (at right)
- CalFire's Ready for Wildfire program offers a toolkit with ready-made signs, slogans, and more for campfire safety.



Collaborate for stewardship.

Work with trail user groups and nonprofit organizations to manage and maintain trails, educate users, and minimize conflicts. Consider direct partnership with a community organization for long-term trail stewardship.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

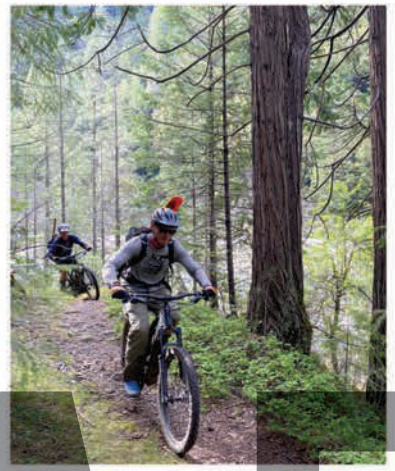
Trail stewardship organizations can spearhead trail construction, maintenance, outreach, and fundraising.



Whitefish Legacy Partners is a nonprofit organization that helps expand, develop, manage, and maintain a network of trails around the Glacier National Park gateway community of Whitefish, Montana. They acquire land and easements to expand access. Trails are designed, constructed, and maintained with professional and volunteer crews. The organization also leads educational programming for youth and adults. whitefishlegacy.org



Mammoth Lakes Trail System includes more than 300 miles of trails improved and stewarded by a partnership between the Town of Mammoth Lakes, California, Inyo National Forest, and the nonprofit Mammoth Lakes Recreation. Long-term vision is supported by a collaborative master plan and interagency governance. A local special tax initiative helps fund the trail work. Mammoth Lakes is also working to integrate trail and open space planning into wildfire risk reduction efforts. mammothtrails.org



Sierra Buttes Trail Stewardship is a nonprofit organization that builds and maintains trails around the Sierra Buttes, Tahoe, Plumas, and Lassen national forests of California. Trail work is accomplished through professional trail builders, coordinated volunteers, and contracts with the U.S. Forest Service. Businesses and residents support work through volunteer work events and programs like Adopt-a-Trail and $1 for Trails. Community events bring families and user groups together. sierratrails.org



Gallatin Valley Land Trust is a nonprofit organization that conserves open space and helps create and expand the 100+-mile "Main Street to the Mountains" trail system around Bozeman, Montana. They collaborate with public and private organizations to acquire easements, design and build trails, and coordinate volunteer maintenance programs. They lead stewardship and educational activities like free, family-friendly Discovery Walks and a Trails RX program. gvlt.org

DRAFT

Sources

1 The County of Mariposa. (n.d.) General Plan. Volume I: Countywide General Plan. Retrieved from https://www.mariposacounty.org/1142/Volume-I--Mariposa-County-Wide-General-

2 Mariposa County. (2018). Strategic Plan 2019-2022. Retrieved from https://www.mariposacounty.org/DocumentCenter/View/79809/Strategic-Plan---Adopted

3 Craft Consulting Group. (2017). Mariposa County Economic Vitality Strategy. Retrieved from https://www.mariposacounty.org/DocumentCenter/View/57645/Mariposa-County-EVS_Final-Report-62017?bidId=

4 Fehr Peers. (2011). Mariposa County Bicycle and Pedestrian Transportation Plan. Retrieved from https://www.mariposacounty.org/DocumentCenter/View/8754/Mariposa_Co_BPTP_Final_v6_Reduced1?bidId=

5 Mariposa County Local Transportation Commission. (2019). Mariposa County Regional Transportation Plan. Retrieved from https://www.mariposacounty.org/DocumentCenter/View/79219/2017-Final-RTP?bidId=

6 Headwaters Economics. (2018). Annotated Bibliography: Studies on the Economic Value and the Shifting Economic Contributions of Public Lands that have Appeared in the Peer-Reviewed Literature. Retrieved from https://headwaterseconomics.org/wp-content/uploads/Annotated_Bib_Value_Public_Lands.pdf

7 Headwaters Economics. (2018). The Economic Impact of Outdoor Recreation and the Whitefish Trail in Whitefish, Montana. Prepared for Whitefish Legacy Partners; Whitefish Convention and Visitors Bureau. Bozeman, Montana: Headwaters Economics.

8 Berard D, Chapin S, Hoogasian A, Kane T, Marcouiller D, and Wojciechowski T. (2014). The Economic Impacts of Active Silent Sports Enthusiasts. Madison, WI: University of Wisconsin Department of Urban and Regional Planning, Extension Report 14.1.

9 Rosebrough B., Lundstrom P, Lohmann K, & Mapes L. (n.d.) Driving Community Success with Trails: The Gallup Story. Presentation for the International Mountain Biking Association. Retrieved from https://sfct.org/wp-content/uploads/2013/02/8.-Driving-Community-Success-with-Trails-the-Gallup-Story.pdf

10 Schiller AG & Whitehead JC. (2013). Economic Impact of the 2012 "6 Hours of Warrior Creek" Mountain Bike Race. Boone, NC: Center for Economic Research and Policy Analysis, Appalachian State University. Retrieved from https://headwaterseconomics.org/wp-content/uploads/Trail_Study_95-Econ-Impact-Warrior-Creek-Race.pdf

11 McNamee J, Main K, & Hashimoto K. (2013). Project Brief: The Economic Impact of Mountain Bicycle Events in Oregon. Linfield College Working Paper. Retrieved from https://headwaterseconomics.org/wp-content/uploads/Trail_Study_69-bicycle-events-oregon.pdf

12 Lawson M. (2019). Recreation Counties Attract New Residents and Higher Incomes. Retrieved from https://headwaterseconomics.org/economic-development/trends-performance/recreation-counties-attract/

13 Craft Consulting Group. (2017). Mariposa County Economic Vitality Strategy, page 9. Retrieved from https://www.mariposacounty.org/DocumentCenter/View/57645/Mariposa-County-EVS_Final-Report-62017?bidId=

14 RRC Associates. (2015). Jackson Hole Pathways and Trails Survey. Prepared for Teton County, WY; Friends of Pathways; Jackson Hole Chamber of Commerce; Town of Jackson, WY; Headwaters Economics. Boulder, CO: RRC Associates. Retrieved from https://headwaterseconomics.org/wp-content/uploads/Trail_Study_96-JacksonHole-PathwaysTrails-Survey.pdf

15 Whatcom Mountain Bike Coalition. (2014). 2014 WMBC Rider Survey. Retrieved from https://headwaterseconomics.org/wp-content/uploads/Trail_Study_79-whatcom-mountain-bike-rider-survey.pdf

16 Rails-to-Trails Conservancy. (2008). Perkiomen Trail 2008 User Survey and Economic Impact Analysis. Retrieved from https://headwaterseconomics.org/trail/14-perkiomen-trail/

17 Headwaters Economics. (2018). The Economic Impact of Outdoor Recreation and the Whitefish Trail in Whitefish, Montana. Prepared for Whitefish Legacy Partners; Whitefish Convention and Visitors Bureau. Bozeman, Montana: Headwaters Economics.

18 Greer DL. (2000). Omaha Recreational Trails: Their Effect on Property Values and Public Safety. Omaha, NE: University of Nebraska. Retrieved from https://headwaterseconomics.org/trail/19-omaha-recreational-trails/

19 Leisure Vision and PROS Consulting. (2011). Parks and Recreation Needs Assessment Survey: Findings Report. Missoula County and City of Missoula, Montana.

20 Abt Associates, Inc. (2011). National Evaluation of Youth Corps: Findings at Follow-up. Prepared for Corporation for National and Community Service, Office of Strategy and Special Initiatives. Washington, DC. Retrieved from https://www.abtassociates.com/sites/default/files/migrated_files/48550006-8d52-4813-aa4a-1f25f206cfa5.pdf

21 Mariposa County Health Department. (2018). Community Health Assessment.

22 Celis-Morales C., Lyall DM, Welsh P, Anderson J, Steell L, Guo Y, Maldonado R, Mackay DF, Pell JP, Sattar N, & Gill JM. (2017). Association between active commuting and incident cardiovascular disease, cancer, and mortality: prospective cohort study. *BMJ* 357:j1456.
Faber TA & Kuo FE. (2009). Children with attention deficits concentrate better after walk in the park. *Journal of Attention Disorders* 12(5), 402-409.
King W, Brach J, Belle S, Killingsworth R, Fenton M, & Kriska A. (2003). The relationship between convenience of destinations and walking levels in older women. *American Journal of Health Promotion* 18(1), 74-82.
Gordon P, Zizzi S, & Pauline J. (2004). Use of a community trail among new and habitual exercisers: a preliminary assessment. *Preventing Chronic Disease* 1(4), 1-11.
Wolch J, Jerrett M, Reynolds K, McConnell R, Chang R, Dahmann N, Brady K, Gilliland F, Su JG, & Berhane K. (2011). Childhood obesity and proximity to urban parks and recreational resources: a longitudinal cohort study. *Health & Place* 17(1), 207-214.

23 Brownson R, Housemann R, Brown D, Jackson-Thompson J, King A, Malone B, & Sallis J. (2000). Promoting physical activity in rural communities: Walking trail access, use, and effects. *American Journal of Preventive Medicine* 18(3), 235-242.
Abildso C, Zizzi S, Selin S, & Gordon P. (2012). Assessing the cost effectiveness of a community rail-trail in achieving physical activity gains. *Journal of Park and Recreation Administration* 30(2), 102-113.

24 Barton J & Pretty J. (2010). What is the best dose of nature and green exercise for improving mental health? A multi-study analysis. *Environmental Science and Technology* 44(10), 3947-3955.
Marselle MR, Irvine KN, & Warber SL. (2014). Examining group walks in nature and multiple aspects of well-being: A large-scale study. *Ecopsychology* 6(3), 134-147.

25 VanBlarcom B & Janmaat J. (2013). Comparing the costs and health benefits of a proposed rail trail. *Journal of Policy Research in Tourism, Leisure and Events* 5(2), 187-206.
Abildso C, Zizzi S, Selin S, & Gordon P. (2012). Assessing the cost effectiveness of a community rail-trail in achieving physical activity gains. *Journal of Park and Recreation Administration* 30(2), 102-113.
Wang G, Macera C, Scudder-Soucie B, Schmid T, Pratt M, & Buchner D. (2004). Cost effectiveness of a bicycle/pedestrian trail development in health promotion. *Preventive Medicine* 38(2), 237-242.
Deenihan G & Caulfield B. (2014). Estimating the Health Economic Benefits of Cycling. Journal of Transport & Health 1(2), 141-149.

26 Gordon P, Zizzi S, & Pauline J. (2004). Use of a community trail among new and habitual exercisers: a preliminary assessment. *Preventing Chronic Disease* 1(4), 1-11.
Dean Runyan Associates. (2014). Columbia River Gorge Bicycle Recreation: Economic Impact Forecast for the Communities Along the Historic Columbia River Highway. Prepared for the Friends of the Historic Columbia River Highway, Oregon Tourism Commission, Port of Cascade Locks, Port of Hood River, Port of The Dalles.

27 Teschke K, Harris MA, Reynolds CO, Winters M, Babul S, Chipman M, Cusimano MD, Brubacher JR, Hunte G, Friedman SM, Monro M, Shen H, Vernich L, & Cripton PA. (2012). Route infrastructure and the risk of injuries to bicyclists: A case-crossover study. *American Journal of Public Health* (102), 2336-2343. Retrieved from https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2012.300762

28 Krizek K. (2006). Two approaches to valuing some bicycle facilities' presumed benefits. *Journal of the American Planning Association* 72(3), 309-320.
Deenihan G & B Caulfield. (2014). Estimating the Health Economic Benefits of Cycling. *Journal of Transport & Health* 1(2), 141-149.

29 University of Wisconsin Population Health Institute. (n.d.) County Health Rankings & Roadmaps: California - Mariposa. Retrieved from https://www.countyhealthrankings.org/app/california/2019/rankings/mariposa/county/outcomes/overall/snapshot

30 Physical Activity Guidelines Advisory Committee. (2008). Physical Activity Guidelines Advisory Committee Report, 2008. Washington, DC: U.S. Dept. of Health and Human Services.

31 Walk With a Doc. (2020). Retrieved from https://walkwithadoc.org/; Park Rx. (2019). Retrieved from https://www.parkrx.org/

32 Bagley L. (2019). Personal communication.

33 Hellmund Associates, Trails and Wildlife Task Force, Colorado State Parks. (1998). Planning Trails with Wildlife in Mind. Retrieved from https://recpro.memberclicks.net/assets/Library/Trails/trails-for-wildlife-handbk.pdf

34 Wolch J, Jerrett M, Reynolds K, McConnell R, Chang R, Dahmann N, Brady K, Gilliland F, Su JG, & Berhane K. (2011). Childhood obesity and proximity to urban parks and recreational resources: a longitudinal cohort study. *Health & Place* 17(1), 207-214. https://headwaterseconomics.org/trail/125-ca-child-obesity-park-proximity/

35 Mitchell R & Popham F. (2008). Effect of exposure to natural environment on health inequalities: an observational population study. *The Lancet* 372(9650), 1655-1660. Retrieved from https://headwaterseconomics.org/trail/124-uk-green-space-health-income-inequality/

36 Litman T. (2017). Evaluating active transport benefits and costs. Victoria, BC: Victoria Transport Policy Institute. Retrieved from http://www.vtpi.org/nmt-tdm.pdf

37 Hirsch JA, Meyer KA, Peterson M, Zhang L, Rodriguez DA, & Gordon-Larsen P. (2017). Municipal investment in off-road trails and changes in bicycle commuting in Minneapolis, Minnesota over 10 years: a longitudinal repeated cross-sectional study. *International Journal of Behavioral Nutrition and Physical Activity* 14: 21.

38 Monsere C, Dill J, Clifton K, & McNeil N. (2014). Lessons from the green lanes: Evaluating protected bike lanes in the U.S. Portland, OR: Portland State University, Transportation Research and Education Center. Retrieved from http://trec.pdx.edu/research/project/583/Lessons_from_the_Green_Lanes:_Evaluating_Protected_Bike_Lanes_in_the_U.S

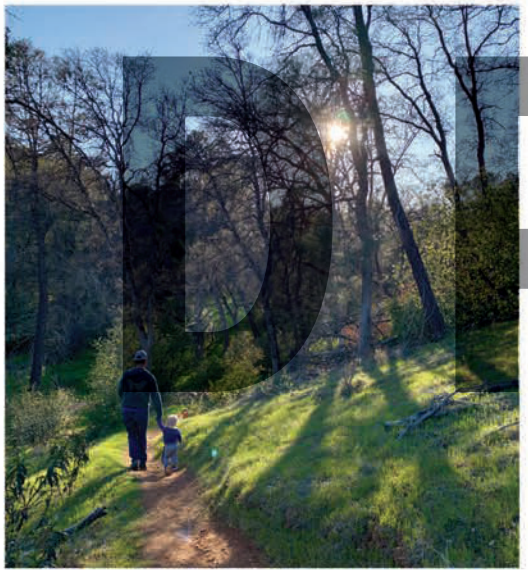
39 Celis-Morales CA, Lyall DM, Welsh P, Anderson J, Steell L, Guo Y, et al. Association between active commuting and incident cardiovascular disease, cancer, and mortality: prospective cohort study. *British Medical Journal* 2017: 357:j1456. Retrieved from https://www.bmj.com/content/357/bmj.j1456

40 For resources on trail design and construction best practices, see: International Mountain Biking Association's Guide to Building Sweet Singletrack (2004) https://www.imba.com/resource/trail-solutions; USDA Forest Service Trail Construction and Maintenance Notebook (2007) https://www.fs.fed.us/t-d/pubs/pdfpubs/pdf07232806/pdf07232806dpi72.pdf; and the American Trails Resource Library https://www.americantrails.org/resource-library/.

DRAFT







DRAFT

For more information about the Merced River Trail,
contact Mikey Goralnik, Mariposa County Community Design and Development Planner.
mgoralnik@mariposacounty.org.

Produced by Headwaters Economics and Mariposa County, June 2020 || https://headwaterseconomics.org

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Post-Ferguson Fire debris at Miller Gulch as seen from Highway 140

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX G

MILLER GULCH SITE DESIGN CONCEPTS (2021)

DRAFT

In the fall of 2021, Mariposa County was awarded technical assistance from the Environmental Protection Agency's (EPA) Land Revitalization Technical Assistance program to develop concepts for remediating and redeveloping the Miller Gulch site. Through this program, EPA contractors worked with Mariposa County and stakeholders from the county—including members of the Community Working Group, the District I Supervisor, and representatives from BLM, NPS, and the Southern Sierra Miwuk Nation—to develop and allocate appropriate, community-supported site enhancements that align with the recommendations from the Merced River Trail Vision Plan. Though privately owned, the owners of the Miller Gulch site authorized the County to pursue this assistance and engage with EPA and the stakeholder group on this effort.

The outcomes of the Land Revitalization Technical Assistance Program were purely conceptual, and not intended to provide a detailed or specific program for enhancing the Miller Gulch site. However, through the input of the County and stakeholder group, the design concepts present a set of pragmatic and context-appropriate recreation and restoration enhancements. The project visualizes a path towards expressing the community's vision and goals for the Merced River Trail, as expressed through the Vision Plan, on this specific site, contributing to the implementation of the following recommended project actions:

- ***Action 2.3: Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail***
- ***Action 3.3: Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges***
- ***Action 7.1: Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail***
- ***Action 8.2: Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs***

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





DRAFT

Photos from the Land Revitalization; workshop participants included representatives from BLM, Yosemite National Park, the CWG, and the Southern Sierra Miwuk Nation.

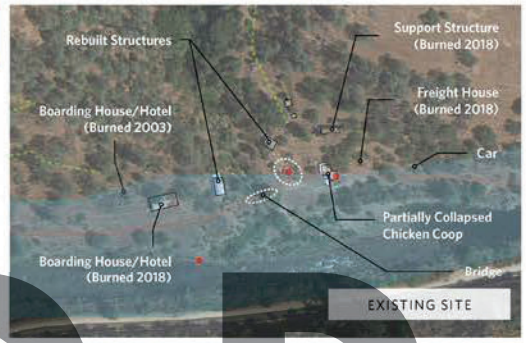
MILLER GULCH BROWNFIELD SITE REUSE

Mariposa, California
FALL 2021

EPA United States Environmental Protection Agency | GENERAL DYNAMICS Information Technology | HDR

THE SITE

The Miller Gulch site is located on the Merced River—a designated Wild and Scenic River (WSR)—between Briceburg and El Portal along the Former Yosemite Valley Railroad Alignment. Mariposa County is currently leading an interagency and community-based effort to plan the Merced River Trail, a non-motorized recreational trail along the historic rail grade, which could pass through the site.



PROJECT GOALS

The U.S. Environmental Protection Agency (EPA) Land Revitalization technical assistance team worked with the county to develop a conceptual design plan for the remediation and reuse of the site.

The goals of the project and conceptual design plan are to:

- Conduct **environmental remediation and restoration**
- Increase **wildfire resiliency**
- Create **recreation** opportunities

THE CONCEPTUAL PLAN

The conceptual design plan identifies a series of phases for the restoration of the Miller Gulch site:

Phase One: Remove all debris remnants and excavate, relocate, and cap all contaminated soil on site. Phase one will also include:

- **Native habitat restoration** with a focus on limiting and removing invasive species (i.e., Himalayan Blackberry and Tree of Heaven) throughout the gulch and re-establishing native plants to support healthy and more wildfire resistant ecosystems for wildlife and people.

On the east side of the gulch, existing vegetation will be strategically cleared and replanted with a native meadow supporting pollinators, shade trees, and habitat for endangered species such as the Western Pond Turtle.

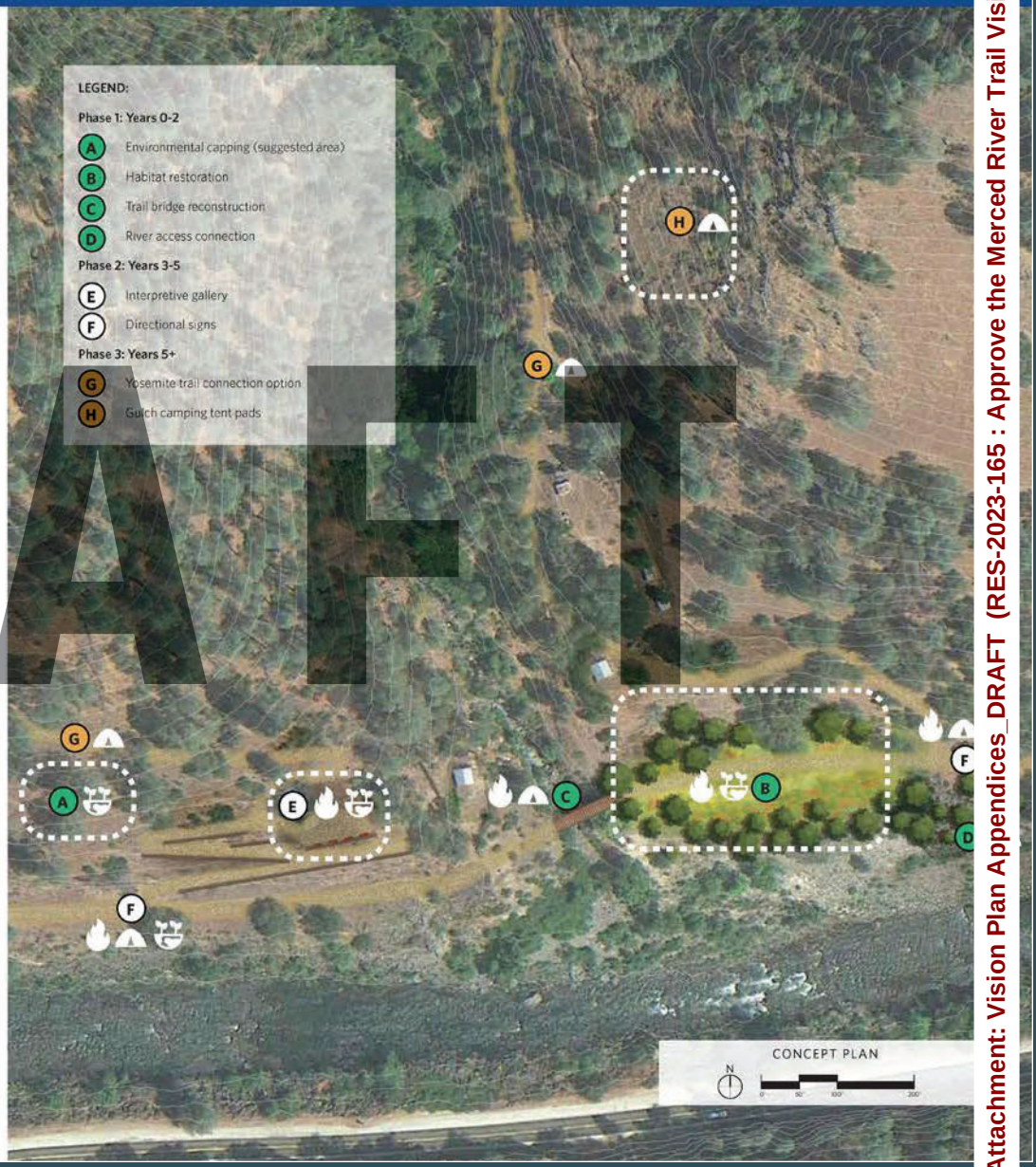
- **Low-impact and fire-resilient material** for all structures built onsite. The existing bridge on site will be replaced, and a connection down to the river will be developed to support day-use users of the trail.

Phase Two: Signs will be added to the site. An interpretive gallery depicting wildfire education and preparedness, historical, cultural, and environmental information will be developed on the west side of the gulch amongst the remnant retaining walls and switchbacks that previously connected to the Yosemite Portland Cement Company boarding house.

Phase Three: A trail connection up the gulch connecting to Yosemite National Park (approximately 30 miles to the northeast of the site) will be developed. There will also be four to eight low profile camping pads added along the east side of Miller Gulch.

Wildfire resilient design aspects are incorporated into the conceptual design in the following ways:

- Use of hardscaping and low-impact, fire-resilient materials
- Native habitat restoration and planting throughout the gulch
- Wildfire educational information about human impacts and preparedness
- Climate change mitigation opportunities



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Backpacking along the historic rail grade in Stanislaus National Forest

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX H

DRAFT

MILLER GULCH SITE ASSESSMENTS + CLEANUP OPTIONS (2021)

In 2020, Mariposa County received permission from Transition Mountain Properties, the ownership group of the Miller Gulch property, to pursue technical assistance through the Environmental Protection Agency's Targeted Brownfield Assistance program to study the potential for soil contamination on the portions of the site that include the historic rail grade and several historic buildings that were incinerated in the Ferguson Fire (2018). Work was conducted by an environmental consulting and engineering contractor working under EPA direction. The study resulted in a Phase I and Phase II environmental assessment of this portion of the site, and also included an Analysis of Brownfield Cleanup Alternatives (ABCA) for the study area, which did not include the entire site. These deliverables are significant contributions to the following recommended actions, and can serve as the basis for further implementation of:

- ***Action 2.1: Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment***
- ***Action 2.3: Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail***

EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA) Region 9 Targeted Brownfields Assessment Program tasked Toeroek Associates, Inc. and Tetra Tech, Inc. (Toeroek Team) to conduct an Analysis of Brownfields Cleanup Alternatives (ABCA) for the Mariposa – Miller Gulch (MMG) (8871 Highway [Hwy] 140) site (the Site) in Mariposa, Mariposa County, California (Figure 1 and Figure 2). The Mariposa County Planning Department (the Applicant) has interest in redeveloping a portion of the Site into part of a multiuse trail system.

The Site has been the location of historical gold mining, limestone mining, and quarrying operations. The northern portion of the Site includes the historical location of the Jenkins Hill Mine, where gold was discovered in 1855 and which was in operation for two non-continuous years in 1919 and 1927. The northern portion of the Site also includes the historical location of the Jenkins Hillemory Quarry that went into production in 1927 and closed in 1941 when service on the Yosemite Valley Railroad ended. The old trackage from the Yosemite Valley Railroad is on the southern boundary of the Site, just north of the Merced River. The southern portion of the Site along the Merced River also had the Yosemite Portland Cement production mill along with multiple buildings and worker dwellings. This area was previously referred to as the settlement of Emory, named after the head of the Yosemite Portland Cement Company. The area hosted two boarding houses, an incline hoist, a production mill, and various outbuildings to support operations of the company (AbandonedRails.com 2020, Flanagan 2018). The northern-most boarding house was converted into a hotel with 20 rooms and later to a family home before it burned down in 2018. The western-most boarding house burned down in April 2003 (Flanagan 2018). Figure 2 shows the Site location, features, and boundaries.

The Toeroek Team (2021) performed a Phase II ESA that included composite and discrete soil sampling (Figure 3) at the Site in 2021. This ABCA considers cleanup alternatives that would be based on site-specific preliminary remediation goals (PRGs) developed for Site soils (Appendix A). Results of the Phase II ESA indicated concentrations of arsenic and lead in soils above site-specific PRGs.

Based on the planned future use of the Site, the following cleanup alternatives were considered:

- Alternative 1: No Action (Baseline);
- Alternative 2: Soil Excavation, Off-Site Disposal, and Institutional Controls (ICs); and
- Alternative 3: Excavation, Stabilization/Solidification, Consolidation, and Capping with ICs.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

Alternative 1 is included as a baseline for comparison to the other proposed alternatives. This alternative would involve no containment, treatment, removal, or monitoring of contaminants.

Alternative 2 would involve excavation of Site soils containing contaminant concentrations above site-specific PRGs, and disposal of excavated soil at a permitted off-Site landfill (Figure 4). ICs would be necessary to restrict land use to recreational uses only.

Alternative 3 would involve excavation, as with Alternative 2; however, excavated soil would be consolidated on Site and capped instead of sent for off-Site disposal (Figure 5). ICs would also be required to restrict land use, and ensure maintenance of the capped area.

Table ES-1 summarizes the effectiveness, implementability, and cost of each cleanup alternative evaluated to address risk to human health from contamination that would prevent or impede the preferred type of Site redevelopment. The cost estimates listed in Table ES-1 are order-of-magnitude estimates intended only for the relative comparisons of the alternatives; they should not be used as budget- or design-level estimates.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1.0 INTRODUCTION AND BACKGROUND

The U.S. Environmental Protection Agency (EPA) Region 9 tasked Toeroek Associates, Inc., and its subcontractor, Tetra Tech, Inc., (hereinafter the Toeroek Team) to conduct an Analysis of Brownfields Cleanup Alternatives (ABCA) for the Mariposa – Miller Gulch (MMG) (8871 Highway [Hwy] 140) site (the Site) in Mariposa, Mariposa County, California (Figure 1). The Mariposa County Planning Department (the Applicant) has interest in redeveloping a portion of the Site into part of a multiuse trail system.

This ABCA considers cleanup alternatives that would be based on site-specific preliminary remediation goals (PRGs) developed for Site soils (Appendix A). Furthermore, this ABCA includes rough order-of-magnitude cost estimates (accuracy range of -25 to +75 percent based on the Project Management Institute's [2017] A Guide to the Project Management Body of Knowledge) of evaluated cleanup alternatives intended for comparison purposes only; they should not be used as budget- or design-level estimates.

1.1 SITE LOCATION

The Site is in a rural area 13 miles north of Mariposa, California. It is bounded north, east, and west by the Stanislaus National Forest, and south by the Merced River and Hwy 140 (Figure 1 and Figure 2). The Site encompasses approximately 450 acres of land and includes three small, privately owned inholdings, each hosting buildings, building remains, or both that are or were occupied for a portion of the year. The ABCA focuses on the approximately 15-acre southern portion of the 450-acre Site along the Merced River frontage. This is shown as the "Investigation Area" on Figure 2. Currently, the investigation area is vacant and includes an old trackage of the Yosemite Valley Railroad and various structural remnants of the Portland Cement production mill, most of which was destroyed by the Ferguson Fire between July and August 2018.

1.2 OWNERSHIP AND PREVIOUS USE

Owned by Transition Mountain Properties, the Site consists of three adjacent parcels of land: 006-020-0010, 006-020-0070, and 006-010-0240. Three small, privately owned inholding parcels are within the boundaries of the Site: 006-020-003, 006-020-004, and 006-020-006. The Site has been the location of historical gold mining, limestone mining, and quarrying operations. The northern portion of the Site includes the historical location of the Jenkins Hill Mine, where gold was discovered in 1855 and which was in operation for two non-continuous years in 1919 and 1927. The northern portion of the Site also includes the historical location of the Jenkins Hillemory Quarry that went into production in 1927 and closed in 1944 when service on the

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

Yosemite Valley Railroad ended. The old trackage from the Yosemite Valley Railroad is on the southern boundary of the investigation area, just north of the Merced River.

The investigation area formerly included the Yosemite Portland Cement production mill along with multiple buildings and worker dwellings. The investigation area previously was referred to as the settlement of Emory, named after the head of the Yosemite Portland Cement Company. The area hosted two boarding houses, an incline hoist, a production mill, and various outbuildings to support operations of the company (AbandonedRails.com 2020, Flanagan 2018). The northern-most boarding house was converted into a hotel with 20 rooms and later to a family home before it burned down in 2018. The western-most boarding house burned down in April 2003 (Flanagan 2018). Figure 2 shows the Site location, features, and boundaries.

1.3 PREVIOUS INVESTIGATIONS

The Toeroek Team completed a Phase I Environmental Site Assessment (ESA) of the Site in 2020, resulting in the following findings and opinions (Toeroek Team 2021):

Recognized Environmental Conditions (RECs) at the Site:

- Jenkins Hill, identified as Environmental Data Resources, Inc. (EDR) Map ID A1, and listed in the Mines Mineral Resources Data System (MINES MRDS) database for limestone production, is within the Site boundary (Figure 2). EDR Map ID A1 is also referred to as Emery, Richardson, Timbertone, and Rosemite Cement. The operation was categorized as a "non-significant" underground operation. Potential physical hazards may be present because of unidentified mine openings. This site was identified as a REC to the Site because of possible health and environmental effects associated with limestone mining and quarrying operations.
- Jenkins Hillemory, identified as EDR Map ID A2, and listed in the MINES MRDS database for limestone production, is within the Site boundary (Figure 2). EDR Map ID A2 is also referred to as Richardson, Timbertone, Yosemite Cement. The operation was categorized as a "non-significant" quarry that went into production in 1927 and closed in 1944 when service on the Yosemite Valley Railroad ceased. The amount of limestone quarried was 2,430,843 tons. Only a small percentage of reserves were depleted. Potential physical hazards may be present because of unidentified mine openings. This site was identified as a REC to the Site because of possible health and environmental effects associated with limestone mining and quarrying operations.

DRAFT

- Jenkins Hill, identified as EDR Map ID B3, and listed in the MINES MRDS database for gold production, is within the Site boundary (Figure 2). Reportedly, this site is adjacent to the former property of the Yosemite Portland Cement Company. The deposit was discovered in 1855, and production at the location by W.J. Schofield and A.B. Smith occurred during 1919 and 1927. This site is categorized as an underground operation; it is 433 feet long with two drift adits 90 feet apart, one above the other and connected by a raise. Reportedly, the lower underground section is 432 feet long. Potential physical hazards may be present because of unidentified mine openings. This site was identified as a REC to the Site because of possible health and environmental effects of heavy metal and cyanide exposure from abandoned gold mining operations, and potential impacts from acid mine drainage.
- White Oak and Wilcox, identified as EDR Map ID B4, and listed in the MINES MRDS database for gold production, is within the Site boundary (Figure 2). This site, where A.B. Smith and W.J. Schofield operated in 1927, is categorized as an underground operation; it is 450 feet long. Workings include an adit, several shallow shafts, and short tunnels. Potential physical hazards may be present because of unidentified mine openings. This site was identified as a REC to the Site because of possible health and environmental effects of heavy metal and cyanide exposure from abandoned gold mining operations, and potential impacts from acid mine drainage.
- A large appliance pile at the center of the Site, observed during the site reconnaissance on August 20, 2020 (Figure 2), contains multiple corroded and burned appliances including refrigerators, ovens, possible water heaters, and other unidentified appliances. Additionally, multiple 55-gallon drums were evident within and near the pile, along with multiple cans of paint. This pile was identified as a REC to the Site because of potential hazardous materials contained within the appliances, 55-gallon drums, and paint cans.

Identified environmental concerns regarding the Site included the following:

- The Site includes the remains of buildings destroyed during the Ferguson Fire. Based on a review of available records, these buildings likely were constructed around 1919 when the Site was first developed. Given that lead-based paint (LBP) use in buildings did not generally cease until 1978, LBP may be present in the building remains on the Site. Moreover, based on the age and history of the structures, asbestos-containing material (ACM) may have been used in building materials, and thus may be present in the building remains.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

The Toeroek Team also conducted a Phase II ESA in 2021 to (1) confirm the presence or absence of the RECs identified during the Phase I ESA, (2) acquire information regarding the nature of contamination (if present) and risks posed by that contamination that would support informed business decisions about the property, and (3), where applicable, satisfy the innocent purchaser defense under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (ASTM International [ASTM] 2019).

During the Phase II ESA, the Toeroek Team collected soil, sediment, and surface water samples. For the purpose of this ABCA, analytical data were compared to the most stringent site-specific PRGs developed for the Site. These PRGs and their development are discussed in Appendix A. Review of analytical data from the Phase II ESA led to the following noteworthy findings summarized below, indicated on Figure 3, and presented in the Phase I/II ESA Targeted Brownfields Assessment (TBA) Report (Toeroek Team 2021):

- **Former Site Structures:** Lead was detected at concentrations exceeding the most stringent site-specific PRG of 236 milligrams per kilogram (mg/kg) in the following 11 surface soil (SS) samples (including a field duplicate) collected within 0 to 3 inches below ground surface (bgs) around the perimeters of former Site structures 1, 2, and 3:
  - MMG-FSS-SS-1N-2/2021 at 710 mg/kg;
  - MMG-FSS-SS-1E-2/2021 at 6,100 mg/kg;
  - MMG-FSS-SS-1S-2/2021 at 14,000 mg/kg;
  - MMG-FSS-SS-1W-2/2021 at 8,900 mg/kg;
  - MMG-FSS-SS-2N-2/2021 at 3,500 mg/kg;
  - MMG-FSS-SS-2N-2/2021-FD at 2,000 mg/kg;
  - MMG-FSS-SS-2E-2/2021 at 2,300 mg/kg;
  - MMG-FSS-SS-2S-2/2021 at 2,000 mg/kg;
  - MMG-FSS-SS-2W-2/2021 at 10,000 mg/kg;
  - MMG-FSS-SS-3W-2/2021 at 240 mg/kg; and
  - MMG-FSS-SS-3S-2/2021 at 360 mg/kg.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Arsenic was detected in two SS samples collected around the perimeter of former Site structure 1 at concentrations exceeding the most stringent site-specific PRG of 22.6 mg/kg: MMG-FSS-SS-1W-2/2021 at 45 mg/kg and MMG-FSS-SS-1S-2/2021 at 52 mg/kg (Figure 3).

- **Former Yosemite Valley Railroad Alignment:** Arsenic was detected in one subsurface soil (SBS) sample (1 to 3 feet bgs) at a concentration exceeding the site-specific PRG of 22.6 mg/kg: MMG-FYVRA-SBS-3-2/2021 at 180 mg/kg (Figure 3).
- **Grids Across Accessible Portion of Site:** Lead was detected in three SS grid location samples (0 to 1 foot bgs) (including a field duplicate) at concentrations exceeding the site-specific PRG of 236 mg/kg: MMG-GRID-SS-6-2/2021 at 1,300 mg/kg, MMG-GRID-SS-6-2/2021-FD at 530 mg/kg, and MMG-GRID-SS-8-2/2021 at 410 mg/kg (Figure 3).

  Arsenic was detected in three SS grid location samples (0 to 1 foot bgs) (including a field duplicate) at concentrations exceeding the site-specific PRG of 22.6 mg/kg: MMG-GRID-SS-6-2/2021 at 56 mg/kg, MMG-GRID-SS-6-2/2021-FD at 53 mg/kg, and MMG-GRID-SS-17-2/2021 at 36 mg/kg. Arsenic was also detected in two SBS grid location samples (1 to 3 feet bgs) at concentrations exceeding the site-specific PRG of 22.6 mg/kg: MMG-GRID-SBS-6-2/2021 at 68 mg/kg and MMG-GRID-SBS-7-2-2021 at 23 mg/kg (Figure 3).
- **Background:** Discrete surface and subsurface soil samples were collected within an area deemed to be undisturbed. Arsenic results from the background samples collected were 3 mg/kg for SS and 4.2 mg/kg for SBS. Lead results from the background samples collected were 9 mg/kg for SS and 8.2 mg/kg for SBS.
- **Merced River:** Arsenic was detected in all four sediment samples (including a field duplicate) collected along the bank of the Merced River; concentrations ranged from 3.8 to 5.8 mg/kg, exceeding the EPA regional screening level (RSL) and California Department of Toxic Substances Control (DTSC) screening level (SL) for industrial use. These results were slightly greater than the result from the SS background sample of 3 mg/kg. However, arsenic results were below the site-specific PRG for soil of 22.6 mg/kg and U.S. Geological Survey (USGS) average background concentration in Mariposa County of 9.202 mg/kg—and thus are deemed naturally occurring. Arsenic results from samples collected upstream and downstream along the Merced River were also comparable, further supporting the claim that those cited arsenic concentrations exceeding the EPA RSL and DTSC SL likely are naturally occurring and did not derive from Site contamination.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

Arsenic was also detected in all four surface water samples (including a field duplicate) collocated with sediment samples; concentrations ranged from 0.25 to 0.35 micrograms per liter (µg/L). All concentrations had a "J" qualifier, indicating that the analyte was positively identified but the concentration was estimated. All arsenic results exceeded the EPA RSL (0.052 µg/L) and DTSC SL (0.0082 µg/L) for tap water. Because upstream and downstream sample arsenic results were comparable, the cited arsenic concentrations exceeding the SL likely are naturally occurring and did not derive from Site contamination.

The Phase II ESA report concluded that arsenic and lead concentrations above the SLs in soil could require removal, treatment, or capping to prevent exposure or release and to reduce potential health effects if the Site would be used for recreational purposes. No risks to human health in sediment and surface water were identified during the Phase II ESA that would require any cleanup action. Therefore, this ABCA will not present cleanup alternatives to address sediment and surface water. Because future use of the Site is anticipated to include recreational land use, this ABCA focuses on addressing contaminant concentrations in soil exceeding site-specific PRGs.

No other prior environmental investigations have occurred at the Site.

1.4 PROJECT GOAL

The overall goal of any brownfields cleanup action is to address environmental conditions preventing or impeding the preferred type of Site redevelopment and to do so in a manner protective of human health. The Applicant has interest in redeveloping a portion of the Site as part of a multiuse trail system. This ABCA considers cleanup alternatives that would be based on the most stringent site-specific PRGs for arsenic and lead in soil. This ABCA does not present cleanup alternatives to address any potential ecological risks. However, any cleanup efforts to address human health risk would also reduce risk to ecological receptors.

This ABCA addresses contaminants of concern (COCs) as identified in the Phase II ESA, which are arsenic and lead in soils.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

2.0 APPLICABLE REGULATIONS AND ASSUMED CLEANUP LEVELS

This section discusses oversight responsibility for cleanup, assumed cleanup levels, and applicable laws and regulations.

2.1 CLEANUP OVERSIGHT RESPONSIBILITY

Completion of cleanup and redevelopment of the Site must comply with applicable laws and regulations. The Regional Water Quality Control Boards (RWQCBs) and DTSC regulate and oversee cleanups of contaminated sites in California. The lead agency for oversight of remedial activities assumedly would be RWQCB or DTSC.

2.2 ASSUMED CLEANUP LEVELS FOR MAJOR CONTAMINANTS

For the purpose of this ABCA, the assumed cleanup levels for soil are based on the most stringent site-specific PRGs developed for the following potential receptors: trail user (adult or child), off-trail visitor (adult or child), recreational visitor (adult or child), camper (adult or child), construction/restoration worker, and Site maintenance worker. These are discussed in detail in Appendix A. Assumed cleanup levels for soil are listed in Table 1.

Appendix A presents risk-based PRGs for soils at the Site, based on the type of receptor (for example, child), types of exposure (for example, direct dermal), and duration of exposure. These classifications were based on best professional judgment and knowledge of likely land use and frequencies of those activities. Lower PRGs for soils were associated with scenarios involving sensitive receptors (such as children), more intense exposure, or longer durations of exposure. All PRGs were calculated to be conservative and protective of the potential receptors.

The Toeroek Team screened the analytical data acquired during previous investigations against the assumed cleanup levels identified above to determine the areas where remediation would be potentially warranted. The data are presented in the Phase I/II ESA TBA Report (Toeroek Team 2021). Figure 3 depicts the exceedances of the screening criteria; Figure 4 and Figure 5 show the approximate areas where remediation is potentially warranted based on these data. These areas are a rough approximation, and actual Site conditions may vary.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

2.3 LAWS AND REGULATIONS APPLICABLE TO THE CLEANUP

Completion of any future cleanup and redevelopment of the Site must comply with applicable laws and regulations. General environmental laws and regulations that may be applicable to the cleanup activities are identified and summarized below. This section is for informational purposes only. It is the responsibility of the party or parties conducting remedial activities to ensure compliance with all applicable laws and regulations.

Activities that generate waste for disposal in California would be subject to the waste management requirements in *California Code of Regulations* (CCR) Title 22, Division 4.5, or CCR Title 23, Division 3, both of which regulate hazardous waste; and CCR Title 27, Division 2, which regulates certain solid wastes. These regulations specify requirements on proper handling, management, and disposal of waste depending on the determination of the waste as hazardous, designated, or non-hazardous solid waste. If wastes are transported, out of California, the receiving state's transportation and disposal laws and regulations would apply

If capping of soils would occur within a flood zone, and if the Merced River is designated as a Water of the U.S. per 33 *Code of Federal Regulations* (CFR) 328.3(a), a Section 404 permit from the U.S. Army Corps of Engineers may be required in compliance with the Clean Water Act.

California Health and Safety Code Division 20, Chapter 6.5, California Civil Code Division 3, and *California Code of Regulations* Title 22, Division 4.5, Chapter 39 specify requirements for developing institutional controls (ICs) and land use covenants for properties where hazardous substances remain at levels unacceptable for unrestricted use.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

3.0 EVALUATION OF BROWNFIELDS CLEANUP ALTERNATIVES

The evaluation of cleanup alternatives in this ABCA is based on the anticipated future use scenario for the Site—multiuse trail system. Assumed cleanup levels for soil will be based on the site-specific PRGs developed in Appendix A.

3.1 CLEANUP ACTION OBJECTIVES

The cleanup action objectives for the Site are to mitigate potential human exposure to contaminants identified in soil at the Site at levels exceeding the assumed cleanup levels presented in Section 2.2. Future redevelopment of the Site is intended to include recreational exposure scenarios. The cleanup alternatives and costs presented in this ABCA may change if different exposure scenarios are identified, additional data become available, or a human health risk assessment occurs.

3.2 IDENTIFICATION OF CLEANUP ALTERNATIVES

The Toeroek Team initially assessed cleanup alternatives selected for evaluation to determine technical feasibility and whether the alternatives could achieve the project goal of addressing environmental conditions preventing or impeding the preferred type of Site redevelopment in a manner protective of human health. EPA (2020a) provides guidance pertaining to the various technologies available to ensure contamination is either removed from a site or treated so it no longer poses a threat to human health.

Those alternatives deemed potentially capable of achieving the overall project goal were further evaluated for effectiveness, implementability, and cost. Effectiveness of each alternative is rated as low, moderate, or high based on the ability of the alternative to mitigate potential human exposure to contaminants identified in soil. Implementability of each alternative is rated as easy, moderate, or difficult based on availability of services and materials needed to implement the alternative, as well as how easily the components of each alternative could be applied. The cost estimates presented in this ABCA are rough order-of-magnitude estimates (accuracy range of -25 to +75 percent), and are intended for comparison purposes only; they should not be used as budget- or design-level estimates.

Based on the planned future use of the Site potentially including development of a multiuse trail system, the following cleanup alternatives were considered:

- Alternative 1: No Action (Baseline);

- Alternative 2: Soil Excavation, Off-site Disposal, and ICs; and
- Alternative 3: Soil Excavation, Stabilization/Solidification, Consolidation, and Capping with ICs.

Detailed descriptions of each alternative and results of a comparative analysis of alternatives appear in the subsections below.

3.2.1 Alternative 1 – No Action (Baseline)

The no action alternative is included as a baseline for comparison to the other proposed alternatives. This alternative would involve no containment, treatment, removal, or monitoring of contaminants. All contaminated soil would be left in place, and no restrictions on future land use would be imposed.

Effectiveness

Because the no action alternative would not be protective of human health for the proposed reuse of the Site, it is not considered effective.

Implementation

Implementation of this alternative would require no effort because no containment, treatment, removal, or monitoring of contaminants would occur.

Cost

No costs are associated with this alternative because no activities would occur.

3.2.2 Alternative 2 – Soil Excavation, Off-Site Disposal, and ICs

This alternative would involve excavation of soils at the Site containing contaminant concentrations exceeding the assumed cleanup levels based on results from the Phase II ESA. The areas around former Site structures 1, 2, and 3; grid locations 6, 7, 8, and 17; and former Yosemite Valley Railroad alignment location 3 where elevated concentrations of arsenic and lead have been detected would be excavated to site-specific PRGs. Areas requiring excavation are depicted on Figure 4.

Excavation preparation would involve obtaining buried utility clearances, securing the area, and constructing runoff controls for surface drainage. The work area would be secured to prevent unauthorized access. During construction, a stormwater pollution prevention plan would be necessary to meet the requirements of the State of California.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

The areas around former Site structures 1, 2, and 3 would be excavated to 6 inches bgs. The areas around grid locations 8 and 17 would be excavated to 1.5 feet bgs. The areas around former Yosemite Valley Railroad alignment location 3 and grid locations 6 and 7 would be excavated to 3.5 feet bgs. Following excavation in these areas, five-point composite confirmation samples would be collected from the walls and the floor of each excavation area to ensure contaminant concentrations in remaining soils are below applicable site-specific PRGs. Soil would be stockpiled on the Site for waste profile characterization before off-site disposal. Following characterization, excavated soils would be hauled to an off-Site permitted disposal facility. Assumed for cost estimating purposes is that 75 five-point composite samples would be collected, five from each excavation area. Confirmation samples would be submitted to an off-Site laboratory for 24-hour turn-around-time analysis. Depending on hazardous and leaching characteristics, waste disposal may occur at a Class II or III permitted facility. Excavated areas would then be backfilled with clean fill material, graded, and seeded as appropriate to ensure proper flow of any stormwater runoff. Assumed for cost estimating purposes is availability of clean fill material from a property adjacent to the Site.

For cost estimating purposes, the Toeroek Team assumed the following for this alternative:

- Volume: Volumes of soil to be excavated to site-specific PRGs are as follows:

Location	Estimated Excavation Area (SF)	Estimated Excavation Depth (feet)	Estimated Excavation Volume (CY)
Former Site Structure 1	1,250	0.5	23
Former Site Structure 2	1,000	0.5	19
Former Site Structure 3	250	0.5	5
Grid Sample Location 6	400	3.5	52
Grid Sample Location 7	400	3.5	52
Grid Sample Location 8	400	1.5	22
Grid Sample Location 17	400	1.5	22
Former Yosemite Valley Railroad Alignment Sample Location 3	400	3.5	52
		Total Volume:	**247**

Notes:
CY Cubic yard
SF Square feet

- Waste Disposal: Selected samples from the Phase II ESA underwent California Waste Extraction Test (WET) and toxicity characterization leaching procedure (TCLP) analyses to pre-profile soil in the event that soil would be excavated for off-site disposal. The results of these analyses are presented in Appendix B. Based on the results, anticipation is that approximately 50 percent of excavated soil would require disposal at a Class I or II landfill as hazardous waste, and the remaining 50 percent would be accepted at a Class III landfill as non-hazardous waste.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

- Confirmation Sampling: Confirmation soil sampling would require collection of 75 five-point composite samples.
- Backfill: Clean fill material for backfilling excavated areas is available on a property adjacent to the Site.
- Because of limited accessibility to the Site, it is assumed that a Morooka© or similar type rig will be used for excavating contaminated soils on Site and transporting soils off Site to a staging area, approximately 1.5 miles east of the Site. The Morooka© is a smaller style excavator with rubber tracks and is highly maneuverable in rough terrain.

Effectiveness

Alternative 2 rates **high for effectiveness**, as it would permanently remove from the Site soil containing contaminant concentrations above site-specific PRGs. This alternative would allow recreational use of the Site as proposed; however, ICs would be needed to restrict land use to recreational only.

Implementation

Alternative 2 rates **moderate to difficult** for implementation due to site accessibility issues. Although excavation is a common remediation practice and equipment and contractors are readily available, the Site is not accessible by typical heavy equipment used for excavation as there is no existing river crossing or well-established roadway for vehicles and the terrain is rough. Therefore, implementation is more challenging. Excavation of approximately 247 CY of soil is assumed. Transport of excavation equipment from Hwy 140 across the Merced River to the Site would be necessary. For the purpose of this ABCA, it is assumed that excavation can be accomplished with a Morooka© rig which would use the existing trail along the Merced River to access the Site and transport contaminated soils back to a staging area, approximately 1.5 miles east of the Site. The Merced River is a designated wild and scenic river, so this would affect how soil can be transported. Other transport options may include use of a helicopter to transport soil and equipment back and forth from the Site. Use of a helicopter would be more difficult to implement as availability of pilots and helicopters may be limited. Estimated cost of using a helicopter is also much greater at a rate of $800 per hour. In addition, road repairs and widening may be needed to allow excavators and other equipment access to the Site. If needed, approximately 2,350 tons of material would be brought in, assuming a roadway width of 8 feet at a depth of 6 inches across the entire 1.5-mile stretch. Estimated cost for road repairs and widening is $82,000. Special permitting may be required. Soil excavation by qualified equipment operators would comply with applicable state and federal regulations. All waste soil excavated during this process would be transported to a Class I, II, or III-permitted facility for disposal, depending on results indicating hazardous

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

and leaching characteristics. In addition, planning this process would require careful consideration of precautions concerning worker health and safety. Implementation of ICs would include a restrictive covenant that would be filed with the Register of Deeds to ensure restriction of land uses to recreational only.

Cost

Estimated total cost of Alternative 2 in 2021 dollars is $694,000, which includes a capital cost of $628,000, $49,000 for ICs, and $17,000 for operation and maintenance (O&M) over 30 years. Capital cost includes costs for professional/technical services that may be needed to support construction of the remedial action including project management, remedial design, and construction management. These professional/technical services would cover any required permitting, surveys, or other services needed to support the remedial action. If a helicopter is to be used in place of a Morooka© rig, this is anticipated to increase costs by $96,000 to $182,500, assuming the helicopter would be needed for a minimum of 10 days and up to 19 days. If road repairs and widening are needed, this is estimated to increase costs by $82,000. O&M would include routine inspections to ensure the ICs remain protective of human health. Assumed for cost estimating purposes is that O&M would be required for 30 years; however, O&M would be needed in perpetuity for ICs. Costs were estimated by applying selected functions of the Remedial Action Cost Engineering and Requirements System (RACER) Version 11.2.16.0, contractor quotes, and professional judgment, and include a 30 percent contingency to account for unknown costs associated with changes in scope that may occur during the design phase and unknown costs associated with construction and implementation of the alternative. Cost details appear in Table 2.

3.2.3 *Alternative 3 – Excavation, Stabilization/Solidification, Consolidation, and Capping with ICs*

This alternative, as with Alternative 2, would involve excavation at the Site of soils containing contaminant concentrations above the assumed cleanup levels. Soils would then be consolidated on the Site and capped, as opposed to off-site disposal.

Following excavation, soils would be mixed with a stabilizing agent, such as Portland cement, to reduce mobility and leaching of metals to groundwater. Excavated soils would be consolidated in a designated soil capping area, which would be upgradient and out of flood zones. Consolidated soils would then be capped with an unlined earthen cap to prevent direct contact and incidental ingestion by future construction workers and industrial/commercial users of the Site. Figure 5 depicts the areas to be excavated and a potential location for consolidating and capping soils. Excavated areas would then be backfilled with clean fill material,

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

graded, and seeded as appropriate to ensure proper flow of any stormwater runoff. For cost estimating purposes, clean fill material is assumed available on a property adjacent to the Site.

ICs would be necessary to prevent exposure of trail users, construction workers, and trespassers to contaminated soils below the cap. In addition, long-term O&M would be required to ensure effectiveness of the cap and protectiveness of ICs.

This alternative would allow recreational use of the Site; however, restricted future use would be necessary at the portion of the Site containing the capped waste.

For cost estimating purposes, the Toeroek Team assumed the following:

- Capping: Unlined earthen capping would cover an area of approximately 2,525 SF.
- Volume: Volumes of soil to be excavated to site-specific PRGs are as follows:

Location	Estimated Excavation Area (SF)	Estimated Excavation Depth (feet)	Estimated Excavation Volume (CY)
Former Site Structure 1	1,250	0.5	23
Former Site Structure 2	1,000	0.5	19
Former Site Structure 3	250	0.5	5
Grid Sample Location 6	400	3.5	52
Grid Sample Location 7	400	3.5	52
Grid Sample Location 8	400	1.5	22
Grid Sample Location 17	400	1.5	22
Former Yosemite Valley Railroad Alignment Sample Location 3	400	3.5	52
		Total Volume:	247

Notes:
CY Cubic yard
SF Square feet

- Confirmation Sampling: Confirmation soil sampling would require collection of 75 five-point composite samples.
- Backfill: Clean fill material for backfilling excavated areas is available on a property adjacent to the Site.
- Because of limited accessibility to the Site, it is assumed that a Morooka© or similar type rig will be used for excavating and consolidating contaminated soils on Site.

DRAFT

Effectiveness

Alternative 3 rates **moderate** to **high** for effectiveness, as this method would reduce long-term risk to human receptors by capping contaminated soils; however, contaminants would remain at concentrations above site-specific PRGs in the capped area, requiring implementation of ICs in perpetuity to restrict land use in that area. Routine monitoring and maintenance would be required for the capped area. ICs would provide suitable protection of human health from those capped contaminants and protection of the capped and encapsulated areas. This alternative would allow recreational use of the Site; however, restrictions (ICs) would apply. This alternative would limit recreational use of the Site to non-impacted areas.

Implementation

Alternative 3 rates **difficult** for implementation due to site accessibility issues (as described in Section 3.2.2), additional equipment required beyond that for Alternative 2, and long-term O&M of the cap. Excavation of approximately 247 CY of soil is assumed. Transport of excavation equipment from Hwy 140 across the Merced River to the Site would be necessary. For the purpose of this ABCA, it is assumed that excavation and consolidation can be accomplished with a Morooka® rig which would use the existing trail along the Merced River to access the Site. The Merced River is a designated wild and scenic river, so this would affect how equipment can be transported. Other transport options may include use of a helicopter to transport equipment back and forth from the Site. Use of a helicopter would be more difficult to implement as availability of pilots and helicopters may be limited. Estimated cost of using a helicopter is also much greater at a rate of $800 per hour. In addition, road repairs and widening may be needed to allow excavators and other equipment access to the Site. If needed, approximately 2,350 tons of material would be brought in, assuming a roadway width of 8 feet at a depth of 6 inches across the entire 1.5-mile stretch. Estimated cost for road repairs and widening is $82,000. Special permitting may be required. Capping is a common remediation practice, and the materials, services, and equipment necessary for implementation are readily available; however, capped areas would require routine monitoring and maintenance in perpetuity. Approximately 2,525 SF would be covered with an unlined earthen cap to control infiltration, depending on leaching characteristics of contaminants in the soil pile sample. Implementation of ICs would include a restrictive covenant that would be filed with the Register of Deeds to ensure contamination left in place would not be disturbed under any future use scenario. In addition, planning this process would necessitate careful consideration of precautions concerning worker health and safety. Long-term O&M would also be required to ensure effectiveness of the capped and encapsulated areas, and protectiveness of the ICs.

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

Cost

Estimated total cost of Alternative 3 in 2021 dollars is $574,000, which includes a capital cost of $504,000, $49,000 for ICs, and $21,000 for O&M over 30 years, which includes cap repair and maintenance, inspections, and monitoring. Capital cost includes costs for professional/technical services that may be needed to support construction of the remedial action including project management, remedial design, and construction management. These professional/technical services would cover any required permitting, surveys, or other services needed to support the remedial action. If a helicopter is to be used in place of a Morooka® rig, this is anticipated to increase costs by $96,000 to $182,500, assuming the helicopter would be needed for a minimum of 10 days and up to 19 days. If road repairs and widening are needed, this is estimated to increase costs by $82,000. Assumed for cost estimating purposes is that O&M would be required for 30 years; however, O&M would be needed in perpetuity for the life of the cap and ICs. Costs were estimated by applying selected functions of RACER Version 11.2.16.0, contractor quotes, and professional judgment, and include a 30 percent contingency to account for unknown costs associated with changes in scope that may occur during the design phase and unknown costs associated with construction and implementation of the alternative. Cost details appear in Table 2.

3.2.4 Alternatives Considered and Dismissed

A wide variety of alternatives are available for remediation of soil. Table 3 identifies alternatives considered but not selected for further evaluation to remediate soil at the Site.

3.3 COMPARISON OF ALTERNATIVES

The Toeroek Team assessed each cleanup alternative selected for evaluation to determine its effectiveness, implementability, and cost in Section 3.2. A comparative analysis of alternatives based on the same criteria is in this section.

Effectiveness:

Alternative 1, the no action alternative, would not be protective of human health and would not meet the project goal for the Site.

Alternatives 2 and 3 are similar in that they would involve remediation of all contaminated soils at the Site to site-specific cleanup goals. Alternative 2 includes disposal of all soil at an off-site permitted disposal facility, while Alternative 3 involves consolidation and capping of soils on the Site. Both alternatives would allow recreational use of the Site as proposed; however, ICs would be required to restrict land use to recreational

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

uses only. Alternative 3 would also require ICs to (1) restrict land use in areas where soils are capped on the Site, and (2) ensure that capped areas are maintained in perpetuity. Alternative 2 is highly effective and Alternative 3 is moderately to highly effective, as both alternatives would reduce long-term risk to human receptors by either removing or capping contaminated soils.

Implementability

Alternative 2 would rate moderate to difficult for implementation. Excavation is a common remediation practice, and the equipment and contractors are readily available; but significant accessibility issues would affect transport of both equipment and excavated soils across the Merced River. Alternative 3 would rate difficult for implementation. Capping is a common remediation practice, and the materials, services, and equipment necessary for implementation are readily available, although additional types of equipment would be necessary compared to those needed for excavation alone; however, the same accessibility issues apply as in Alternative 2, and the capped area would require routine monitoring and maintenance, and movement of equipment in perpetuity.

Cost

Alternative 2 is expected to cost more than Alternative 3 primarily because of the anticipated costs for off-Site disposal of contaminated soils.

Table 4 summarizes each alternative based on effectiveness, implementability, and cost.

3.4 CONSIDERATION OF CLIMATE CHANGE IMPACTS

Scientific evidence demonstrates that the climate is changing at an increasingly rapid rate, posing a challenge to EPA in its ability to fulfill its mission to protect human health and the environment. EPA must adapt to climate change to continue to fulfill its statutory, regulatory, and programmatic requirements. In January 2014, EPA (2014a) published a Climate Change Adaptation Plan, which described priority actions for EPA to integrate into its programs, policies, rules, and operations. New priority actions and steps, beyond this Climate Change Adaptation Plan, are continuing to be taken by EPA to ensure adaptation to climate change is a high priority.

EPA Region 9's Climate Change Adaptation Implementation Plan (2014b) identifies the adverse impacts of climate change as air temperature increases, precipitation decreases, storm intensity increases, ocean acidification and warming increase, and sea levels rise. The following seven vulnerabilities specific to the

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

southwest geographic region, where the Site is located, are cited in the *National Water Program 2012 Strategy: Response to Climate Change* (EPA 2012):

1. Warmer temperatures, resulting in reduced mountain snowpacks and peak spring runoff from snow melt occurring earlier in the season, leading to a shortage of fresh water during the summer.
2. Magnitude of projected temperature increases that will significantly stress health, energy, and water supply in an area already subject to high summer temperatures,
3. Reduced groundwater supply because of lack of recharge.
4. Warmer ocean temperatures, decreasing productivity and impacting fisheries and aquatic life.
5. Increased frequency and altered timing of flooding, increasing risks to people, ecosystems, and infrastructure.
6. Sea level rise contributing to loss of wetlands and infrastructure along coastal corridors.
7. Magnitude and frequency of wildfires, which has increased over the last 30 years, impacting water quality in streams, creeks, rivers, lakes, and estuaries.

The Site is within the southwest geographic region, and thus is susceptible to several of the vulnerabilities listed above, particularly #1, #2, #5, and #7. The Site is approximately 118 miles northeast of the Pacific Ocean coast at an elevation of 1,312 feet above mean sea level, and is unlikely to be directly affected by warmer ocean temperature and sea level rise.

In June 2021, EPA (2021) published a Climate Smart Brownfields Manual that provides guidance to communities related to climate mitigation, adaptation, and resilience in the context of brownfield cleanup and redevelopment. As the Applicant moves toward cleanup of the Site, this manual can and will hopefully be useful in identifying ways to reduce climate impacts through greener demolition or implementation of greener cleanups.

3.5 GREEN AND SUSTAINABLE REMEDIATION GUIDANCE

Cleanup of a site can be regarded as "green" in that the cleanup improves the environmental and public health conditions of that site. However, these remediation efforts require energy, water, and other material resources to achieve cleanup objectives. Therefore, the process of remediation creates its own environmental footprint. EPA provides guidance on how to optimize environmental performance and implement protective cleanups that are greener. In Principles for Greener Cleanups, which serves as the foundation for the greener

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

cleanup policy, EPA (2020b) identifies the following considerations related to a green cleanup assessment that may inform selection and implementation of protective cleanup activities:

- Total energy use and renewable energy use;
- Air pollutants and greenhouse gas emissions;
- Water use and impacts on water resources;
- Materials management and waste reduction;
- Land management and ecosystem protection.

The Toeroek Team conducted an analysis of the environmental footprints of removal actions contemplated for the Site using the Spreadsheets for Environmental Footprint Analysis (SEFA) (EPA 2019). The analysis considered the first two elements listed above and determined total energy usage and masses of different emissions generated by different construction activities, including greenhouse gases, nitrogen oxides, sulfur oxides, particulate matter, and listed air pollutants. Results of the SEFA are summarized below and presented in Appendix C.

Impacts of all emissions and total energy usage would be medium for Alternative 2 and high for Alternative 3. Alternatives 2 and 3 are similar in technologies used.

Regarding Alternative 2, environmental impacts would derive entirely from excavation of contaminated soil and disposal of it at an off-Site facility. Alternative 2 would exert a lower environmental impact than Alternative 3 (excluding consideration of the no action Alternative 1) primarily because of the off-site disposal of contaminated soils.

Regarding Alternative 3, environmental impacts would result primarily from excavation of contaminated soil, stabilization/solidification of that contaminated soil, and consolidation of it on the Site; secondarily from capping of contaminated soils; and finally from ICs.

3.5.1 *Administrative Suggestions*

The process of selecting remediation contractors should focus on those who follow green remediation best management practices and consider the five elements identified above in Section 3.5. Redevelopment plans and planned future use of the Site should indicate the type of remediation necessary to ensure application of

Analysis of Brownfields Cleanup Alternatives
Mariposa – Miller Gulch (8871 Hwy 140)
Final
Date: October 20, 2021

efficient and sustainable methods. Renewable energy should be considered for future redevelopment. Efforts at reporting should involve use of digital format rather than hard copy when feasible.

3.5.2 *Operations Suggestions*

The following operations suggestions should be considered to achieve green and sustainable remediation at the Site:

- Minimize use of non-renewable energy to the extent feasible by use of energy-efficient equipment and vehicles, renewable energy supplies, and renewable energy generation systems on the Site.
- Implement sustainable practices that may reduce use of fossil fuels, such as on-site capping rather than off-site disposal, and use of native vegetation when possible.
- Minimize wastes as much as possible via efforts at recycling and reuse.
- Conduct transport and disposal operations as efficiently as possible to reduce the number of trips needed.
- Include in excavation activities clean fuel and emission controls, such as idle reduction devices; ultra-low sulfur diesel and fuel-grade biodiesel; EPA or California Air Resources Board-verified emission control technology; and routine engine maintenance.

3.5.3 *Bioremediation Considerations*

Bioremediation involves use of microorganisms to degrade organic contaminants. The microorganisms break down contaminants by using them as a food source or co-metabolizing them with a food source. Nutrients are added to stimulate and create a favorable environment for microorganisms to grow and use contaminants as a food and energy source. Bioremediation was not considered in this ABCA because it is not effective in treatment of arsenic and lead in soil, and likely would not achieve the project goal.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX I

MERCED RIVER CONSERVATION COMMITTEE WHITE PAPER (2022)

DRAFT

This Merced River Trail white paper report was prepared by Michael Martin and Jeff Gabe of the Merced River Conservation Committee, who participated in the Merced Irrigation Districts' (MID) Federal Energy Regulatory Commission (FERC) relicensing process from 2008 to 2016. It was completed as a final report in January 2022. The report summarizes the MID License conditions that FERC requires, in order for MID to operate their hydroelectric power operations. It included the specific language of each condition, and its location within the federal Environmental Impact Statement and associated documents. It was envisioned that this document would facilitate access to, the implementation and oversight of, Merced River Trail-related conditions, upon implementation with the final issuance of MID's license by FERC. Specifically, the paper directly relates to the following recommended actions:

- ***Action 2.2: Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek***
- ***Action 6.2: Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam***

SUMMARY OF LICENSE CONDITIONS FOR MERCED RIVER TRAIL PROJECT, FEDERAL ENERGY REGULATORY COMMISSION, MERCED IRRIGATION DISTRICT'S MERCED RIVER HYDROELECTRIC PROJECT, P-2179, & PACIFIC GAS AND ELECTRIC'S MERCED FALLS PROJECT, P-2467, MERCED RIVER, CALIFORNIA



Merced River
Conservation Committee

DRAFT

The creation of an extensive recreational trail adjacent to the Merced River has been contemplated for several decades. Realization of a 60+ mile contiguous Merced River Trail (MRT) has recently received additional momentum due to the review of the Merced Irrigation District's (MID) application with the Federal Energy Regulation Commission (FERC) to renew its operating license for three of its dams on the Merced River—New Exchequer, McSwain and Merced Falls. During the FERC license renewal process MID developed and negotiated a relicensing application with regulatory agencies and NGOs which included numerous protection, mitigation, and enhancement (PMEs) conditions intended to mitigate the impacts of the project on the environment. MID's relicensing application ultimately contains five enforceable conditions with substantial impacts on the nascent MRT between Bagby and the upstream MID project boundary near Sherlock Creek. The application also contains one enforceable condition requiring the evaluation of potential MRT development between Bagby and the McSwain dam downstream.

On December 4, 2015, FERC issued the Final EIS[1] for MID's relicensing application. The Final EIS identifies the conditions that MID must comply with when operating their hydropower facilities. It includes two conditions incorporating the six Merced River Trail related conditions found in the relicensing application: 1) Condition 17-Merced River Trail Conceptual Plans and Implementation, and 2) Condition 19-Recreational Facilities Plan.[2] The Recreational Facilities Plan includes five sections related to the hiker-biker trail

[1] Federal Energy Regulatory Commission. 2015. Final Environmental Impact Statement for Hydropower Licenses regarding the Merced River Hydroelectric Project et al under P-2179 et al. December 4, 2015. 840 p. *See eLibrary* 20151204-4003.
[2] Bureau of Land Management. 2015(b). ILP Final Terms and Conditions - Recreation Facilities Plan - Licensing Proposal of BLM - CALIFORNIA under P-2179. July 29, 2015. 133 p. *See e*Library 20150729-5088.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

between Bagby and the upstream project boundary and a Merced River boating trail in the same river reach. All of these conditions will be included in the Final Operating License for the project.

The language pertaining to the six enforceable conditions related to the MRT is found in two locations of the MID relicensing application, the Final EIS and associated documents. Locating these conditions is not a trivial task. It is the primary intent of this document to provide a summary of the relicensing conditions related to the MRT. Additionally, this document presents the specific language of each condition and its location within the Final EIS and associated documents. It is hoped that this document will help facilitate the implementation and monitoring of the MRT-related conditions subsequent to relicensing by FERC.

The six license conditions pertaining to the MRT are summarized below:

1. Maintain the existing railroad grade trail from the Project Boundary downstream to the Highway 49/Bagby Trailhead.
2. Improve the existing trail and develop a formal trailhead off Highway 49. (Proposed Railroad Grade Connector Trail and Trailhead (New)).
3. Build and maintain a pedestrian bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area connecting the Merced River Trail from the north side to the south side and build a south side trail to the Bagby Recreation Area.
4. Improve the existing informal whitewater takeout at Sheperd's Point Primitive Area.
5. Develop and maintain an upstream takeout facility at Sherlock Creek.
6. Develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain Dam to Bagby Recreation Area.

Additional information for each of the relevant conditions is found in Table 1. This information includes the timing of implementing the condition, any pre-implementation

contingencies, its location in the Final EIS and associated documents with page citation, and a FERC eLibrary Document Number. Table 1 also identifies the Appendices attached to this document which contain the actual language of the MRT related conditions in the application documents.

Table 1. Measures related to Merced River Trail in MID relicensing application.

Description	Comments	Attached as Appendix	Relicensing Document	Page	eLibrary Doc #
Maintain the existing railroad grade trail from the Project Boundary downstream to the Highway 49/Bagby Trailhead.	Ongoing.	1	BLM Recreation Plan	Page 3-4	20150729-5088
Improve the existing trail and develop a formal trailhead off Highway 49. (Proposed Railroad Grade Connector Trail and Trailhead (New))	Within 3 years of license issuance.	2	BLM Recreation Plan	Page 3-18	20150729-5088
Build and maintain a pedestrian bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area connecting the Merced River Trail from the north side to the south side and build a south side trail to the Bagby RA	Within 3 years of BLM verification of existence of legal access through ownership or easements that would allow public access to the Bagby RA and BLM construction of a bridge across the North Fork of the Merced River.	3	BLM Recreation Plan	Page 3-18	20150729-5088
Improve the existing informal whitewater takeout at Sheperd's Point Primitive Area.	Within 2 years of license issuance.	4	BLM Recreation Plan	Pages 3-17	20150729-5088
Develop and maintain an upstream takeout facility at Sherlock Creek.	Within 3 years of BLM securing appropriate public access via Mosher Road.	5	BLM Recreation Plan	Pages 3-17 & 18	20150729-5088
Develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain Dam to Bagby Recreation Area.	Within 18 months of license issuance in conjunction with BLM.	6	FERC Final EIS - BLM 4e Mandatory Conditions;	Appendix D: D-13 through D-15	20151204-4003

The relicensing application is currently awaiting final FERC approval pending consideration of State Water Quality Certification conditions of the California State Water Control Board. There are several court cases pending related to water quality

DRAFT

certification issues for these dam projects. FERC is delaying the issuance of a final license until these court actions become final. Once the license is issued, the conditions pertaining to the MRT will become effective.

Afterword

This document was prepared by Michael Martin (mmartin@sti.net) and Jeff Gabe (jdgabe@sti.net), members of the Merced River Conservation Committee (MRCC), to assist interested people in understanding and referencing the important measures associated with the Merced River Trail, in the river sections affected by the FERC Hydroelectric Projects on the Merced River. The MRCC is an intervenor in the FERC relicensing of the Merced River Projects. MRCC is a local volunteer organization of members interested in the Merced River watershed and its future. It is based in Mariposa County. MRCC's principal interests are fisheries and aquatic habitat, trail and boating recreation, and historic sites. Its members fish, raft, and hike on the Merced River and are interested in the long-term protection of the Merced River. The interests of MRCC's members are directly affected by the outcome of this relicensing and state water quality and quantity proceedings that may determine protection, mitigation, and enhancement measures associated with facilities and operations on the Merced River.

APPENDICES 1-6

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Appendix 1. Maintain the existing railroad grade trail from the Project Boundary downstream to the Highway 49/Bagby Trailhead.

3.1.4 Annual Maintenance of the Existing Railroad Grade Trail

Merced ID will maintain on an annual basis the existing railroad grade remnants (trail) from the Project Boundary to the Highway 49/Bagby Trailhead. Once the Reservoir has receded to 830-ft elevation, Merced ID will clear the trail of fallen debris and siltation. The trail segment, which enters into the "Wild Classification" of the Merced Wild and Scenic River plan, will be maintained by non-mechanical means.

DRAFT

Appendix 2. Improve the existing trail and develop a formal trailhead off Highway 49. (Proposed Railroad Grade Connector Trail and Trailhead (new).

- A hardened (gravel or other option) takeout trail or path (minimum 10 ft wide) from the reservoir/river to the gravel parking area.
- Kiosk sign.

Proposed Railroad Grade Connector Trail and Trailhead (New)

Within 3 years after license issuance, Merced ID will continue to allow and maintain existing public access adjacent to the north end of Highway 49 bridge to the existing railroad grade where it connects to the day use trail. In addition, Merced ID will improve the existing trail and develop a formal trailhead, as follows:

- Developing a parking area for 10 passenger vehicles immediately off Highway 49 with a sign directing trail users to the formal trailhead further down the trail
- Re-grading and constructing a new connector trail segment and bridge to allow for access above the high water mark at the trailhead, across the existing slough to the existing railroad grade remnant below the high water line.
- Developing a trailhead along the new connector trail (off of Highway 49), including the following amenities:
  - An information kiosk with a trail map, trail information and regulations, and Bagby area interpretive information.
  - A picnic table
  - A single-unit restroom

If Merced ID cannot get authorization to build a day use site at Highway 49 Bridge, Merced ID will build a day use site that meets the criteria listed above on BLM land.

Proposed Merced River South Shoreline Trail and Pedestrian Bridge (New)

Merced ID will be responsible to build and maintain a pedestrian bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area connecting the Merced River Trail from the north side to the south side and build a south side trail to the Bagby RA. Merced ID will only be required to build and maintain the pedestrian bridge and south side trail if and only if:

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Appendix 3. Proposed Merced River South Shoreline Trail and Pedestrian Bridge near Sherlock Creek and Build South Shoreline Trail to Bagby Recreation Area.

If Merced ID cannot get authorization to build a day use site at Highway 49 Bridge, Merced ID will build a day use site that meets the criteria listed above on BLM land.

Proposed Merced River South Shoreline Trail and Pedestrian Bridge (New)

Merced ID will be responsible to build and maintain a pedestrian bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area connecting the Merced River Trail from the north side to the south side and build a south side trail to the Bagby RA. Merced ID will only be required to build and maintain the pedestrian bridge and south side trail if and only if:

- All lands necessary to build a trail connecting from the BLM lands near Sherlock Creek (T4S, R17E, S10, S11) have legal access through ownership or easements that would allow public access to the Bagby RA owned by Merced ID.
- BLM constructs a bridge, at no cost to Merced ID, across the North Fork of the Merced River to allow safe public crossing during spring snow melt off and storm events.

BLM will notify Merced ID when these two contingencies have been met. Within 3 years of this notification Merced ID will build the specified bridge and trail.

Appendix 4. Improve the existing informal whitewater takeout at Sheperd's Point Primitive Area.

Major Capital Improvements

Interpretive and Educational Displays (New)

Merced ID proposes to develop and install two interpretive and educational displays at Bagby RA with one display each at the boat launch parking area and Bagby Campground. The displays will include historical and educational information about the Bagby area.

Whitewater Boating Takeout (New)

Within 2 years of license issuance, Merced ID will improve the existing informal takeout at Sheperd's Point Primitive Area. Note that no vehicles or vehicle/trailer combinations are allowed on Sheperd's Point Road that exceeds 30 ft in length due to the road configuration. The improvements will include:

- A gravel parking area with 10 spaces with at least 2 spaces to accommodate a vehicle with a trailer combination of no more than 30 ft in length (40-ft long spaces)
- A two-unit vault restroom (the takeout may utilize the Sheperd's Point Primitive Area toilet if it is replaced with a two-unit vault toilet).
- A hardened (gravel or other option) takeout trail or path (minimum 10 ft wide) from the reservoir/river to the gravel parking area.
- Merced ID will provide and maintain public access during the whitewater boating season (when flows are 700 cfs or higher as reported at CDEC station "EXC") unless Merced ID deems the road unsafe for public use. When the road is closed for public safety reasons, Merced ID will notify BLM.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Appendix 5. Develop and maintain an upstream whitewater takeout facility at Sherlock Creek.

Merced ID will be responsible for developing and maintaining an upstream takeout facility at Sherlock Creek, if, and only if, the following conditions are met regarding road access via Mosher Road to the site: 1) BLM is able to secure public access on the road; 2) BLM can ensure the road condition is appropriate for the type of use/needs (vans/pickup trucks). BLM will notify Merced ID when these conditions have been met. Within 3 years of this notification Merced ID will initiate and complete the Sherlock Creek improvements which will include the following specific facilities.

- A gravel parking area with 10 spaces to accommodate up to a 1.5-ton pickup truck or van.
- A two-unit vault restroom.
- A hardened (gravel or other option) takeout trail or path (minimum 10 ft wide) from the reservoir/river to the gravel parking area.
- Kiosk sign.

DRAFT

Appendix 6. Develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain Dam to Bagby Recreation Area.

inspections of project recreation facilities and use on BLM lands, including follow- up action taken by the licensee.

- Status of recreation projects from the previous year, including rehabilitation of existing recreation facilities, the establishment of new recreation facilities, and any other recreation measures or programs that were implemented.
- List of the recreation facilities scheduled for rehabilitation and any other Recreation Facilities Plan measures or programs to be implemented, including:
  - Logistical and coordination planning.
  - Implementation schedule.
  - Coordination needs.
  - Permitting requirement.
  - Key resources that will need to be protected from potential impacts associated with the implementation of the scheduled recreation projects.
  - Potential adjustments in schedule.
- Licensee and BLM will identify any coordination needed with other projects being implemented in the area. Permitting requirements, additional required environmental documentation and key resources that will need to be protected from potential impacts associated with the implementation of the scheduled recreation projects will be addressed. BLM must approve any revisions to the **Project's Recreation Facilities Plan schedule when BLM land is involved, and the** revised schedule will be submitted to FERC. Within 60 days following the meeting, licensee will file with FERC evidence of the meeting, which will summarize comments made by the agencies, and plan revisions or other agreements that were reached by licensee and the agencies. The Annual Recreation Coordination Meeting is a minimum requirement and it is anticipated that meetings may occur throughout each year as needed to implement the Recreation Facilities Plan.

Any adjustments in specific actions or schedules shall be approved by BLM and filed with FERC.

Condition No. 17 – Merced River Trail Conceptual Plans and Implementation

Licensee shall, within 18 months of license issuance and in conjunction with BLM, develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain dam to Bagby Recreation Area. The overall planning goal will be to align the Merced River Trail to follow the shoreline of Lake McClure and McSwain reservoirs where it is possible to do so. The Merced River Trail Conceptual Plan shall include the following:

- Introduction
- Table of Contents

Appendix 6 continued.

- Table of Tables/Figures (Photos and maps)
- Executive Summary
- Vision Statement
- Purpose and Need
- Setting
- Discussion By Trail Alternative
- Implementation - The Merced River Trail Conceptual Plan will contain three levels of recommendations for trail segments 'priority,' 'potential.' and 'conceptual.' Priority trail segments are those that have primary importance a a great deal of support and are relatively 'ready to implement. Potential trail segments need a little more work before they could be taken to the implementation level. Conceptual trail segments are mostly placeholders – ideas that need further research before they are considered in planning processes.
- Conclusion

In addition to the above plan sections, the plan will potentially identify proposed trail segments that maycour on private land. However, under no circumstances, will private landowners be required to sell their land; or will Merced ID be required to file eminent domain proceedings to take their land. While the plan may illustrate a proposed trail segment across private land, only willing private land owners will ever be involved in future implementation of proposed trail segments on private land.

The plan shall identify on Geographic Information System (GIS) maps using BLM approved GIS protocols at least three corridors, each approximately 100 feet wide, in which a pedestrian trail may be sited. Topographic mapping, satellite imagery and other planning tools that are available will be used in showing the locations of the three trail alternative routes and any features or issues relating to these proposed segments.

For the purpose of the plan, licensee shall assume the trail is 4-8 feet wide, made up of natural-surface material, has a maximum grade of 10%, with an understanding that in most areas the standard threshold of 5% or less will be the goal that licensee will try to adhere to in designing the trail route alternatives. The Merced River Trail alignment does not need to be located within the existing FERC project boundary.

The GIS maps shall show for each corridor: land ownership, elevation along the corridor centerline to approximately 2 foot horizontal resolution, streams, roads, key results from licensee's relicensing studies (e.g.,sensitive areas due to special-status plants and wildlife resources), and other pertinent features and information. Known cultural and ESA-listed resources will be included in the evaluation, but will not be specifically identified on the GIS maps.

Licensee shall include in the plan, for each alternative trail corridor, concept-level drawings for trailhead access points, typical trail sections, and any associated trail

Appendix 6 continued.

facilities (e.g., campsites, picnic areas, foot bridges, causeways and signs). The plan shall include, for each alternative trail corridor, a discussion of agency permitting/approval requirements and a conceptual level cost by major cost areas for completion of the entire trail. The plan will also evaluate soils, erosion issues, brush removal, trail clearing by machines, hand crews, etc. for each alternative.

Licensee shall develop an operations and maintenance section for each proposed alternative trail corridor. Included in this section will be projected costs to maintain the trails, and facilities.

Licensee will hold a public meeting annually for the first 5 years after the plan is approved by FERC, and again as needed to discuss trail related issues with stakeholders, BLM, and other agencies.

Licensee will develop an MOU with BLM to address issues related to the Merced River Trail that are outside the project boundary, including how to proceed in producing a Final Merced River Conceptual Trail Plan and producing a NEPA/CEQA document, funding and implementation.

Following the Merced Trail Conceptual Plan, licensee shall provide a trail implementation proposal, which shall include licensee
alternative trail corridor, to BLM and interested parties for 90-day review and comment. BLM will allow licensee 60 days to respond to its review. Licensee will file the agreed upon Final Merced Trail Conceptual Plan with the Commission. If agreement has not been reached by the licensee and BLM on a preferred route, licensee will keep the Commission informed bi- annually of the current status. Once agreement has been reached, licensee will file the agreed upon plan with the Commission.

Funding for implementing the Merced River Trail Conceptual Plan will be the responsibility of both parties, the licensee for their lands and federal lands within the FERC project boundary and for BLM on their lands outside of the FERC project boundary. Responsibilities for each party include the cost of permitting, design, construction, and maintenance for their respective lands and land management responsibilities. It is expected that most if not all of the funding will come from outside sources where both agencies and their partners are able to secure grant funding sources.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX J

PRELIMINARY TRAIL COUNT DATA

DRAFT

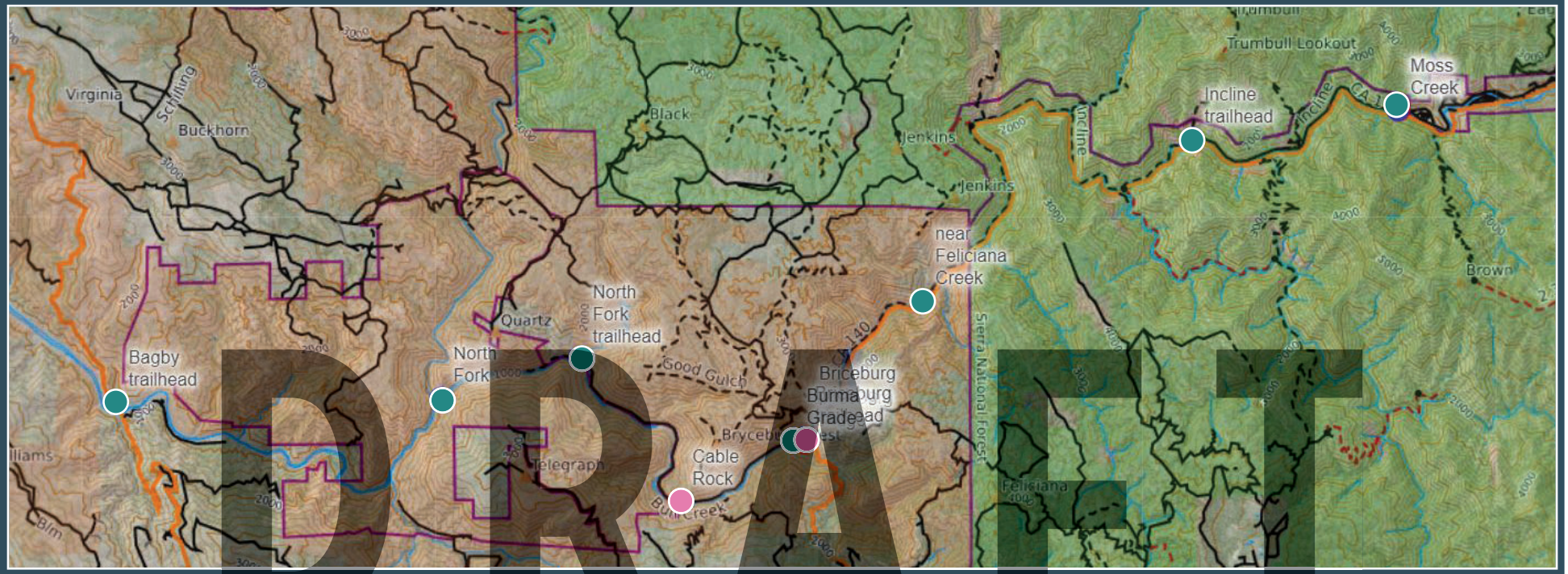
Beginning in January 2022, Dr. Jeffrey Jenkins, researcher and Assistant Professor of Parks and Protected Areas in the Department of Management of Complex Systems at UC Merced, began a year-long agency-authorized study of current visitor use trends of the Merced River Trail. The study involves installing a total of 12 unobtrusive trail counters that are calibrated to differentiate between bike/pedestrian trail users and, in the areas where they are allowed (such as Incline Road and the Bagby and Briceburg trailheads), vehicular users.

After a year of data collection, the outputs from the trail count study will be analyzed to extrapolate use trends. The data will provide a baseline understanding of trail usage that will help inform future trail planning and sustainable management practices. It is anticipated to be a resource for several recommendations in the action plan, in particular:

- ***Action 4.5: Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads***
- ***Action 4.6: Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use***
- ***Action 5.3: Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments***
- ***Action 8.2: Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs***

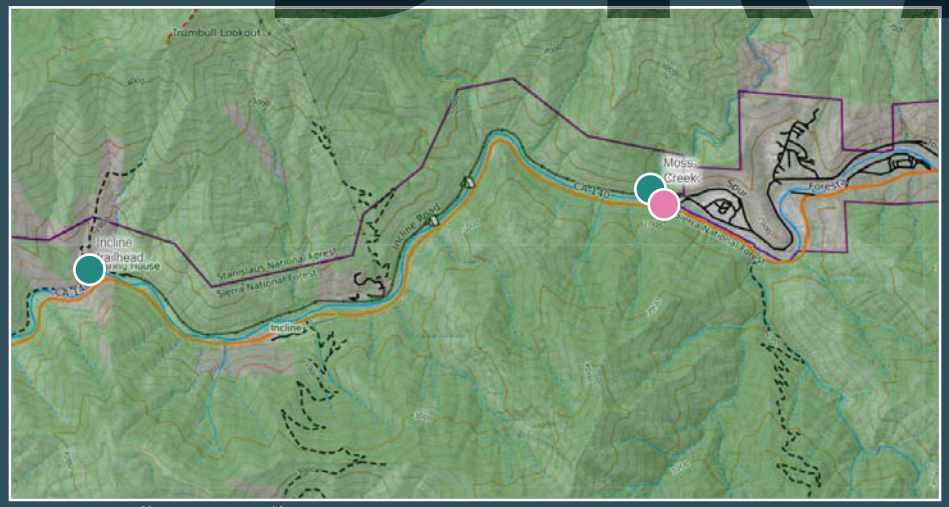
2022 TRAIL USE STUDY: COUNTER TYPE AND LOCATION

LEGEND: VEHICLE COUNTER CYCLIST/HIKER COUNTER

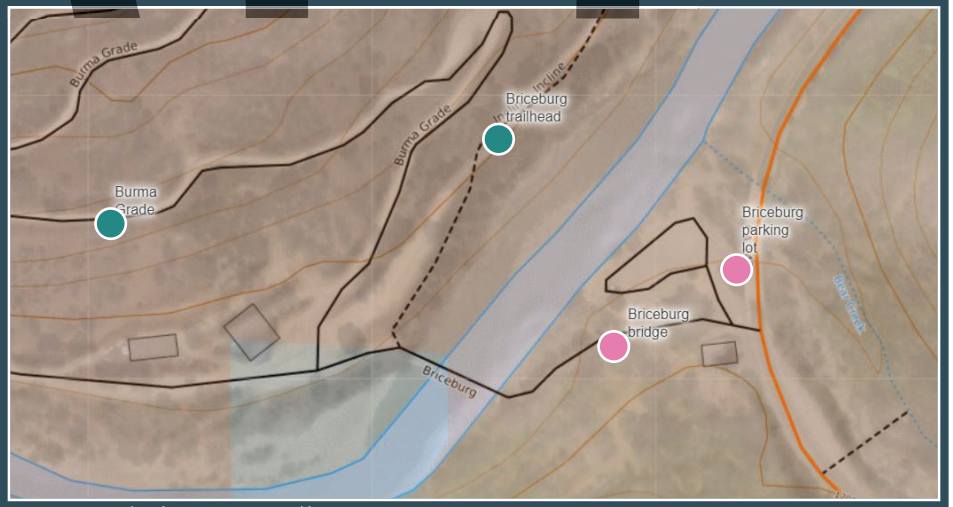


Trail counter locations in the Merced River Corridor

DRAFT



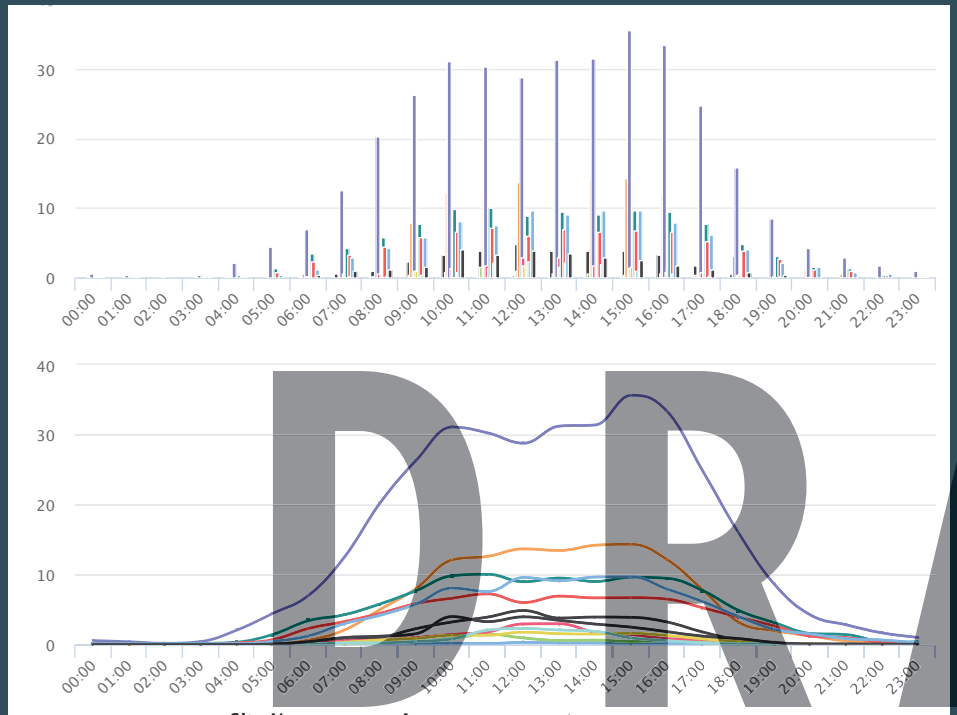
Zoom-In: Incline area trail counters



Zoom-In: Briceburg area trail counters

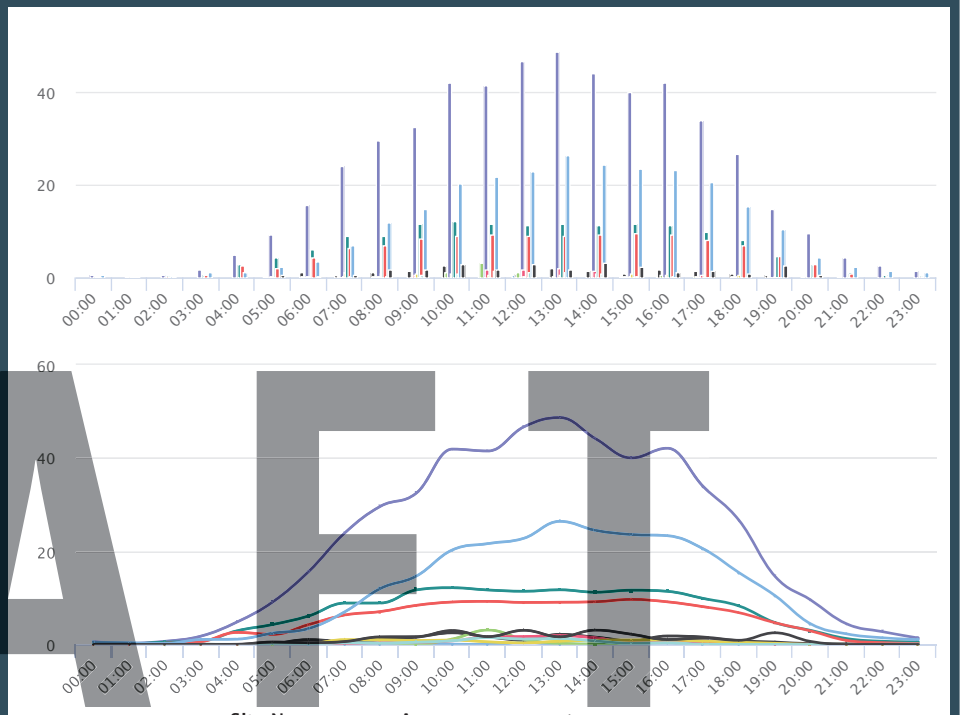
Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

HOURS OF THE DAY: 1/13/-5/19/2022
HOURLY AVERAGES // ALL COUNTERS



Site Name	Average	Median	STDV	Min	Max
Bagby TC	0.1	0.1	0.1	0.0	0.3
Briceburg 0 mile TC	1.9	1.4	1.7	0.0	4.9
Briceburg 2 mile TC	0.4	0.4	0.4	0.0	1.5
Briceburg bridge VC	5.2	2.0	5.6	0.0	14.3
Briceburg parking lot VC	14.8	10.5	13.1	0.2	35.6
Burma Grade TC	0.8	0.5	0.9	0.0	3.0
Incline Rd TC	0.7	0.6	0.6	0.0	1.8
Moss Creek bridge TC	4.6	3.8	3.8	0.1	10.0
Moss Creek bridge VC	3.4	3.3	2.7	0.0	7.2
North Fork TC	0.5	0.1	0.7	0.0	2.3
Saxon Creek VC	3.8	2.6	3.6	0.1	9.7
WSA boundary TC	1.4	1.1	1.4	0.0	4.0

HOURS OF THE DAY: 5/20/-7/6/2022
HOURLY AVERAGES // ALL COUNTERS

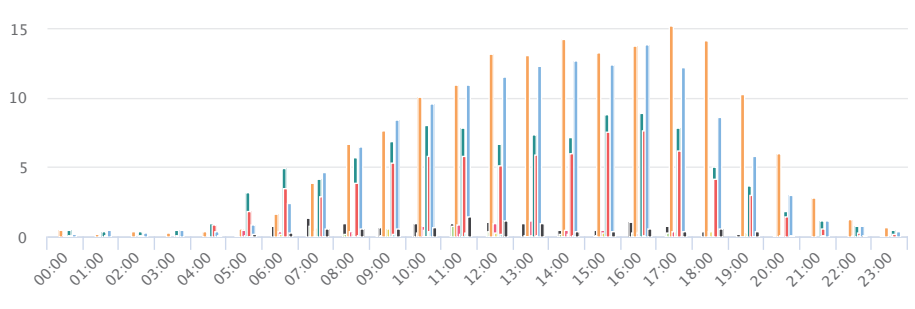


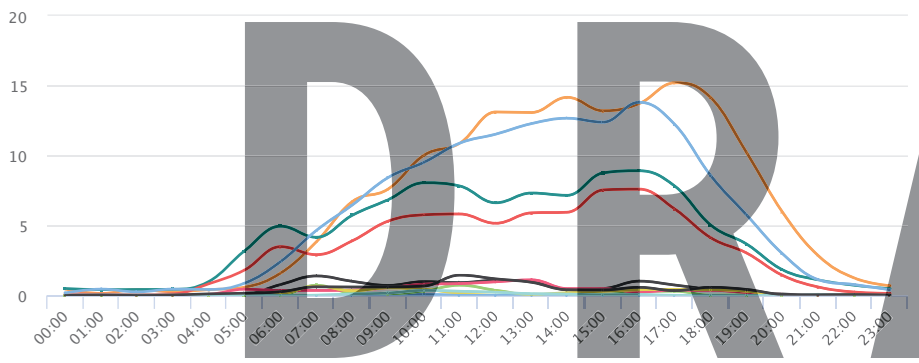
Site Name	Average	Median	STDV	Min	Max
Bagby TC	0.1	0.1	0.1	0.0	0.5
Briceburg 0 mile TC	1.0	0.9	0.7	0.0	2.5
Briceburg 2 mile TC	0.4	0.2	0.7	0.0	3.1
Briceburg bridge VC	0.0	0	0.0	0.0	0.0
Briceburg parking lot VC	21.6	19.8	17.4	0.3	48.7
Burma Grade TC	0.6	0.4	0.6	0.0	1.9
Incline Rd TC	0.6	0.7	0.4	0.0	1.0
Moss Creek bridge TC	6.4	7.2	4.6	0.2	12.2
Moss Creek bridge VC	5.0	5.5	3.7	0.1	9.7
North Fork TC	0.4	0.2	0.4	0.0	1.5
Saxon Creek VC	10.9	8.8	9.5	0.2	26.4
WSA boundary TC	1.4	1.5	1.0	0.0	3.1

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

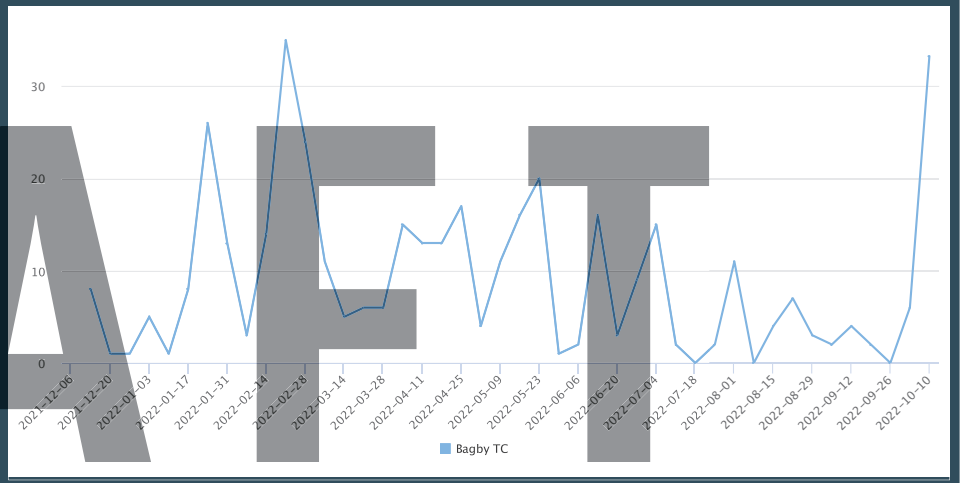
HOURS OF THE DAY: 7/7/-9/20/2022
HOURLY AVERAGES // ALL COUNTERS





Site Name	Average	Median	STDV	Min	Max
Bagby TC	0.0	0.0	0.0	0.0	0.1
Briceburg 0 mile TC	0.6	0.5	0.4	0.0	1.4
Briceburg 2 mile TC	0.2	0.1	0.2	0.0	0.7
Briceburg bridge VC	6.7	6.3	5.6	0.1	15.2
Briceburg parking lot VC	0.0	0	0.0	0.0	0.0
Burma Grade TC	0.4	0.4	0.3	0.0	1.1
Incline Rd TC	0.2	0.2	0.2	0.0	0.7
Moss Creek bridge TC	4.3	4.6	3.1	0.4	8.9
Moss Creek bridge VC	3.3	3.3	2.6	0.1	7.6
North Fork TC	0.1	0.0	0.1	0.0	0.4
Saxon Creek VC	5.8	5.2	5.0	0.2	13.8
WSA boundary TC	0.4	0.4	0.4	0.0	1.5

WEEKLY TOTALS: 12/6/2021-10/16/2022
BABGY TRAIL COUNTER

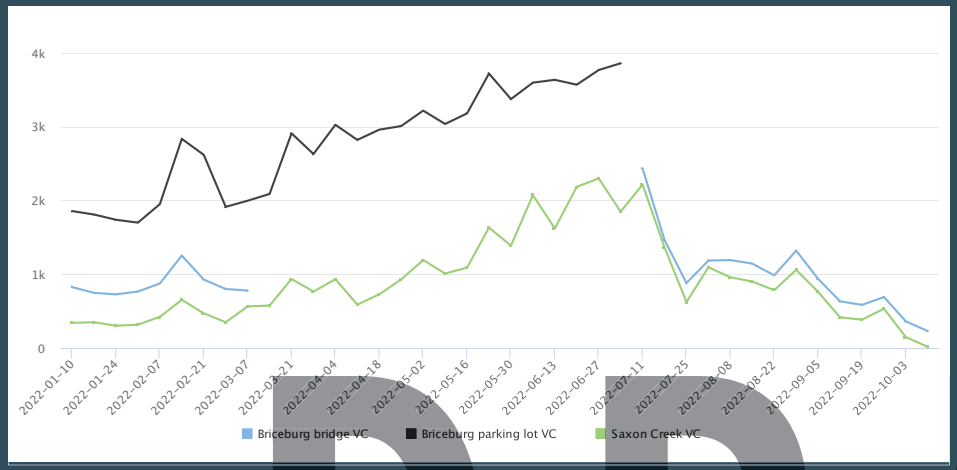


DRAFT

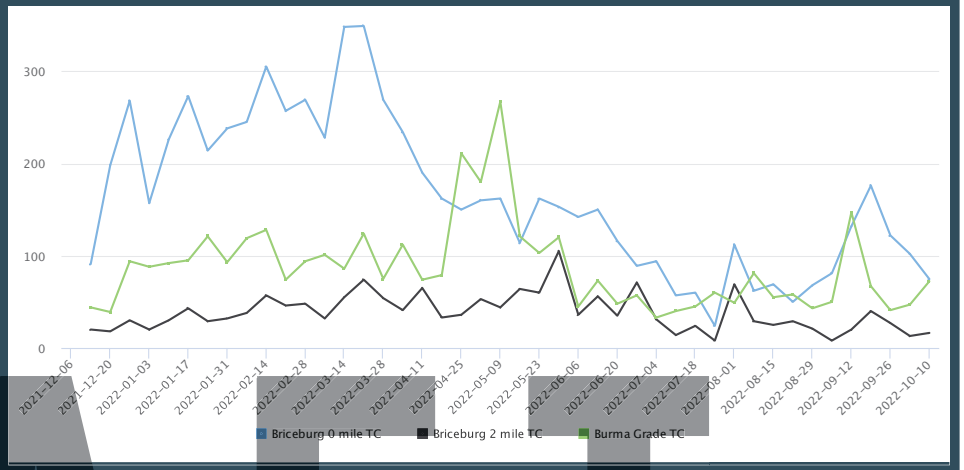
Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

WEEKLY TOTALS: 12/6/2021-10/16/2022
BRICEBURG AREA VEHICLE COUNTERS

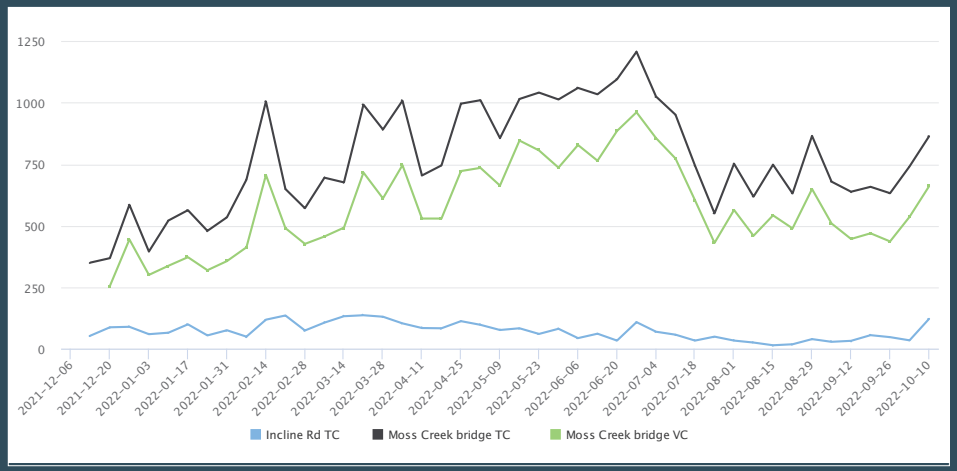


WEEKLY TOTALS: 12/6/2021-10/16/2022
BRICEBURG AREA TRAIL COUNTERS

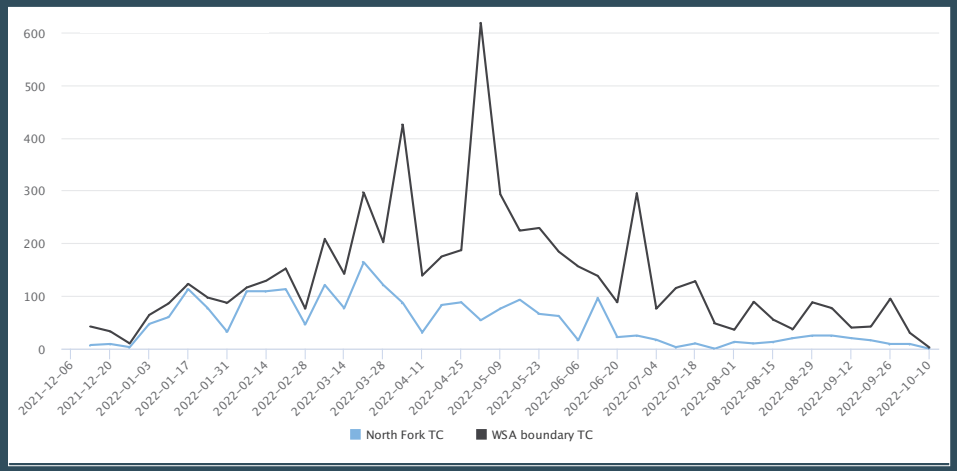


DRAFT

WEEKLY TOTALS: 12/6/2021-10/16/2022
INCLINE ROAD AREA TRAIL COUNTERS



WEEKLY TOTALS: 12/6/2021-10/16/2022
NORTH FORK AREA TRAIL COUNTERS



Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Remnant footings from a rail trestle over the North Fork. The bridge was washed away during severe flooding.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX K

DRAFT

PROPOSED MARIPOSA COUNTY FOOT AND HORSE TRAILS (1983)

During the Merced River Trail vision planning process, Mariposa County staff discovered this archival map that was produced by the Mariposa County Hiking and Equestrian Trails Advisory Committee. Now defunct, little is known about this committee, but this map is extremely compelling both for historical curiosity, and practical trail planning purposes.

Dated 1983, this map shows a network of proposed non-motorized recreational trails throughout the County, with the Merced River Trail anchoring a network of other trails in the Merced River corridor/ watershed. This aligns well with the Vision Plan's adopted vision statement, as well as several associated recommendations, including:

- ***Action 1.1: Route the trail so that it bypasses the communities of El Portal and Foresta***
- ***Action 6.3: Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions***



Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX L

MERCED WILD AND SCENIC RIVER CORRIDOR SIGNAGE & COMMUNITY NEEDS REPORT (2022)

DRAFT

In 2022, the California Wilderness Coalition led the development of a report that synthesizes agency priorities with input from local stakeholder groups to recommend strategies for improving signage through the Highway 140 corridor, with an emphasis on the US Forest Service day use and campground areas in this location. This includes several areas (Dry Gulch and Dirt Flat campgrounds, Cranberry Gulch Boat Launch, and Mclendon Beach day use area) on the north side of the river/along the historic rail grade, which relate directly to the future Merced River Trail.

The report recommends several key themes for future signage to engage with—leave no trace, heritage, fire prevention, and wildlife & ecosystem—and suggests potential next steps for beginning to achieve the recommended signage outcomes. The report is included here for its relevance to several of the Merced River Trail Vision Plan's recommended actions, including:

- ***Action 4.4: Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses***
- ***Action 7.1: Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail***
- ***Action 8.2: Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs***

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

MERCED WILD & SCENIC RIVER CORRIDOR SIGNAGE & COMMUNITY NEEDS REPORT

Focusing on USFS day use and campground areas along CA 140

CALIFORNIA WILDERNESS COALITION

FOREST SERVICE US DEPARTMENT OF AGRICULTURE

river NETWORK connecting people·saving rivers

Prepared by the California Wilderness Coalition & Exact Change with a grant from River Network in cooperation with the United States Forest Service, April 2022.

On the ancestral land of the Southern Sierra Miwuk. More information here to support their federal recognition: www.southernsierramiwuknation.org

Photo by Evan B. Dudley

INTRODUCTION

The California Wilderness Coalition (CalWild) is a statewide, membership-based nonprofit that protects and restores the state's wildest natural landscapes and watersheds on public lands. Since 1976, CalWild has worked to protect over 13 million acres of California's wildest remaining lands and more than 1,500 miles of wild and scenic river segments using legislative, legal, and advocacy strategies.

Flowing west from the Sierra Nevada crest in Yosemite National Park (YNP), the Merced River is perhaps best known for its unique and beautiful setting in Yosemite Valley. In 1987, Congress added parts of the Merced and the South Fork Merced in YNP and the Sierra National Forest (SNF) to the federal Wild and Scenic River system. From its sources in YNP the Merced flows past exceptional scenery and rugged foothill canyons. The river provides a wide variety of recreation in YNP and along the downstream SNF and Bureau of Land Management (BLM) lands. Trails along the lower Merced are particularly popular for their springtime wildflower display and whitewater boating, while the summer and fall months are frequently besieged by algae blooms and wildfires in recent years. The river supports native wild trout, many threatened and endangered species, and the only known populations of the limestone salamander. Because much of the river flows through existing wilderness and roadless areas, it possesses a high degree of biotic integrity.

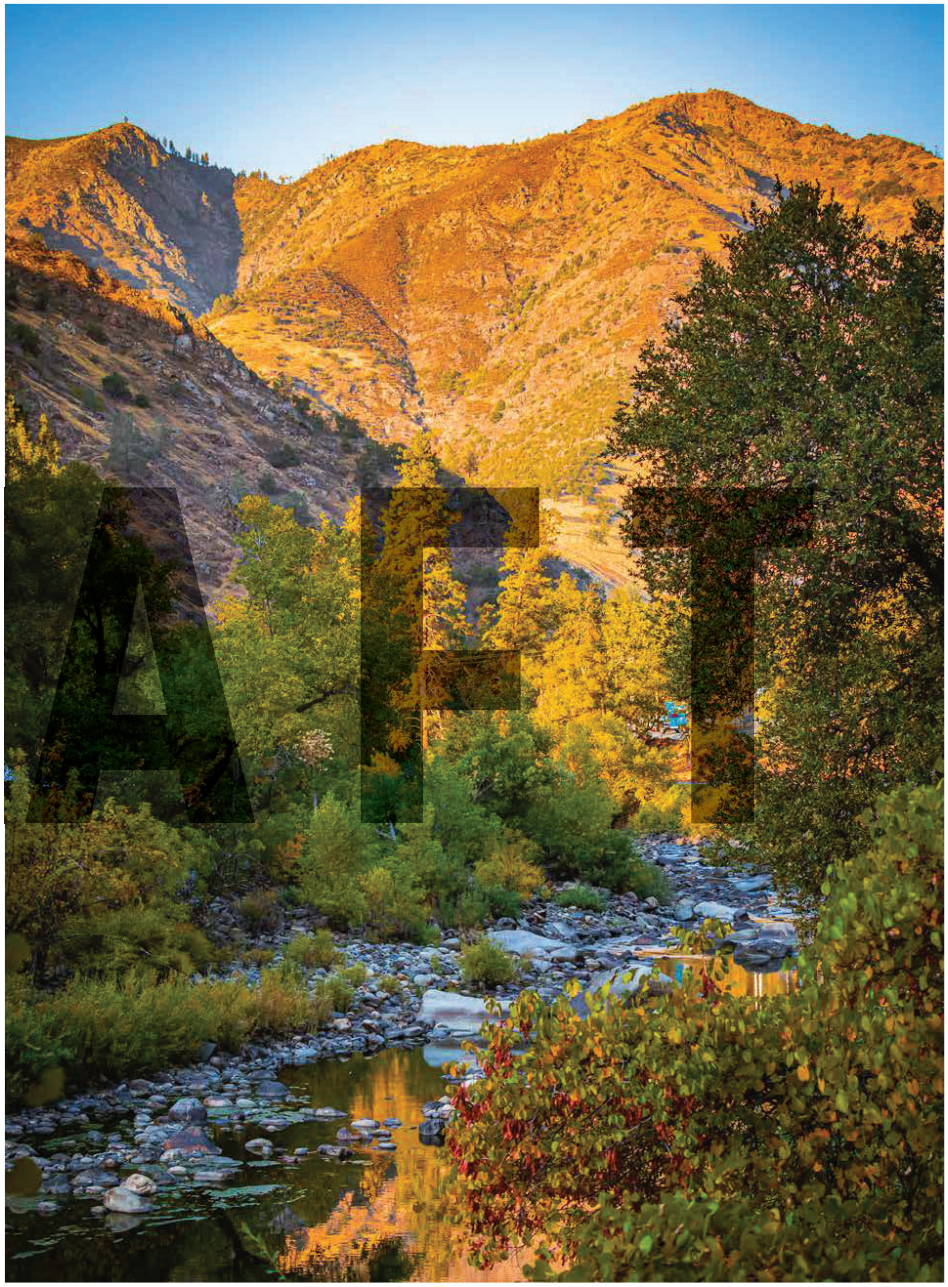


Photo by Evan B. Dudley

2

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)







CAUSE FOR INQUIRY

DRAFT

The popular Merced River corridor alongside CA Route 140 (the corridor) is one of the three year-round gateways to YNP. The segment between Briceburg and Redbud (see map on next page) is managed by the SNF Bass Lake District and in part by the BLM and features some of the area's most accessible picnicking, swimming, camping, hiking, and boating opportunities. The immense popularity of YNP and the corridor was on full display as the COVID-19 pandemic made YNP reservations a requirement, significantly limiting visitors to one of the state and country's most beloved landscapes. Anecdotally, stories began to emerge of non-English speakers being turned away at the YNP gate, unaware of the recent changes to the reservation system.

Well before the pandemic, many users of the corridor were unaware of the proper restrictions or regulations regarding daytime use, campgrounds, trash disposal, available restrooms, and use of campfires/backcountry stoves in the nearby Stanislaus and Sierra National Forests. Historically it is also an area besieged with wildfires dating as far back as records have been kept. More recently the corridor was plagued by algae blooms due to low water flow and high temperatures during the summer and fall months. These are issues that all visitors to the corridor need to be aware of. YNP visitor statistics show that Latinx and Asian community members are the largest demographic users of YNP outside of Caucasians, making Spanish and Asian languages (likely Mandarin or Hmong) signs potentially very helpful for improved visitor services, recreation, and public education in the greater Yosemite area.

With California's ethnic diversity growing, there is considerable potential for more outdoor enthusiasts – non-white residents of California currently make up ~40% of the state's population, totaling over 15 million residents. Without proper attempts to communicate to Black, Indigenous, and People of Color (BIPOC) users in their preferred languages – and respecting their cultural perspectives – we miss an opportunity to cultivate responsible, equitable advocacy for California's public lands, which make up 44% of the state. Proper education on how to utilize public lands is essential to their stewardship. Access to open space for BIPOC communities is a key goal of environmental justice. The results of future development of the corridor's public spaces furthers that goal.

CalWild and our partners see a clear need for improved signage along the corridor that reflects these needs. Further, sign improvements should convey basic interpretative and safety information that is currently lacking.

Photos : Yosemite Valley Christopher Boswell, YNP Park Sign from Yosemite.com, "Reservations Required" from YNP Facebook Page

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

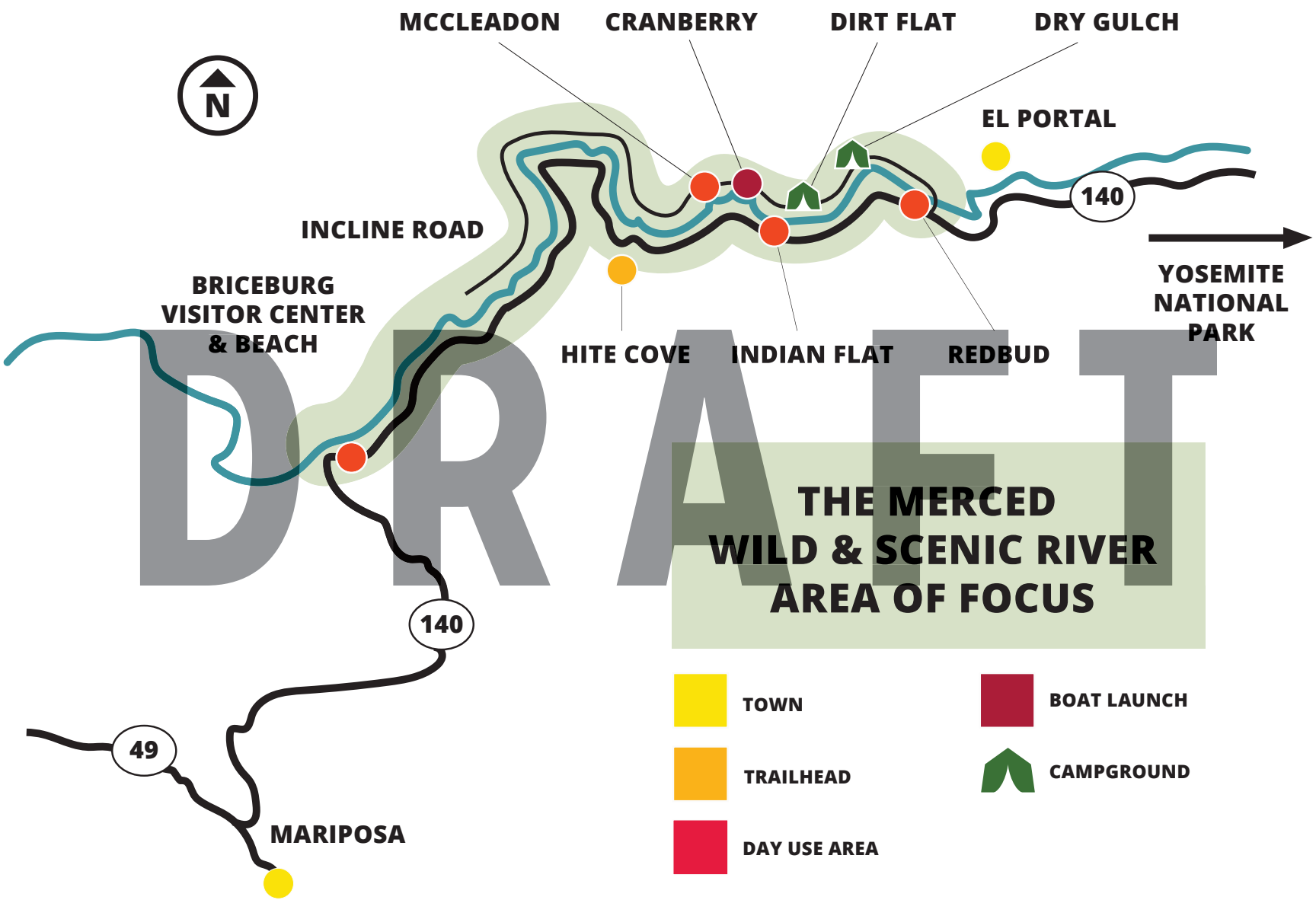


Illustration by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

POPULATION COMPARISON WITHIN 2-HOUR DRIVE OF THE MERCED WILD AND SCENIC RIVER CORRIDOR

Merced River
Origin in Yosemite NP
to San Joaquin River

Calaveras County
77% White 35,000
13% Latinx 5,900

Tuolumne County
76% White 42,300
13% Latinx 7,100

Mariposa County
75% White 13,000
13% Latinx 2,100

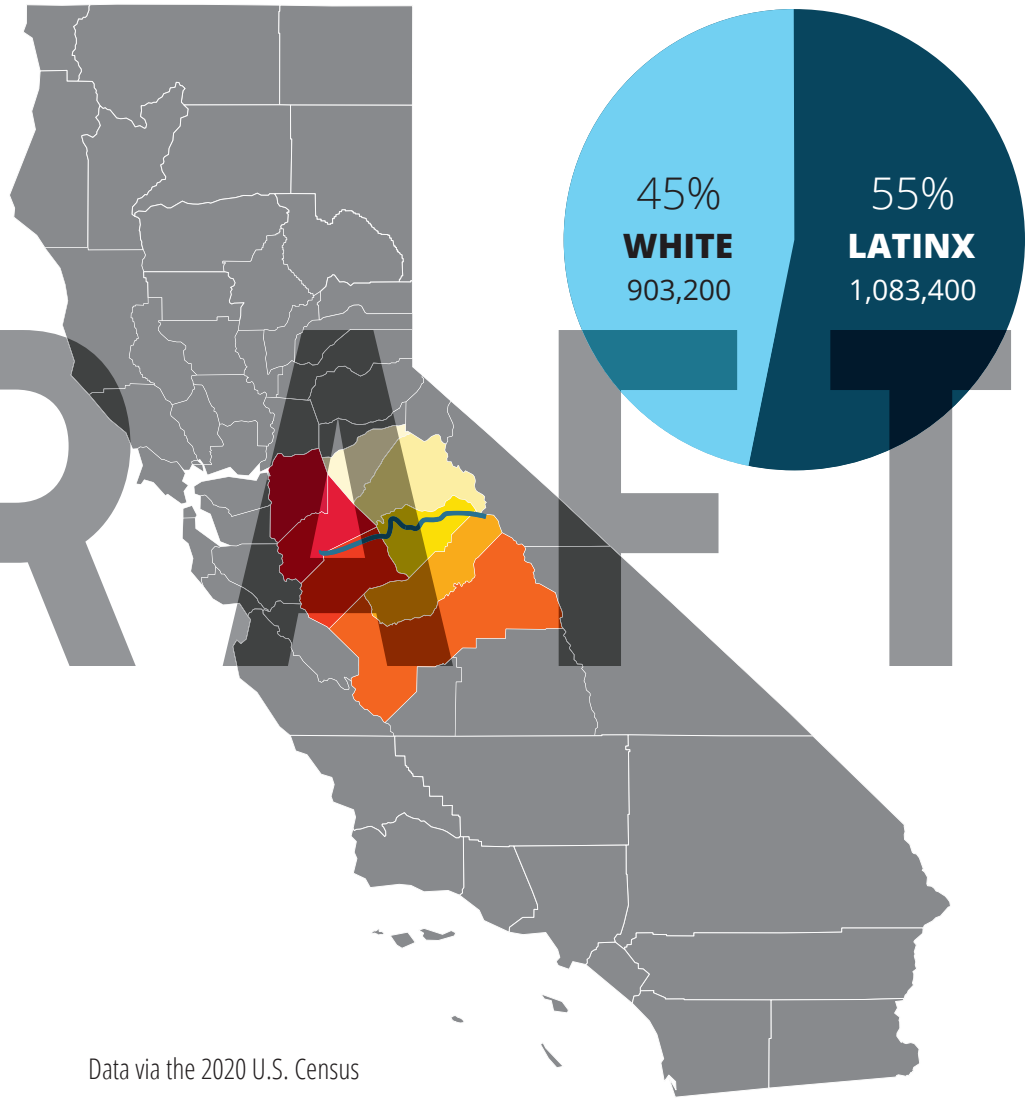
Madera County
31% White 48,400
60% Latinx 93,200

Fresno County
27% White 272,000
53% Latinx 541,000

Merced County
24% White 69,000
62% Latinx 174,000

Stanislaus County
37% White 208,000
48% Latinx 266,000

San Joaquin County
28% White 215,500
42% Latinx 325,800



DRAFT

Data via the 2020 U.S. Census

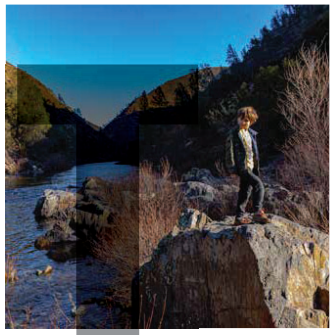
Illustration by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)









DRAFT

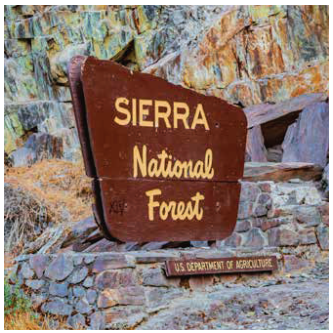
PROCESS

To better understand the area and its surrounding community, CalWild and partners first contacted local stewardship voices like Yosemite Conservancy, Latino Outdoors–Fresno, Mariposa Trails, and the local SNF Bass Lake Ranger District office. Over several months, we engaged in conversations with civic groups, planning committees, local/county government, and local BLM staff – the latter of which operate in the same river corridor and have joint responsibility of the developed recreation sites.

It is our intent that this report act as a blueprint for improving interpretative signage in the corridor, and as a toolkit for community stakeholders to utilize in seeing this vision through to its completion in the near future. Ideally, this report can spark investment, advocacy, and collaboration among local partners who want to see the corridor enjoyed equitably by a diverse set of users for many more generations.

Photos by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)









DRAFT

EXISTING SIGNAGE

Besides basic roadside signage, there are twelve community boards roughly 4'x4' in size at the following SNF sites including:

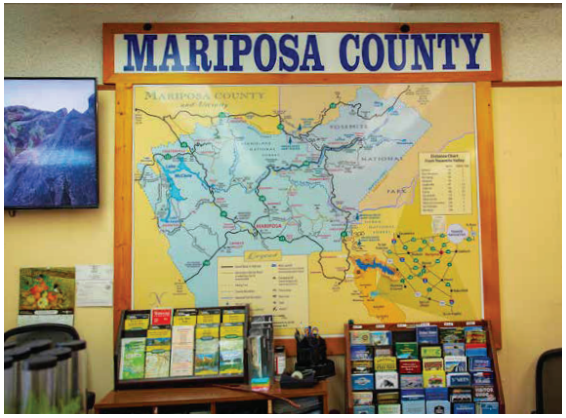
Redbud Picnic Area
Dry Gulch Campground
Dirt Flat Campground
Cranberry Gulch Launch Site
Briceburg Visitor Center
Indian Flat Day Use

These community boards have not been updated in some time with the exception of the emergency alerts regarding the algae bloom in the summer of 2021. Now that those signs have been removed the boards are mostly bare or have older signage that has started to deteriorate due to exposure.

More images of existing USFS signage can be viewed here.

**Above images included were taken between Oct. 2021 and March 2022.*

Photos by Evan B. Dudley







COMMUNITY INPUT

DRAFT

For feedback and ground-truthing, our team contacted local recreation and stewardship voices like Ryan Kelly (Yosemite Conservancy), Latino Outdoors–Fresno, Bill King (Mariposa Trails), and established a working communication with the SNF Bass Lake Office. Over the fall and winter months, we also engaged in conversations with: Mariposa County Tourism Bureau, El Portal Planning Advisory Committee, Mariposa County Planning Department, Upper Merced River Watershed Council, Michael Martin (Director of Merced River Conservation Committee), Beth Pratt (California Regional Executive Director for National Wildlife Federation), Ralph Medershausen (local and historian), Art Baggett (local river advocate), and local BLM staff.

In addition to several field trips to the corridor with some of these partners, CalWild hosted a community phone conference in February 2022 and spoke at the El Portal Planning Advisory Committee Meeting twice, once in November 2021 to introduce our efforts in brief, and a second time in February 2022 to further engage with El Portal Community members. We also held an in-person event, Map Your Interest, which took place on March 13th in El Portal. The event as well as its accompanying digital promotions helped individuals understand how signage connects to improved landscape and watershed health (our promotions read “Signs are the beginning of stewardship”).

During the event, our project was validated by a current resident who lives and works in El Portal; they said there is a clear need to address who is getting turned away from the gates of YNP (non-English speakers) and what happens after (e.g., they recreate on the corridor without signage that helps facilitate responsible recreation and fire prevention).

Photos by Evan B. Dudley

SUGGESTED VISITOR COMMUNICATION NEEDS

The information CalWild collected made it clear that four main topics needed to be better conveyed in the corridor's signage, including:



LEAVE NO TRACE

Even in the low season of winter, we repeatedly saw bathrooms and beaches overcome with trash and human waste. Since traffic is exponentially higher in the high season, there is an obvious need to remind all visitors to "Pack it in, pack it out." This message could be applied to not only the community information boards, but also at popular parking spots along the corridor.

FIRE PREVENTION

In recent memory, the corridor has experienced devastating wildfires like the Ferguson (2018) and Rim (2013) fires. Going as far back as 1908, the area has been prone to fires that travel up the river valley. With the ever increasing risk of wildfire, it is imperative that every visitor understands the risks of reckless behavior and the correct way to keep fires contained.

DRAFT

HERITAGE

Prior to 1893, the Southern Sierra Miwuk called this area home (which is part of their traditional lands) before being displaced to other nearby areas. At Indian Flat Day Use, griding holes can be observed only feet from the parking lot. The corridor was home to the Yosemite Valley Railroad Co. from 1907 to 1945. And according to conversations with the Mariposa County Visitor Center staff, there are many local stories that have gone unrecorded.

WILDLIFE & ECOSYSTEM

Signage should provide basic identification information for common wildlife sightings as well as endemic, rare, threatened, and endangered species. Watershed information and maps should be included. Recurring issues like toxic algae blooms should be mentioned alongside warnings about rattlesnakes, poison oak, or other hazards found in the area, and procedures on how and where to obtain help.

Photo by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)









DRAFT

FIRE SAFETY & PREVENTION

According to the National Park Service, Nearly 85 percent* of wildland fires in the United States are caused by humans. Human-caused fires result from campfires left unattended, the burning of debris, equipment use and malfunctions, negligently discarded cigarettes, and even intentional acts of arson.

*Source: 2000-2017 data based on Wildland Fire Management Information (WFMI)

Photos : Helicopter by Artranq, Wildfire by twenty20photos, Burning Log by edb3_16, Redbud Picnic Bench by Evan B. Dudley

Our meetings with Forest Service (USFS) staff conveyed a very understaffed, underfunded, and overworked local office (and federal agency). This is clearly due to their limited resources being focused primarily on fuel reduction and wildfire prevention. It should be noted that USFS capacity to help with signage will be very limited if current conditions persists. Further, we found signs of multiple unauthorized fire rings, as pictured in the above lower left image at Indian Flat Day Use area.

10

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Packet Pg. 626









DRAFT

WILDLIFE & ECOSYSTEM

The corridor is an area of high biotic integrity and there is no shortage of ecological information to share, including resident flora and fauna, important ecosystems, watershed maps, and safety concerns. Consultation with local biologists, ecologists, and artists will be important to conveying this data. Some common species in the corridor include mule and white-tailed deer, Sierra Nevada red fox, mountain lion, Pacific fisher, coyote, California red-legged frog, peregrine falcon, Sierra mountain kingsnake, yellow-billed magpie, Sierra fence lizard, Steller's jay, rainbow trout, and black bear. Endemic, rare, threatened, and endangered species like the golden eagle, Sierra Nevada yellow-legged frog, willow flycatcher, and spotted bat also make this their home. Hazards that should be pointed out and explained include poison oak, algae blooms, and what to do if you encounter animals like mountain lions and black bears.

Photos : Bat by Bruce D. Taubert / BLM, Magpie by Alan Schmierer/Flickr, Salamander by Noah Morales / californiaherps.com, Fisher by Day's Edge Productions / biographic.com









DRAFT

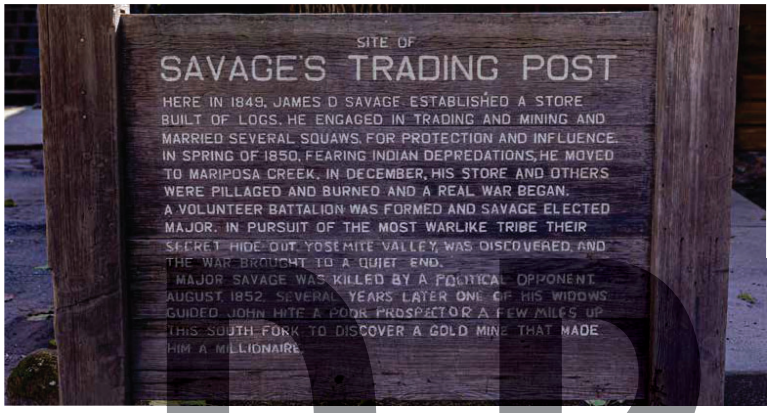
LEAVE NO TRACE

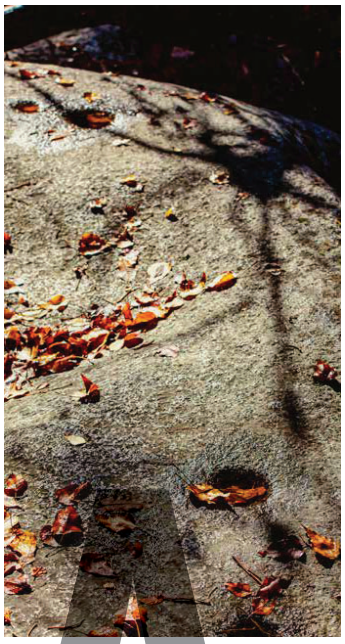
Signs of neglect from corridor patrons is obvious and widespread. The worst of the trash during the winter months centered around the bathrooms at the day use areas. In our first visit, these areas were not even open due to the algae bloom. And upon our last visit, we noticed that Visit Yosemite | Madera County had placed the signs (pictured bottom right) to support the currently outdated signage on the USFS community boards. They also added laminated print outs on some of the gates to the day use areas. All of this signage was in English.

12

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)







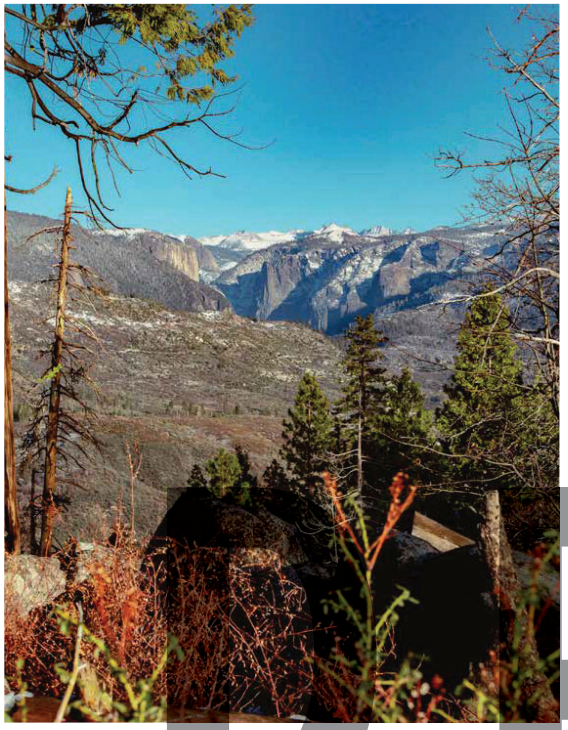


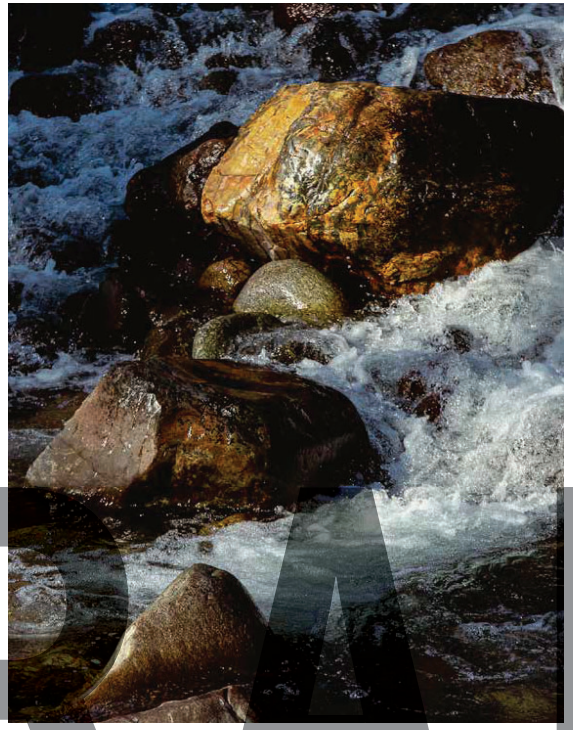
DRAFT

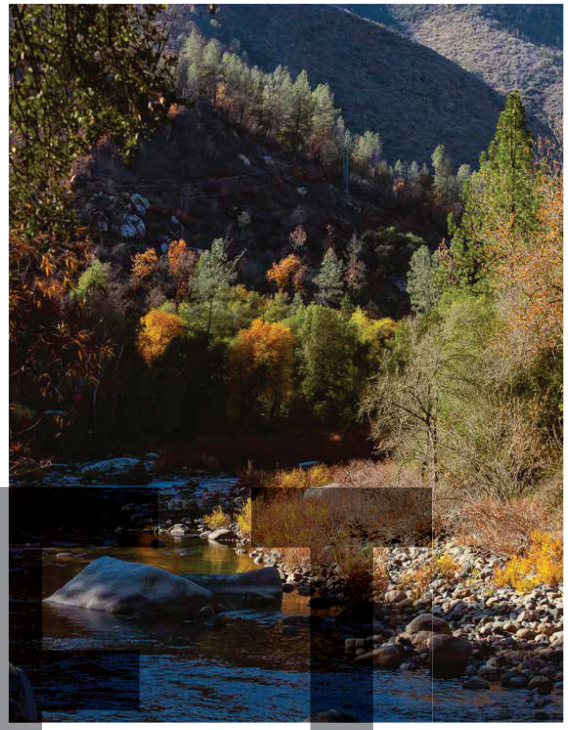
HERITAGE

The Yosemite area has a long, rich heritage of people living in accordance with the land beyond the well-known history of European settlers. Mariposa County and Yosemite Valley are the traditional and ancestral lands of the Southern Sierra Miwuk Nation. The first white settlers to enter Yosemite Valley were led in 1851 by a gold-rush merchant named James Savage (see above sign). This was followed by the people-free preservation ideas pushed by John Muir to conserve the valley at which point the Miwuk went from being called "killers" to "tourist attraction." In the 1960s the Park Service stopped allowing tribal members who were not employees to live in YNP. Miwuk practices of controlled burns are spoken about more in recent years by environmentalists and park staff – a window into their influential vantage to speak about holistic ecological health in California. The corridor's day use areas even have remnants of their existence (such as grinding stones) that, with the right signage, could help new visitors understand the Miwuk's place in the corridor's history. Later, black men serving as Buffalo Soldiers were some of the first rangers of YNP, charged with evicting poachers and extinguishing fires. Often occupying lower economic classes, their positions of authority led to a delicate balance of enforcing laws with diplomacy. Ranging from European immigrants looking for a way to escape the wars and poverty of the 19th century, to the mistakes of the 20th, improved signs could shed a light on what is possible in the 21st century by working with all communities on how to better live in accordance with the Merced River. To learn more and support the Miwuk's federal recognition, visit: www.southernsierramiwuknation.org

Photos : Miwuk woman from Yosemite.com, Grinding holes in Indian Flat Day Use and Savage's Trading Post Sign on CA Route 140 by Evan B. Dudley







DRAFT

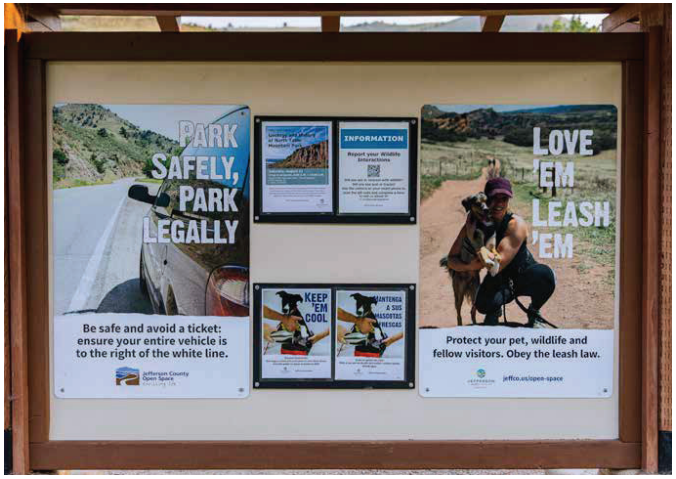
LOOKING FORWARD TO NEXT STEPS

Ideally, a coalition of community stakeholders can take our above findings and the following information to formulate a plan to improve signs along the corridor. The USFS, as a mandatory party to any such projects, is facing critical capacity issues. As of 2022, any new sign installations will be further delayed due to long federal and state permitting processes like the National Environmental Policy Act, California Environmental Quality Act, and coordination with CalTrans – along with the required archaeological and ecological surveys (overall a 5-8 year process by one estimate). However, by leveraging and improving upon the existing infrastructure, durable, accurate, and welcoming signage could be installed without any additional permits. This streamlined approach has the potential to positively impact visitor experience within 1-2 years. Additionally, the reservation system at YNP will begin again in May 2022, providing an opportunity to witness the effects of YNP visitor overflow and document who the visitors are in more detail.

Photos by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)









DRA

BILINGUAL SIGNAGE : EXAMPLE

Found in Golden, CO, these signs made for Jefferson County Open Space provide vital information for visitors whose primary language is either English or Spanish. Jefferson County is only 15% Hispanic or Latinx, which is only marginally higher than Mariposa County's 12% Hispanic or Latinx community, and significantly lower than adjacent Madera County's nearly 60% Hispanic or Latinx community according to 2020 Census data.

Photos by Evan B. Dudley







DRAFT

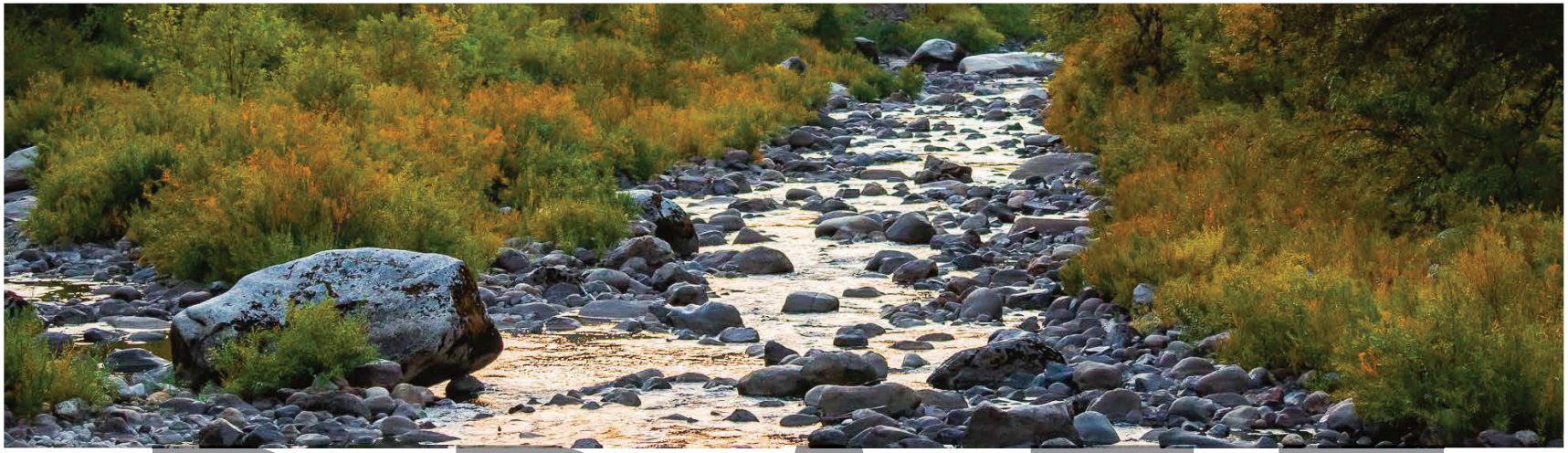
SIGN REFERENCES & PRICING

The above sign in the Sacramento Pass area was made by ***Rocky Mountain Aluminum Sign Company*** and the estimated cost for digital print on metal is $48/sq. ft. If applied to twelve (12) 4'x4' signs it would roughly cost $9,216, without installation costs. Order turn around is roughly 12 months as of February 2022. Contact: taylor@woodproductsigns.com

The cedar kiosk with a metal roof to the top right was made by ***Sea Reach*** has an estimated cost for structure and exhibit panel fabrication (HPL) of $10,500 to $17,500 which includes fabrication and installation. Contact: taylor@seareach.com

Another contact is ***Fossil Industries***, who specializes in custom high pressure laminate signs for federal vendors like the USFS.

Photos : Sacramento Pass by Evan B. Dudley, Kiosk from Sea Reach, RMASC tag on the MWSR sign on CA Route 140



DRAFT

CONTACT LIST

In our efforts to understand the Merced river and the surrounding area, these individuals were generous enough to speak to us. This is an area with many stakeholders and we advise any future projects to connect with these groups before acting to ensure it fits with the community, speaks to the nature of the corridor, and can be promoted by local leaders. Additionally we would like to stress that meaningful outreach should be made to the Southern Sierra Miwuk Nation.

Yosemite Conservancy
Ryan Kelly

Latino Outdoors-Fresno
André Sanchez

Mariposa Trails
Bill King

SNF Bass Lake Office
District Ranger Jennifer Christie

Mariposa County Tourism Bureau
Jacob Hawley

El Portal Planning Advisory Committee
Ryan Kelly

Mariposa County Planning Department
Mikely Goralnik

Merced River Conservation Committee
Michael Martin

National Wildlife Federation
Beth Pratt

Merced River Trail Community Working Group
Ralph Medershausen, Art Baggett

Upper Merced River Watershed Council
Mariposa Co. Supervisor Rosemarie Smallcombe

Photo by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

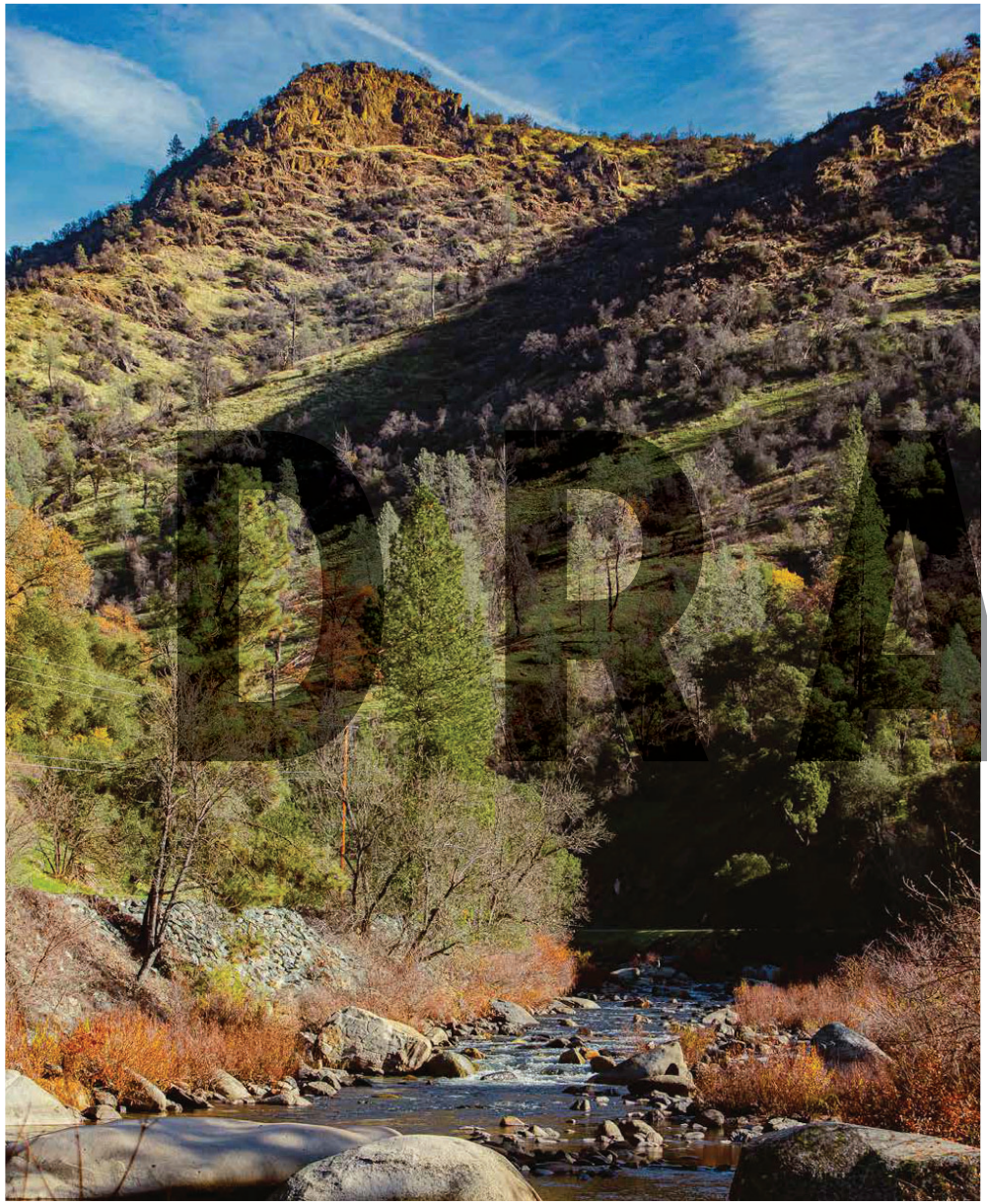


Photo by Evan B. Dudley

FUNDING SOURCES TO CONSIDER & CONNECT WITH

In addition to business and corporate stakeholders, future project managers should consider these sources for possible funding:

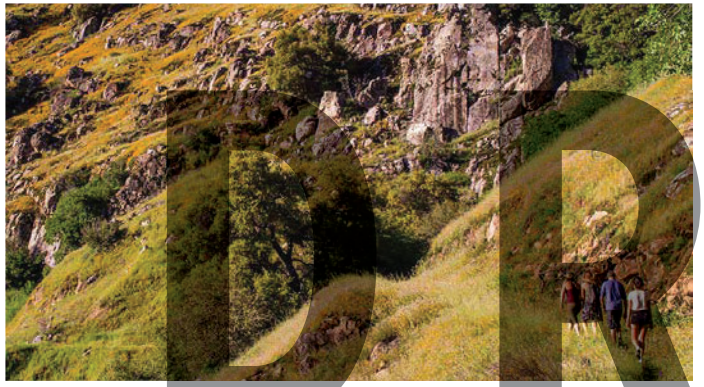
- Clif Bar Family Foundation
- Conservation Alliance's Confluence Fund
- Conservation Lands Foundation
- Hispanic Access Foundation
- HydroFlask Parks For All Program
- National Environmental Education Foundation
- National Forest Foundation
- Patagonia Foundation
- REI Cooperative Action Fund
- River Network
- Rose Foundation
- Strong Foundation

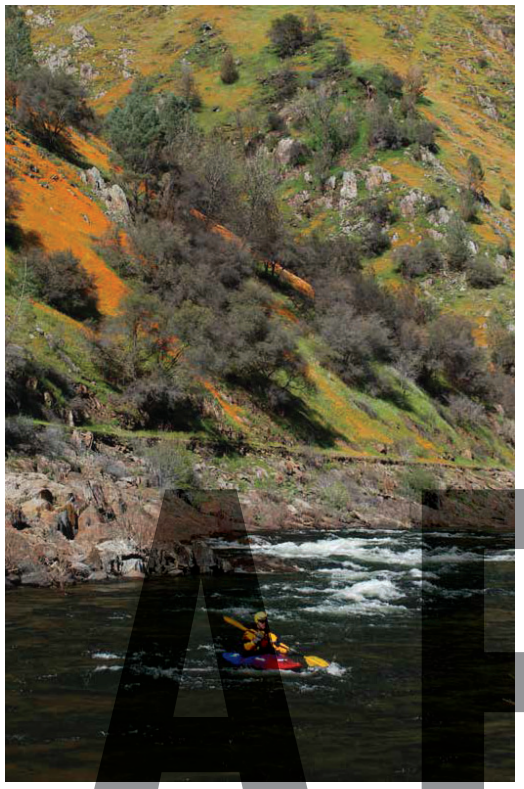
DRAFT

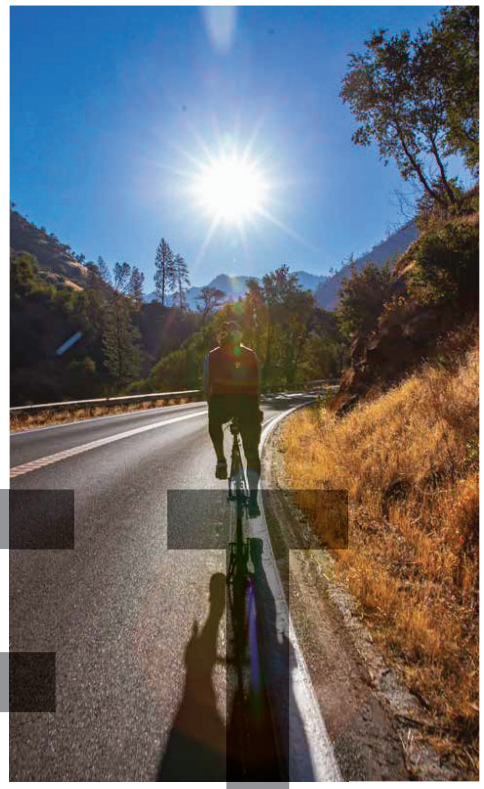
Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Packet Pg. 634









DRAFT

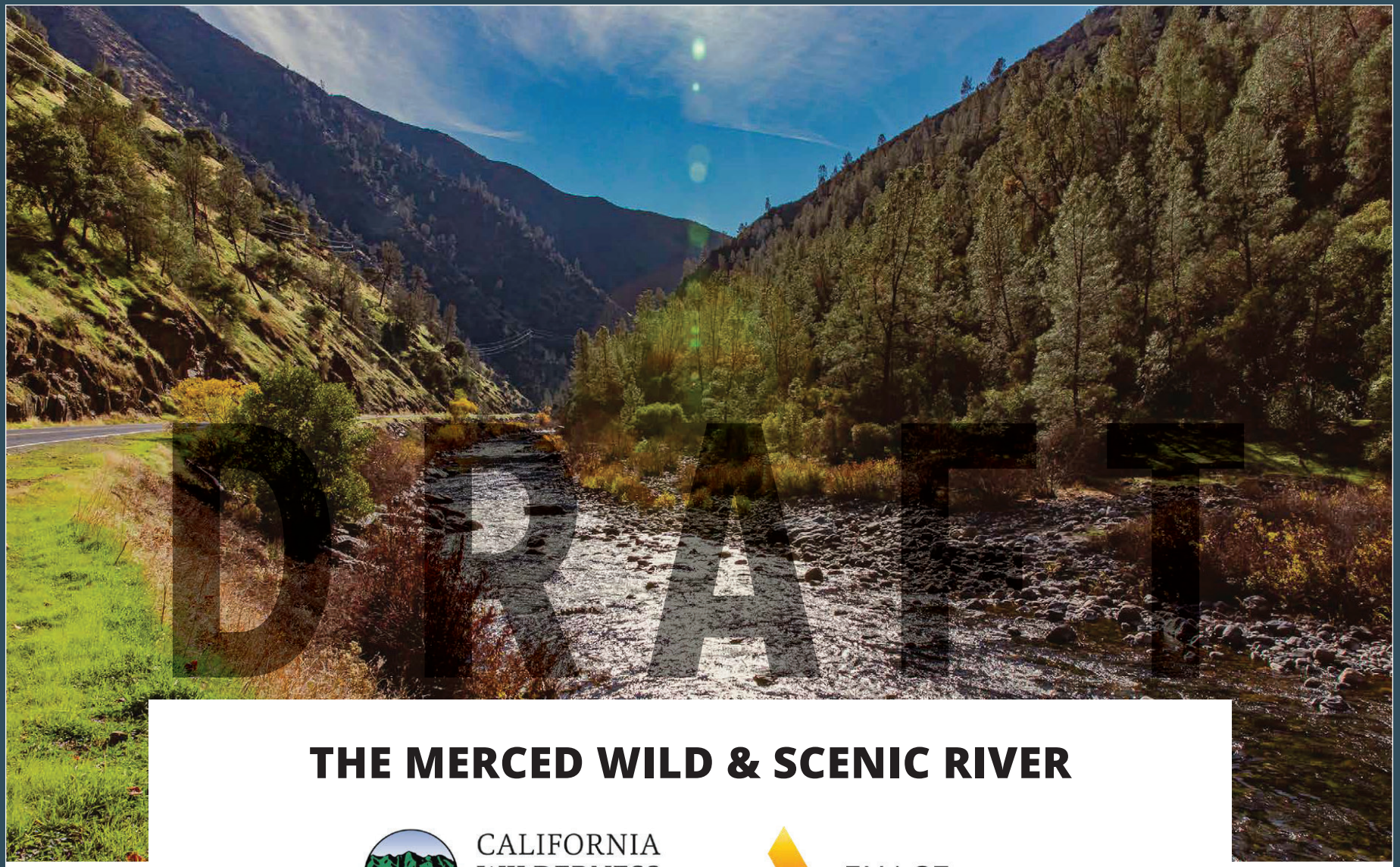
RECREATION-CENTRIC BRAND SUPPORT

Ranging from REI to Walmart, Merrell to Mountain Hardwear, or Osprey to JanSport, retailers, lifestyle brands, and outdoor gear companies have a vested interest in preserving, promoting, and protecting natural spaces. To better support their audiences, brands – especially those for climbers, hikers, kayakers, cyclists, and other outdoor enthusiasts –could invest in a program to support better stewardship, raise awareness about environmental impacts, and better prepare visitors through online campaigns in association with the nonprofits and community organizations already working to improve the corridor and the experience for all visitors. This could be done collectively with The Conservation Alliance or 1% For The Planet, or one-to-one with a like-minded brand with the right audience. Please inquire with evan@exactchange.co for more information on such campaigns.

Photos : Yosemite Climbing Association / yosemiteclimbingmuseum.com, Hikers by Damian Riley, Kayaker by Megan Hooker, Cyclist by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



THE MERCED WILD & SCENIC RIVER

CALIFORNIA WILDERNESS COALITION

EXACT CHANGE

Project Contacts: **André Sanchez** / asanchez@calwild.org & **Evan Dudley** / evan@exactchange.co

THANK YOU FOR YOUR TIME.

Photo by Evan B. Dudley

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

APPENDIX M

MERCED RIVER TRAIL OPPORTUNITIES AND CONSTRAINTS STUDY (1989)

DRAFT

Well before Mariposa County and its partners set about developing the Merced River Trail Vision Plan, the Merced River Trail Committee, "a group of representatives from agencies and organizations interested in the establishment of a trail along the Merced River," received support from the National Park Service's Rivers, Trails, and Conservation Assistance (RTCA) program to advance the notion of a non-motorized recreational trail from Bagby to Yosemite on the historic railroad grade along the Wild and Scenic River. The resulting document, the "Merced River Trail Opportunities and Constraints" study, provides a segment-by-segment description of the feasibility, limitations, and short- and long-term next steps for implementing such a trail.

Like the Merced River Trail Vision Plan, this study cites increased recreational use of the Merced River canyon as an impetus for implementing the trail project. Coincidentally, and also like the Vision Plan, this study enlisted the help of planners at the RTCA to support these planning efforts. The final report is included here both for its historical significance, and its value for several of the Merced River Trail Vision Plan's recommended actions, including:

- ***Action 2.4: Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan***
- ***Action 4.3: Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing***

Merced River Trail

Opportunities and Constraints

DRAFT

Prepared by:

National Park Service
Rivers and Trails Conservation Assistance
Western Region

August 3, 1989

MERCED RIVER TRAIL

I. INTRODUCTION 1
A. Background 1
B. Goals 2

II. OPPORTUNITIES AND CONSTRAINTS 3
A. Summary 3
B. Trail Segments 7
Bagby to Sherlock Gulch 7
Sherlock Gulch to Mountain King/Hall Gulch 9
Mountain King/Hall Gulch to Briceburg 11
Briceburg to BLM/USFS Boundary 12
BLM/USFS Boundary to Clearinghouse 13
Clearinghouse to El Portal 14
El Portal 15
El Portal to other Yosemite destinations 16
C. Issues / Management challenges 17
Liability 17
Trail access on private lands 19
Multiple use of trails 21
Law enforcement and prevention of inappropriate use 23

III. FURTHER PLANNING AND IMPLEMENTATION 25

IV. APPENDICES 27
A. Resource Summary 27
B. Contacts 27
C. References 28

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

I. INTRODUCTION

A. Background

The Merced River Trail combines a Wild and Scenic River, one of the nation's premier national parks, a fascinating history, and important ecological areas into an exciting opportunity for a hiking, bicycling and equestrian trail. The abandoned Yosemite Valley Railroad bed provides a route that, with very little additional work, can become a prime recreational resource in the Merced River canyon.

The Merced River flows 79 miles, from its headwaters in Yosemite National Park, through the Merced Canyon, to its impoundment at Lake McClure. The Yosemite Valley Railroad was built in 1905-07 along the river to bring tourists to Yosemite and to service the mining, logging and other industries in the canyon. After the arrival of the Yosemite all-year highway in 1926, the departure of the major timber operations in 1942, the closing of the cement plant in 1944, and a series of disastrous floods which washed out much of the track, the railroad declined, and was abandoned in 1945.

The railroad bed and the surrounding river and canyon lands are currently owned and managed by the U.S. Bureau of Land Management, Forest Service and National Park Service; Mariposa County; Merced Irrigation District; and private homeowners, mining claimants, and other private landowners. The Merced River is a designated Wild and Scenic River from its headwaters to Briceburg (classified as Recreational below El Portal). Between Briceburg and the high water level from the Lake McClure impoundment, the river is under study for possible designation as a Wild and Scenic River.

Recreational use of the Merced River canyon has increased in recent years, a trend which is expected to continue. The canyon has become a primary recreation destination, not just an adjunct to Yosemite National Park. While up-to-date information is not available, a 1984 study estimated 14,386 visitor days of rafting on the Merced River, generating $5,294,000 for the state's economy.[1] Rafting popularity has increased significantly since then, so the current numbers would be expected to be higher. Hiking, horseback riding, bicycling, fishing, nature study, and other activities all add to the demand and contribute to the economy of the area.

The railroad bed is used even in its present condition for recreational access to the

[1]Planning and Conservation League report, 1984, cited in U.S. Forest Service/Bureau of Land Management, South Fork Merced and Merced River Wild and Scenic Rivers Classifications and Boundary Location, Environmental Assessment. 1989.

Merced River. Numerous informal sites exist for camping and put-in and take-out of whitewater boats. Hikers, riders, and bicyclists use portions of the route. Recreational miners and anglers use the route for access to mining claims and fishing holes.

B. Goals

A group of representatives from agencies and organizations interested in the establishment of a trail along the Merced River has been meeting periodically for several months to discuss the potential for this trail. The goals of this "Merced River Trail Committee" have been expressed as follows:

- Establish a trail along the Yosemite Valley Railroad bed from Bagby to Yosemite for non-motorized uses (includes hiking, equestrian and trail bicycle uses).
- Attract new users to the recreational resources of the Merced River Canyon, encourage visitors to Yosemite National Park to extend their stay in the area, and extend the visitor season in the Merced River area.

This report is intended to pull together information from various sources about the current condition of the proposed trail route and the options for developing it into a high quality recreational resource.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

II. OPPORTUNITIES AND CONSTRAINTS

A. Summary

The abandoned bed of the Yosemite Valley Railroad provides an excellent opportunity to create a nearly level trail along the Merced River from Bagby into Yosemite National Park. For most of its length it is a wide, stable, and relatively flat pathway, providing a route that could be shared by hikers, horseback riders, and bicyclists.

Existing Conditions:

- Access to the railroad bed trail route can be gained at Bagby, Briceburg and El Portal. Access points to the Foresta Road section of the trail route are at El Portal and Foresta.
- At the lower end of the trail route, near Bagby, the existing railroad bed is under water when the level of Lake McClure is high.
- The land including and alongside the trail route is owned and managed by the U.S. Bureau of Land Management, U.S. Forest Service, U.S. National Park Service, Mariposa County, Merced Irrigation District, and several private landowners.
- The railroad bed ranges in condition from almost impassable to paved roads. Sections are washed out and buried under rock slides, other sections are wide and easily passable by hikers, horseback riders and bicyclists. Automobile traffic is allowed on stretches of the railroad bed which are maintained as roads.
- Drainages into the Merced River are either crossed by bridges maintained for automobile traffic, traversed by remnants of the historic trestles, or lacking bridges entirely.
- Existing recreational facilities include camping areas and boat put-in and take-out areas. There are toilets but no drinking water between Bagby and El Portal. There are no facilities between El Portal and Foresta.

Short Term Opportunities and Constraints:

- Much of the trail route can be used as is or with minor clearing of rocks and vegetation. In several stretches, substantial work with heavy equipment will be necessary to make the route accessible to bicycles and horses.
- Drainages into the Merced River will not be passable at times of high flow.
- The lowest five miles of the route (near Bagby) will only be usable at low lake levels.

- Public access to parts of the trail route will depend upon agreements with private landowners.
- Low automobile speed limits could be set and enforced on the sections of the trail route that are public roads.

- Multiple use policies and rights-of-way could be established.
- Signs could be put in place to mark the trail route, identify access points, provide warnings, explain multiple use trail courtesy, etc.

Long Term Opportunities and Constraints:

- All sections of the trail could be maintained at a width adequate for use by hikers, bicyclists, and horseback riders (approximately 8 feet).
- All drainages crossing the trail route could be passable under most water conditions. Options for the different drainages include rerouting the trail upstream to a ford, or building small new bridges.
- If the lower end of the trail route, near Bagby is to be usable year-round, approximately five miles of new trail will need to be constructed on high enough ground to be used when Lake McClure is full.
- Options for a "boating trail" could be explored to connect trail users to other parts of Lake McClure.
- The trail route could incorporate the NPS-planned trail between the lower and upper portions of El Portal. Unsightly facilities at El Portal will be screened.
- Safety improvements could be made on Foresta Road as necessary (signs, guardrails, turnouts, etc).
- Any employee shuttle system developed between El Portal and the Yosemite Valley could be designed to accommodate bicycles and trail users as well.
- Long term access to the trail route could be assured through easements, land exchanges, acquisition, or long term agreements.
- Automobile traffic could be reduced where possible on the sections of the trail route that are public roads.
- Visitor information services, parking, restrooms, drinking water and camping facilities could be enhanced.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Interpretation:

The Merced River Canyon and the proposed trail route provide opportunities to interpret the area's natural and cultural heritage to the visitor. Interpretive themes could include the following:

Gold rush / mining
Yosemite Valley Railroad
Native American use of the area
Geology / hydrology
Fisheries
Wildlife
Plant communities
Yosemite National Park
Wild and Scenic River designation

Interpretation of these themes could be accomplished through wayside signs and exhibits along the trail, exhibits at trail access points, guided hikes and rides, and printed material.

Further Planning and Implementation

The individuals, property owners, and agencies who will be affected by the development of any such trail should be consulted. Each agency has the final responsibility for managing its own lands, but continued coordination will be necessary. Coordination could be beneficial in these areas:

- Signage
- Interpretation
- Fundraising
- Trail guide or brochure
- Promotion

B. Trail Segments

This section provides specific information on each trail segment. The trail has been segmented according to land management authority as well as overall condition of the route. This section is intended to allow each agency to focus on sections of particular concern to them.

Bagby to Sherlock Gulch (5 miles)

Existing Conditions:

The railroad bed can be used to connect with Rt. 49 only at low water levels (i.e. below 800 ft). At Lake McClure's highest water levels (spillway elevation 867 ft), much of this section would be under water. The high water season corresponds with the season of highest expected recreational use (late spring, early summer). Two drainages (David Gulch and Solomon Gulch) cross the railroad bed in this section. Much of the land along this section is owned by the Merced Irrigation District (MID).

Short Term Opportunities and Constraints:

The railroad bed can be used for hiking as is or with minor clearing of rocks and vegetation. Clearing and widening to accommodate bicycles or horses would require substantial additional work in places. This portion of the trail will not be usable when Lake McClure's water level is high. Information on the water level and passability of the trail could be displayed on signs at Bagby and Briceburg, or available by telephone or in person at the BLM/USFS/ NPS information center in Mariposa. Public access through private land would be dependent upon agreements between BLM and the private landowners.

An upgrade of the campground and other facilities at Bagby is expected within the next few years. MID is seeking a grant to fund this work.

Long Term Opportunities and Constraints:

- A new trail could be developed on high enough ground to be used year-round. If this is to be a multiple use section of the trail, its width should match that of the sections upriver. Depending on conditions and maintenance requirements of this section of the railroad bed, during low water times it could be used as an second route to separate certain types of users (e.g. to keep bicyclists or horses separate). Otherwise, the railroad bed could be closed and blocked off, with all use directed to a new, upper trail. Long term guarantees of public access to the trail should be obtained wherever possible. Easements or acquisition through land exchanges would be possible means of ensuring access.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

BLM has indicated an interest in designating a primitive camping area along this section of the trail if the necessary resources can be obtained. This would provide a camping area approximately four miles from Bagby and five miles from the camps at Railroad Flat and Willow Placer.

An additional long term option for the Bagby end of the trail is the development of a "boating trail" which could link the Merced River trail with other points on Lake McClure. Boat launching facilities, rental or a shuttle-type operation could be provided at the concession area at Bagby.

Interpretive Opportunities:

Resources and sites of interest include the former townsite of Bagby; natural processes associated with the raising and lowering of the lake level; historic gold mining activity at Solomon Gulch, Sherlock Gulch, and others; Fremont land grant; geologic formations near Solomon Gulch.

DRAFT

Sherlock Gulch to Mountain King/Hall Gulch (4 miles)

Existing Conditions:

The unmaintained railroad bed is in fair to poor condition. There is no trestle or bridge where the North Fork of the Merced River crosses the railroad bed; the water level is high enough much of the year to make crossing difficult or dangerous. The land surrounding confluence with North Fork is owned by the Merced Irrigation District (MID). BLM holds an easement for public access through the private property at Mountain King. This entire section is being studied for possible designation as a Wild and Scenic River.

Short Term Opportunities and Constraints:

The railroad bed would be usable for hiking with some clearing of boulders at slide areas and general clearing of vegetation. Additional clearing and widening to accommodate bicycles or horses would require substantial work using heavy equipment in places. If this section of the river is designated as a Wild and Scenic River and is classified as "wild," the use of mechanized equipment on the trail may not be permitted. The use of bicycles may also be restricted. Assuming no new bridge in the short term, the North Fork of the Merced River would be crossable only at low flow. Public access through privately owned land would be dependent upon agreements between BLM and the landowners.

Long Term Opportunities and Constraints:

Options for crossing the North Fork include: constructing a bridge or trestle at the historic location of the trestle; rerouting the trail gradually into the gulch and upstream to a point at which a smaller bridge would suffice; or no bridge (would not be crossable during high flow). As explained under the above section, if the river is designated as Wild and Scenic and classified as "wild," treatments and uses of the trail may be restricted. If multiple uses are desired for the length of the trail, the crossing should be accessible to hikers, horseback riders, and bicyclists. Long term guarantees of public access to the trail should be obtained wherever possible. Easements or acquisition through land exchanges would be possible means of ensuring access.

BLM has indicated an interest in designating a primitive camping area near the confluence of the Merced River and the North Fork if the necessary land and other resources can be obtained. This would provide a camping area approximately six miles from Bagby and three miles from the camps at Railroad Flat and Willow Placer. A spring on this site may be able to provide drinking water.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Interpretive Opportunities:

Resources and sites of interest include the North Fork Falls and hydrologic processes; historic gold mining activity at Mountain King Mine.

Mountain King/Hall Gulch to Briceburg (5 miles)

Existing Conditions:

This section is maintained by BLM as dirt/gravel road. The two drainages (Hall Gulch and Good Gulch) are traversed by bridges in good condition, traversable in all seasons by foot, horse, bicycle, as well as by car. Automobile traffic is allowed between Briceburg and Hall Gulch, but turning around and parking are difficult. Camping areas are located at Railroad Flat, Willow Placer, and McCabe Flat. BLM currently holds an easement for the existing road access through the private properties on the north side of the river at Briceburg. BLM owns a parcel of land at Briceburg; parking is available there.

Short Term Opportunities and Constraints:

The route is fully accessible for hikers, horses, bicyclists. Low automobile speed limits could be set and enforced to make it safer for trail users to share the road with vehicles. Roadside parking could be reduced or eliminated to increase the usable trail and road width. In narrow areas, turn-outs for passing and resting could also increase the safety level. Signage indicating that the road is also a trail could be erected; signs could also explain which users have the right-of-way.

Long Term Opportunities and Constraints:

BLM plans to designate approximately 20 dispersed walk-in or river campsites in this stretch. Car traffic could be reduced on this stretch via a permit system, gate, or other mechanism. BLM is developing a visitor center at Briceburg, which could provide visitor information, restrooms, water and parking.

Interpretive Opportunities:

Resources and sites of interest include facilities of the Yosemite Valley Railroad.

DRAFT

Briceburg to BLM/USFS Boundary (4 miles):

Condition:

The unmaintained railroad bed is in fair condition. Several rock slides block the route. Remnants of trestles crossing two drainages exist; however none are in usable condition. The trail route crosses at least three parcels of private land. The lower portion of the route is occasionally used by automobiles to gain access to the private lands.

Short Term Opportunities and Constraints:

The railroad bed could be usable for hiking, bicycling, and horseback riding with some clearing of boulders at slide areas and general clearing of vegetation. The trail would need to be re-routed at the drainages, and would not be traversable at high flow. Public access through privately owned land would be dependent upon agreements between BLM and the private landowners.

Long Term Opportunities and Constraints:

Long term guarantees of public access to the trail should be obtained wherever possible. Easements, acquisition, and land exchanges would be possible means of ensuring access. Automobiles could be excluded from this section by gates or bollards which would allow passage of pedestrians, horses, and bicycles.

Interpretive Opportunities:

Resources and sites of interest include the remains of the railroad trestles; Merced Wild and Scenic River.

BLM/USFS Boundary to Clearinghouse (7 miles):

Condition:

The unmaintained railroad bed is in fair condition. Two drainages without trestles or bridges cross the trail route (Miller Gulch, Ned's Gulch). The trail route crosses at least two parcels of private land and one or more mining claims. Informal camping takes place throughout this stretch.

Short Term Opportunities and Constraints:

The railroad bed could be usable for hiking, bicycling, and horseback riding with some clearing of rocks at slide areas and general clearing of vegetation. The trail would need to be re-routed at drainages, and would not be traversable at high flow. Public access through privately owned land would be dependent upon agreements between USFS and the landowners.

Long Term Opportunities and Constraints:

Long term guarantees of public access to the trail should be obtained wherever possible. Easements, acquisition, and land exchanges would be possible means of ensuring access. Automobiles could be excluded from this section by gates or bollards which would allow passage of pedestrians, horses, and bicycles.

Interpretive Opportunities:

Resources and sites of interest include: Savage's Trading Post, a registered California Historic Landmark; site of Yosemite Portland Cement Co. incline railway, limestone quarry and crushing mill; Clearinghouse gold mine; Merced Wild and Scenic River.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Clearinghouse to El Portal (3 1/2 miles):

Condition:

This section is maintained as a road by Mariposa County. The lower half is dirt/gravel; the upper half is paved. The two drainages (Cranberry Gulch and Dry Gulch) are spanned by bridges in good condition, traversable in all seasons by foot, horse, bicycle, as well as by car. Automobile traffic is allowed on this part of the route. A camping area is located at Dry Gulch; informal camping takes place throughout this stretch.

Short Term Opportunities and Constraints:

This portion of the trail route is fully accessible for hikers, horses, bicyclists. Low speed limits could be set and enforced to make it safer for trail users to share the road with vehicles. Roadside parking could be reduced or eliminated to increase the usable trail and road width. In narrow areas, turn-outs for passing and resting could also increase the safety level. Signage indicating that the road is also a trail could be erected; signs could also explain which users have the right-of-way.

Long Term Opportunities and Constraints:

Automobile traffic could be reduced through a permit system, gate, or other mechanism.

Interpretive Opportunities:

Resources and sites of interest include facilities and sites important to the Yosemite Valley Railroad.

El Portal

Condition:

The route through El Portal is entirely paved. The railroad bed ends near the western end of El Portal. Foresta Road is a possible route through the remainder of the town. Foresta Road receives moderate automobile use by the residents of El Portal. The road passes adjacent to a maintenance yard, sewage treatment plant, employee housing, Post Office, Yosemite Association offices, library, and meeting hall. A telephone, lodging, and a small store are available in the town. Parking is available at the lower end of El Portal, near the Redbud picnic area.

Short Term Opportunities and Constraints:

Trail users could continue from the railroad bed into El Portal along Foresta Road, although there is some concern about horses on this road, due to traffic levels and potential user conflicts. Signs and/or maps indicating the route could be developed.

Long Term Opportunities and Constraints:

Plans for El Portal include a new maintenance area which will incorporate vegetative screening for the sewage treatment plant and maintenance yard. Plans for the "Bagby station" area in El Portal (Yosemite Association offices) include a new shed for the historic auto/rail car and other transportation items; public contact/information/sales area; public restrooms and water.

Interpretive Opportunities:

Resources and sites of interest include archeological sites, barium mine, the Yosemite Sugar Pine Company incline, a potential transportation-oriented interpretive center at "Bagby Station", the plans for El Portal as certain Yosemite National Park functions are moved out of the Yosemite valley, and the El Portal community.

DRAFT

El Portal to other Yosemite destinations:

Existing Conditions:

Possible routes from El Portal to other Yosemite National Park destinations include Foresta Road and Route 140. Foresta Road above El Portal is a steep, narrow, winding dirt/gravel road with steep side slopes, maintained by Mariposa County. It is open to automobile traffic but is very lightly used. It is narrow, with few places wide enough for a car to turn off, pass or park. Route 140 is similarly steep, winding, and narrow, with steep side slopes. It is paved, and very heavily used by buses, trucks, motor homes and automobiles as a primary entrance to Yosemite National Park.

Short Term Opportunities and Constraints:

Trail users could continue up Foresta Road. Caution will be necessary on the part of all users in negotiating narrow and steep areas. Signs indicating the route and caution areas could be erected. At Foresta, bicycles could continue into park on Rt. 120 and other roads (bicycles are not allowed on trails in park - only on paved and unpaved roads and designated bike paths). At Foresta, horses and hikers could connect to most other Yosemite trails, including north rim trail, John Muir trail, and Pacific Crest Trail.

All bicycles can legally ride up Rt 140 according to the California vehicle code. Groups could make advance arrangements with Yosemite National Park for possible ranger escort or other safety-related arrangements.

Long Term Opportunities and Constraints:

Options to improve the trail route along Foresta Road include roadbed improvements, passing and pullout areas, and other such projects to increase safety. Options for Route 140 include an electronic sign that can be turned on to warn of bicycles ahead; additional pullout areas for bicyclists; driver/bicyclist education efforts; and a shuttle van that could carry bicyclists and bicycles from El Portal into the valley or points en route.

Interpretive Opportunities:

Resources and sites of interest along Foresta Road include: Crane Creek and its scenic waterfalls, panoramic views of the Merced River canyon, the Merced Wild and Scenic River, views of the incline across the river from El Portal. Along Rt. 140 the resources and sites of interest include: the Merced Wild and Scenic River and Arch Rock.

C. Issues / Management challenges

Liability

The following opinions are based on provisions of the California Government Code Section 810 et seq. They are general in nature, and should be confirmed with legal counsel.

Privately-owned lands:

The recreational use statute (Calif Civil Code Section 846) immunizes owners of land from financial responsibility in the event of an injury. It applies only if the landowner does not charge a fee for the recreational use of his land and if the landowner does not expressly invite the person on the property, and if the injury is not caused by willful or malicious failure on the part of the landowner to warn or guard against a dangerous condition, use, structure or activity.[2]

County-owned or maintained lands:

Non-federal public property is not covered by the recreational use statute. Generally, the county is liable for injuries on its property which are the result of a dangerous condition that the county knows or should have known about. However, there are several sections of the law which may reduce the county's liability for use of its roads and trails:

- The county is not liable for injuries caused by a natural condition of unimproved public property.

- The county is not liable for injuries caused by the condition of: a) unpaved roads which provide access to recreational or scenic areas as long as the road is not a "county highway;" b) any trail used as access to a recreational or scenic area; or c) any paved trail which provides access to an unimproved property, as long as the county makes a reasonable attempt to provide adequate warning of the existence of any condition along the trail which constitutes a hazard to health or safety.

- The county is not liable to any person participating in animal riding or any other person who knows of or should know of the substantial danger of these activities, as long as the county: a) warns of known dangerous conditions or activities; b) does not charge a specific fee for participation in equestrian activities; and c) properly constructs and maintains in good

[2]U.S. Department of the Interior, National Park Service, Western Region, Rivers and Trails Conservation Assistance. The Issue of Liability. January, 1989.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

repair any structures, equipment, or improvements used in the equestrian activities.[3]

Federal lands:

The federal government is treated as if it were an individual under state law. Therefore, a government agency is liable only when an injury is caused by the negligence of a government employee under circumstances where the government, if a private individual, would be liable under state law. Thus California's recreational use statute protects federally owned lands as well as private lands, with the same exceptions as above.

Generally, the federal government cannot assume the liability for other agencies unless specifically authorized by Congress.[4]

[3]Vickers, Jay G., Deputy County Counsel, Riverside County California. Memo to Paul Romero re Equestrial Trail Liability Opinion. May 3, 1985.

[4]U.S. Department of the Interior. The Issue of Liability. 1989.

Trail access on private lands

Private landowners have the right to permit or prohibit public use of their property. This section provides a brief description of techniques that public agencies can use to attempt to ensure public access where the trail crosses private land.

Easements: An easement is a legally enforceable interest in land created by a transfer. An easement can be purchased, sold, or donated. For the purposes of the Merced River Trail, the necessary interest in the land would probably be a right of public access across a certain portion of the property. Easements could allow public access while the owner retained all other uses of the property, such as mining, grazing, building or living in a home, etc.

Purchase and Sellback: An agency could purchase land in fee, attach restrictions to the deed (e.g. reserving the right of public use of the trail), then resell or lease the land to the original owner or a third party.

Life or term estates: Owners selling their land can reserve certain interests, such as the right to occupy the property for a specified period of time or for the life of the owner. This method is obviously a longer term method, and may not allow immediate use of the land.

Donations and bargain sales: Landowners can make gifts of the full or partial value of their land to government agencies or eligible non-profit organizations. They may offer full title to the land in this manner, or just certain rights, such as public access to the trail.

Exchanges: Land can be traded between a federal agency and another landowner. Land trades can be of equal value lands, or equalized by payment of cash in addition to the land. Federal agencies can carry out these types of exchanges as long as they are in the public interest, are consistent with agency missions, and have equal nonmonetary values (e.g. physical and aesthetic qualities).

Leases: Leases are arrangements for use of property for a specified period of time, generally in exchange for a specified amount of money. They can cover all rights to a property for that period, or only partial rights (e.g. access). They can be at market rates or token payments (such as $1 per year) or anything in between.

Agreements: Agreements for specified uses of the land may be able to be worked out between a public agency and a private landowner. This type of arrangement may provide access for the short term if a landowner is not willing to make a long term commitment. Agreements can run for a specified period of time or may be revokable at any time with advance written notice.

DRAFT

Land trusts and private not-for-profit organizations: These nonprofit corporations, created to own land and interests in lands for specific purposes, can be used, if they are willing, to assist in any of the above forms of gaining trail access.

DRAFT

Multiple use of trails

Multiple use trails are popular and common. Running, fitness walking, leisurely strolling, bicycling, skateboarding, rollerskating, horseback riding, cross-country skiing are all non-motorized uses of a trail. Certain uses, at certain times, places and levels of use, can coexist. At other times, they conflict and each takes away from the recreational experience of the other. Add to the trail such motorized uses as dirt bikes and snowmobiles, and the conflicts increase even faster. However, separate trails for each of these uses obviously is usually not financially feasible, nor is it environmentally acceptable.

The Merced River Trail has been proposed to be developed for the use of hikers, horseback riders, and bicyclists. Peaceful and enjoyable coexistence will depend on design standards, a moderate level of use, and trail courtesy.

Design Standards/Trail Use Designation Guidelines: The following guidelines are summarized from draft trail policy statement produced by the Mid-Peninsula Open Space District to guide the development and use of their trails. In general, the more types of uses allowed on a given trail, the longer line of sight and width of trail are needed to provide for users to pass each other safely.

Designation	Line of Sight	Trail Width	Notes
Hiking, Equestrian, Bicycling	> 100 ft	> 8 ft	Long line of sight and wide trail are necessary to allow horses and bicycles to pass safely.
Hiking, Bicycling	> 75 ft	> 4 ft	Without horses, less width is required for passing.
Hiking, Equestrian	> 50 ft	> 6 ft	Without bicycles, passing can occur with shorter line of sight.
Hiking, Equestrian	> 30 ft	> 6 ft	
Hikers only	> 30 ft	> 2 ft	

Trail Courtesy: Safe and enjoyable shared use of trails requires certain users to yield the right of way to others when they approach. The following system is used on a number of trails to maximize safety.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Approach	Bicyclists	Hikers	Equestrians
From the front	Yield to all other users.	Yield to equestrians.	
From the rear	All users should make verbal contact as they approach, and ask whether it is safe to pass.		

Arizona State Parks provides the following guidelines to its trail users:

Trail Stock:
- Travel at a safe speed and be especially careful when visibility is limited.
- Remember that trail stock can be intimidating to other trail users, so communicate to those you meet on the trail.
- Do not allow trail stock to stand unattended or be insecurely tied.

Hikers/Joggers:
- Listen for other trail users and yield with care to trail stock. Act calmly around trail stock.
- Keep your pet under control or on a leash when passing other trail users.
- Joggers yield to trail stock and hikers.

Bicyclists:
- Bicyclists yield to all other trail users.
- When approaching a horse or other trail stock, announce your presence, and then pass slowly or stop and ask if safe to pass.
- Keep your speed down to a reasonable pace. Approach each bend as if someone were around the corner.
- Know what areas are open for bicycling use and always stay on approved trails.

Proper trail use can be communicated in a brochure distributed at a visitor center, on signs along the trail, or through other methods. Certain bends in the trail or narrow areas could be marked with warning signs or reminders of trail courtesy.

Use Level: The level of use of this trail will vary. During the first few years the trail, its use, and any user conflicts will have to be observed, and management policies, designs or designated uses changed as necessary.

Law enforcement and prevention of inappropriate use

Trail development proposals often generate fears of illegal trail use, vandalism of surrounding properties, conflicts among users and many other concerns. In many cases, however, the trail managing organizations and the surrounding landowners have found that such problems have not materialized. The following strategies have been used by other agencies to prevent inappropriate use and reduce law enforcement issues.

- **Trail maintenance:** Often the first defense against misuse is a well-designed and well-maintained trail. Littering and vandalism occur most often in places that are already littered and vandalized.

- **Increased use:** Increased use of a trail may actually reduce law enforcement problems by bringing in a higher percentage of concerned trail users, and increasing the visibility of inappropriate use in remote areas.

- **Education:** Most trail users will follow trail use regulations and guidelines if they know what they are. Brochures, informational contacts, signs, news releases, and displays or programs at visitor centers are some means of educating potential trail users.

- **Signing:** Signs can point out permissible uses, warnings, regulations, trail courtesy, etc. However, a balance is necessary - too many signs can detract from the recreational experience, and the results could backfire.

- **Bollards and gates:** Removable bollards and lockable gates can be designed and installed to allow hikers, horses, bicycles, and emergency vehicles to pass through, while keeping out automobiles and heavy or large motorbikes.

- **Information barricades:** Volunteers or rangers can periodically staff strategic trail access points to talk to trail users, inform them of proper trail use, and encourage them to use the trail responsibly so that it can remain open to a wide range of trail users.

- **Volunteer patrols:** Volunteer groups can inform trail users of trail etiquette and regulations while they ride or hike.

- **Trail construction and maintenance:** User groups can be involved in trail construction and maintenance. People are less likely to destroy or deface facilities that they have helped develop or maintain.

DRAFT

♦ **Step up trail patrol in problem areas:** Problems may occur from time to time in spite of all other efforts. A quick response to a problem may be able to keep it from growing larger.

DRAFT

III. FURTHER PLANNING AND IMPLEMENTATION

This report has provided some ideas and options for the development of the Merced River Trail. The informal committee that has been spearheading this effort now needs to decide on its next steps. The individuals, property owners, and agencies who will be affected by the development of any such trail should be consulted, with their ideas and concerns addressed in the plan. Where options are presented in this report, decisions should be made by the group of managing agencies. The group should decide whether more detailed planning is necessary as a group, or whether they already have sufficient information to proceed with their own agency planning, design and construction activities.

Each agency has the final responsibility for managing its own lands, but continued coordination will be necessary. The informal Merced River Trail Committee should decide what type of arrangement would be most appropriate.

- ♦ Informal coordination: the group could continue meeting as it has, in order to share information, discuss strategies, and identify areas in which to work together.
- ♦ Endorsement of a plan: each of the agencies and organizations interested in the development of the Merced River Trail could endorse a common plan, and tailor their development actions to that plan.
- ♦ Memorandum of Understanding: key management agencies could develop and sign a Memorandum of Understanding spelling out the roles and responsibilities of each agency.
- ♦ Joint Powers Agreement: key management agencies could formally to develop the Merced River Trail jointly.

Regardless of the form the group decides to take, continued coordination will be required in several areas:

- ♦ Signage: common or similar signs should be developed to mark the trail, indicate directions, facilities, warnings, etc.
- ♦ Interpretation: an interpretive plan could be developed to link the different segments of the trail through common themes and interpretive media.
- ♦ Fundraising: funding for joint projects may be possible, or different agencies may be able to raise funds for different portions of a particular project.
- ♦ Trail guide: printed materials describing the trail should cover the trail as a whole.
- ♦ Promotion: publicity for the trail could be carried out jointly by the participating organizations.

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

IV. APPENDICES

A. Resource Summary:

- **Cultural features:** Railroad bed and trestles of Yosemite Valley Railroad. Inclines at Trumbull Peak and El Portal, used by Yosemite Lumber Co. and Yosemite Sugar Pine Co. Savage's Trading Post, California Historical Landmark. Clearinghouse gold mine. Yosemite Portland Cement Co - site of incline railway, limestone quarry and crushing mill. Mountain King gold mine.
- **Geologic/hydrologic features:** Geologically significant metasedimentary rocks, limestone blocks forming prominent escarpments. Unimpounded, unregulated river from headwaters to Bagby. Class III/IV/V+ whitewater
- **Fisheries:** sculpin, Sacramento sucker, rainbow trout, Sacramento squawfish, brown trout, California roach, smallmouth bass. Occasional coho salmon. Stocked with trout in summer.
- **Vegetation:** Oak-pine savannah, riparian alder & willow, digger pine, interior live oak, California buckeye, redbud & poison oak. State-listed rare & endangered plants: Allium yosemitense, Clarkia lingulata, Eriophyllum congdonii, and Lewisia congdonii. Clarkia rostrata and Clarkia biloba are also sensitive.
- **Wildlife:** Mule deer, valley quail, bobcat, mountain lion, coyote, cottontail, brush rabbit, jack rabbit, band-tail pigeon, beaver, muskrat, black bear, cassin finch, woodpecker, water ouzel, great blue heron, canyon wren. State-listed threatened species: limestone salamander. State-listed endangered: great gray owl, spotted owl. Federally-listed endangered species: bald eagle. Important riparian habitat.

B. Contacts:

Yosemite National Park: Don Fox, Len McKenzie, Theresa Dunn, Jan Van Wagtendonk, Scott Carpenter, Craig Bates, Linda Eade
U.S. Forest Service: Brian Curtis, Wallace McCray, Nick Nixon
Bureau of Land Management: Jim Eicher, Dean Swickard
Mariposa County: Art Baggett, Gwendolyn Foster, Bruce Atkinson
Merced Irrigation District: Bruce Erwin
Others: John and Ellen Fiske

C. References:

Arizona State Parks. Sharing the Trail! (A brochure on wise trail use). No date.

California Department of Water Resources. The Merced River Canyon: Public Recreation Access Guide from El Portal to Bagby. August 1985.

Johnston, Hank. Railroads of the Yosemite Valley. Trans-Anglo Books, Corona del Mar, California. 1963.

Mid-Peninsula Regional Open Space District. Draft Policies and Guidelines. May, 1989.

U.S. Department of Agriculture, Forest Service, Pacific Southwest Region; and U.S. Department of the Interior, Bureau of Land Management, Folsom Resource Area, Bakersfield District. South Fork Merced and Merced River Wild and Scenic Rivers Classifications and Boundary Location: Environmental Assessment. 1989.

U.S. Department of the Interior, National Park Service, Western Region, Rivers and Trails Conservation Assistance. The Issue of Liability. January 1989.

U.S. Department of the Interior, Office of the Assistant Secretary for Fish, Wildlife and Parks. New Tools for Land Protection: An Introductory Handbook. July 1982.

Vickers, Jay G, Deputy County Counsel, Riverside County, California. Memo to Paul Romero re: Equestrial Trail Liability Opinion. May 3, 1985.

Woodring, Margaret D, and Robert H. Twiss. Merced River Demonstration Study, Merced River System, Mariposa County, California. May, 1986.

DRAFT

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan Appendices_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DRAFT

MERCED RIVER TRAIL

VISION PLAN // APPENDICES

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

MERCED RIVER TRAIL

VISION PLAN // February 2023

ACKNOWLEDGMENTS

MARIPOSA COUNTY BOARD OF SUPERVISORS

Rosemarie Smallcombe - District I Supervisor
Shannon Poe - District II Supervisor
Danette Toso - District III Supervisor
Wayne Forsythe - District IV Supervisor
Miles Menetry - District V Supervisor

MARIPOSA COUNTY PLANNING DEPARTMENT

Steve Engfer- Planning Director
Mikey Goralnik - Senior Community Design + Development Planner

MERCED RIVER TRAIL COMMUNITY WORKING GROUP

Art Baggett- Chair
Ralph Mendershausen - Vice Chair
Wendy Brown
Susan Clark
Tara Fouch-Moore
Jeffrey Jenkins
Michael Martin
Jessica Thompson

NATIONAL PARK SERVICE RIVERS, TRAILS, AND CONSERVATION ASSISTANCE

Patrick Johnston - Project Manager

BUREAU OF LAND MANAGEMENT

Mother Lode Field Office

US FOREST SERVICE

Stanislaus National Forest

NATIONAL PARK SERVICE

Yosemite National Park

DRAFT

Upstream of Incline

CONTENTS

CHAPTER 1 // OVERVIEW AND CONTEXT // 1-43

VISION PLAN VS. MASTERPLAN // 2

OVERVIEW OF MERCED RIVER CANYON HISTORY - BAGBY TO YOSEMITE // 4

PLANNING CONTEXT // 22

PROJECT GENESIS // 42

CHAPTER 2 // VISIONING PROCESS // 44-65

PRELIMINARY DIALOGUE // 46

MERCED RIVER TRAIL COMMUNITY WORKING GROUP // 47

VISIONING FRAMEWORK // 48

COMMUNITY ENGAGEMENT ACTIVITIES // 50

CHAPTER 3 // ACTION PLAN // 66-132

APPENDICES

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



“Trail development should be minimally intrusive. Let the canyon speak for itself. It should be a trail for exercise, beauty and introspection”

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

1. OVERVIEW AND CONTEXT

With "...exceptional scenery in alternating pools and cascades," "evidence that reflects trade, travel and settlement patterns...in an intricate and interconnected landscape of archaeological sites" and rich wildlife habitat, including for a species of salamander that occurs nowhere else in the world, the Merced River canyon is a special place, both globally and locally.

DRAFT

This area boasts a diverse mix of historic, cultural, and ecological treasures that constitute a large portion of Mariposa County's local identity and heritage.

Though recent actions have acknowledged and protected these assets, our current generation is not unique in establishing a connection with the river and its landscape. This chapter begins to place the Merced River Trail in the context of this larger story, and helps set the background for the idea and this specific effort.

The chapter includes a lengthy history—likely the first standalone history of the river canyon—that touches on the area's earliest human inhabitants, its more recent industrial history, and present local efforts to conserve the river and canyon. This understanding is important for the trail process, both in order to effectively convey the river canyon's history through future trail elements like interpretive signage, furnishings, and other storytelling elements, and to inform a knowledgeable, respectful approach to engaging with this special landscape.

Realizing that others have had big ideas and grand intentions for the Merced River canyon connects the present effort to its rich past. It also helps ensure that the Vision Plan and its recommendations are properly situated in previous planning efforts. This chapter describes related local, state, and especially federal planning and prioritization efforts, to both clarify this planning project's limits, and identify opportunities to integrate prior work into the current effort.

All of this grounding establishes the Vision Plan's parameters, and equips the project to continue a long legacy of attachment to, and stewardship for, this cherished resource.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

VISION VS. MASTER PLAN //

The existing and planned segments of the Merced River Trail are located almost entirely within federal jurisdiction, with each major federal land management agency—Bureau of Land Management (BLM), US Forest Service (USFS), and National Park Service (NPS)—each administering sizable portions of the trail corridor and its surrounding landscape. Additionally, the river and its immediate environs are federally designated as Wild and Scenic, meaning that Congress has taken action to formally acknowledge and protect the outstandingly remarkable values, including scenic beauty and recreational opportunities, that define this landscape and help make the trail project both so attractive and, to many, so timely.

Its status as a Wild and Scenic River set amongst vast tracts of federal public land means that the river/trail corridor is protected by strong, clearly formalized regulations and policies. However, while this planning process unfolded with the collaboration and input from federal land managers, its content have been reviewed by BLM, USFS, and NPS staff, and its recommendations have been confirmed as valid and attainable in those jurisdictions, the Merced River Trail Vision Plan **is not** a federal planning document.

Indeed, as will be discussed later in this chapter, there are already federal plans that discuss and recommend the Merced River Trail: each agency's Wild and Scenic River Management Plan explicitly mentions and recommends a non-motorized multi-use on the historic Yosemite Valley Railroad grade as a use that is both consistent with the Merced's designated outstandingly remarkable values, and desirable in these areas of BLM, USFS, and NPS jurisdiction.

The premise of this plan is not to duplicate those federal planning efforts, each conducted by the appropriate lead agency and subjected to the federal environmental compliance process outlined in the National Environmental Protection Act (NEPA).

DRAFT

3	~23	14
FEDERAL AGENCIES WITH JURISDICTION IN THE RIVER CANYON	MILES OF WILD AND SCENIC RIVER BETWEEN BAGBY AND EL PORTAL	DEVELOPED RECREATION AREAS IN THE RIVER CANYON



INTERAGENCY JURISDICTION
The existing and future segments of the Merced River Trail, which follows significant portions of the historic Yosemite Valley Railroad in the Merced River corridor, occur in Bureau of Land Management, US Forest Service, and National Parks Service jurisdiction, with key pockets of private right of way mixed in.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Rather, this process was initiated and facilitated by Mariposa County, to articulate the preferences and priorities of county residents who have long relied on, celebrated, and fought for this project and trail, and who will most intimately experience its benefits and impacts. Put another way, the visioning process (Chapter 2) and the recommendations that it revealed (Chapter 3) provide locally supported specificity and guidance for the agencies, building on existing plans to articulate the local communities' vision for this trail that is referred to, though not detailed, in adopted federal management plans. Importantly, this document also identifies strategies for addressing some of the longstanding implementation hurdles that have historically plagued the project, including key right of way issues and long-term maintenance and management questions.

The vision expressed in this document and its recommendations will be instructive for guiding future actions related to the Merced River Trail. However, this document falls shy of being a master plan, which would include more technical, rigorous, and granular recommendations for tasks like trail work, signage, and habitat restoration at specific locations along the trail. This document takes a birds-eye perspective on the trail project, zooming out to describe community preferences for larger issues and opportunities and laying the basis for a more detailed, collaborative, inter-agency Merced River Trail master plan in the future.

For these reasons, this document is best described as a Vision Plan. The recommendations here support future actions by the Mariposa County Board of Supervisors and county staff, but its adoption does not expressly authorize, implement, or fund any specific projects or actions. Likewise, this document does not compel or commit BLM, USFS, or NPS to carry out any actions to which they are not already committed through previous NEPA-compliant federal planning processes.



VISION PLAN → MASTER PLAN

Blending input from the community at large with direction from a working group of community members that report to the Mariposa County Board of Supervisors, this project makes a series of increasingly specific decisions that reflect local preferences for the Merced River Trail. The final deliverable, the Merced River Trail Vision Plan, has some overlap with, but ultimately lays the foundation a more technical master plan in the future—including establishing overarching goals, defining priorities, and identifying partners.

It does, however, set the stage for continued and expanded collaboration between the federal agencies, Mariposa County, and non-profits, institutions, and other local trail advocates to achieve the vision and its recommendations. As will be detailed in Chapter 2, this plan was co-created by a partnership of interagency stakeholders, Mariposa County residents and organizations, and staff from multiple county agencies. The visioning process helped nurture and strengthen these relationships, which will need to be maintained in order for the recommendations to be implemented and sustained.

Finally, this vision and recommendations were derived from targeted community dialogue and project-specific engagement that took place over nearly three years, and represent consensus and trade-offs among a variety of interests in the Merced River canyon. However, though this process was extensive, its outcomes represent a moment in time. As demographics in Mariposa County shift, as trends in outdoor recreation change (often in response to federal land management decisions), and as a changing climate alters the hydrological, biological, and ecological conditions in the river canyon, this vision and these takeaways will need to be revisited, reassessed, and likely revised in the future.

For now though, the Merced River Trail Vision Plan provides a community-supported blueprint for balancing the trail's civic benefits, including recreational, educational, and cultural, with the Merced River canyon's environmental significance and unique character.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

OVERVIEW OF MERCED RIVER CANYON HISTORY - BAGBY TO YOSEMITE //

The Merced River Trail combines a National Wild and Scenic River, a major highway to Yosemite National Park, much history, and remarkable natural and scenic areas. The long-abandoned railroad grade of the Yosemite Valley Railroad provides an inviting and unique 30-mile recreational resource in the Merced River canyon between Bagby and Yosemite. Today most people drive the upper 15 miles above Briceburg and appreciate its scenic beauty and the phenomenal spring floral displays. Except for the highway, it appears relatively pristine, yet this canyon has a long human history.

The Merced River Trail Community Working Group was tasked with writing a history of the canyon to include in the Vision Plan. This task was led by Dr. Ralph Mendershausen, who, with input from other CWG members, prepared the following history narrative in 2022. Dr. Mendershausen is a long time county resident and the author of a history of the South Fork Merced. He carried out the County's Historic Sites Survey for the Planning Department (1980-81) and played an active role in the designation of the Merced River as a National Wild and Scenic River. His drafts were written by him alone and are submitted here with the unanimous approval of the CWG. Note that a bibliography for this history and a historic timeline are included as Appendix A and Appendix B, and that the section on Early Trails is based on recent work by Ephriam Dickson.

THE SOUTHERN SIERRA MIWUK //

The native people of this watershed are known collectively as the Southern Sierra Miwuk. For thousands of years before the Gold Rush period the river played a central role in the lives of the Southern Sierra Miwuk whose territory, like those of their neighbors included a major watershed. Their ancestors may have migrated into this area originally from the coast unknown millennia ago. The river was called *wakaalmuto**. In Yosemite Valley, it may have had a slightly different name. The river and the watersheds were important in the remarkable trade practices of the Southern Sierra Miwuk. It is striking that the obsidian flakes so common in the area originated on the east side of the Sierra as native trade goods called "blanks". These they received in exchange in return for acorns and shells. This trade route existed for millennia. Generally, the lives of the Southern Sierra Miwuk and other foothill tribes were very local, but in this case some must have travelled these trade routes regularly and over thousands of years.

The river and the streams also determined the general west to east run of migration in the course of the late spring and summer as smaller groups (tribelets) moved to higher, wetter, and cooler ground collecting a variety of foods. The river played a central role in native basket making, being the locus for redbud, willow, and sedge root. The river played a role as well in belief and society, ie. the concept of a water side and a land side. North of the Merced was considered the land side, and south, the water side. Frequently this was a guide to naming, marriage, and rituals.

And finally, the river was a giver of life. We can take this life giving quality quite literally for the river, at least below Yosemite, contained salmon in great numbers until at least the end of the 19th century. This was an important part of life in many of the winter villages of the Southern Sierra Miwuk. These winter villages were often located along the Merced and the South Fork and had Miwuk names. They were extensive and permanent.

Salmon was an important addition to the already abundant Miwuk diet. Salmon, for example, were just one of four anadromous species available to them in 1849. The salmon were caught in large numbers using a great variety of methods; the catch was often dried. In the fall of 1854, Nicolas Perlot, an unusually observant gold miner, noted this activity, and its smell, at "Round Valley" on the South Fork of the Merced. He also noted how they dropped everything, including searching for gold on the North Fork of the Merced to catch the salmon run on the South Fork. Drying made it possible to have the fish in powdered form during the rest of the year. Salmon seems to have entered Yosemite Valley in dried/powdered form. At the latest, the spring and fall salmon runs ended with the construction of the original Exchequer Dam by Merced Irrigation District in 1926. John C. Fremont put his first dam on the Merced in 1859, calling it Benton Mills (Bagby). It was doubtless put on top of a major named native settlement for this was a wider spot in the river and relatively easy to ford.

The Southern Sierra Miwuk and their ancestors, like many other native Californians, boasted a rich and complex relationship with their landscape. In the past, this relationship has often been described as passive, just "living off the fat of the land", but we know today that it was active, intentional, and consistent over a very long time. Their land-based lifeways provided abundant

*Native names/words are important to native peoples. This one is provided here for historical accuracy; it should not be misappropriated.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

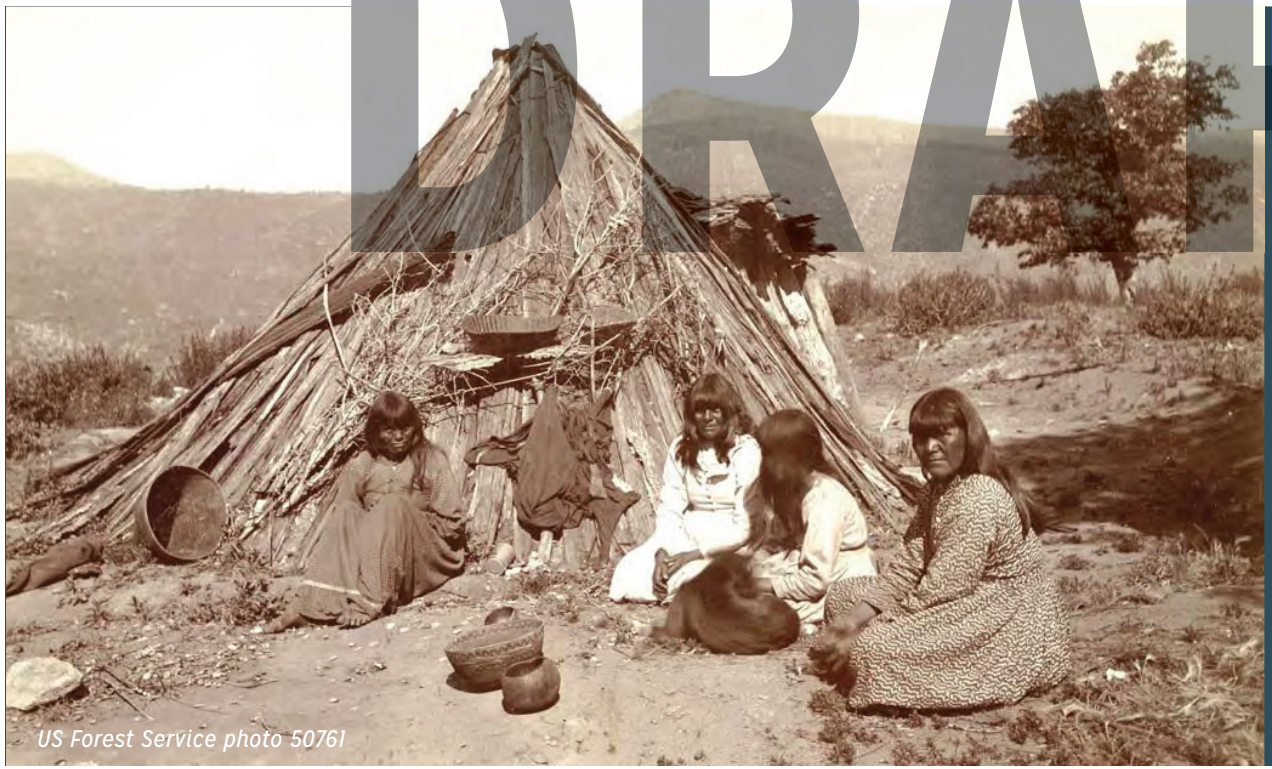
physical, cultural, and spiritual nourishment that was cultivated through a complex interaction with the natural environment over millennia. While “farming” was not their way, they did use fire and care for trees in a systematic way. They feared large fire and practiced burning as a way to enhance seed grasses and game while reducing brush. They cared for the oak trees that sustained them well with the staff of their lives, acorns. Catastrophic fires in the canyon such as the Telegraph Fire, the Detwiler Fire, and the Ferguson Fire are terrifyingly of our time. Nor should we ignore the intense education and training it took for typical Miwuk to know some two hundred plants by name and use.

Well before the Gold Rush, in the Spanish and Mexican periods, the Miwuk were decimated by European diseases such as malaria and cholera even though the Spaniards and the Mexicans themselves never reached this part of the Merced River. The river itself, however, was given the name we use today by a Spanish force pursuing fugitive Indians in 1806. Refugees from the missions and ranchos surely did reach the Sierras, and infectious disease would have also travelled with trade.

The decimation of the Miwuk population of our region increased dramatically with the Gold Rush. Decimation through various means continued for decades (to 1900) and eventually reached to at least 74% of the population of all three major Sierra Miwuk groups. Southern Sierra Miwuk numbered about 2700 in 1849. Sometimes death took the form of murder; at least 200 Miwuk are known to have been killed by miners outright between 1847 and 1860. Native lives lost most of their economic value in the Gold Rush period. Spanish and Mexican institutions exploited the Indians harshly, but they depended on them for labor as well. The limited protections of mutual need fell away rapidly after 1849.

For a brief while the Miwuk sought to continue their traditional life, but this quickly proved impossible because of the onslaught of miners and farmers which rearranged streams, prairies, and resources. Perlot documents their frequent participation in mining activities in the early 1850’s. The actual extermination of the Indians was preached by

DRAFT



US Forest Service photo 50761

ANCESTRAL LANDS OF THE SOUTHERN SIERRA MIWUK

This photo was taken by Forest Supervisor of Sierra National Forest Charles H. Shinn. Originally set aside in 1893 when the Forest Reserve Act authorized the President of the United States to set aside timbered public lands, this landscape was re-designated as a National Forest in 1907. The neighboring Stanislaus National Forest followed a similar timeline. The Merced River is the boundary between the northern boundary of the Sierra and the southern boundary of the Stanislaus.

Just before 1907, a federal study found that, in the lands soon to be known as Sierra National Forest, there were nineteen discrete locations with Indigenous people living in groups of 10-100 individuals. Shinn himself noted that “The little Indian homes are scattered here and there, wherever a spring can be found and a little pasturage for a few horses.”

Indigenous inhabitants were not consulted in the establishment of these public lands, nor were they afforded legal rights, protections, or government support. The Merced River Trail must grapple with this legacy.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

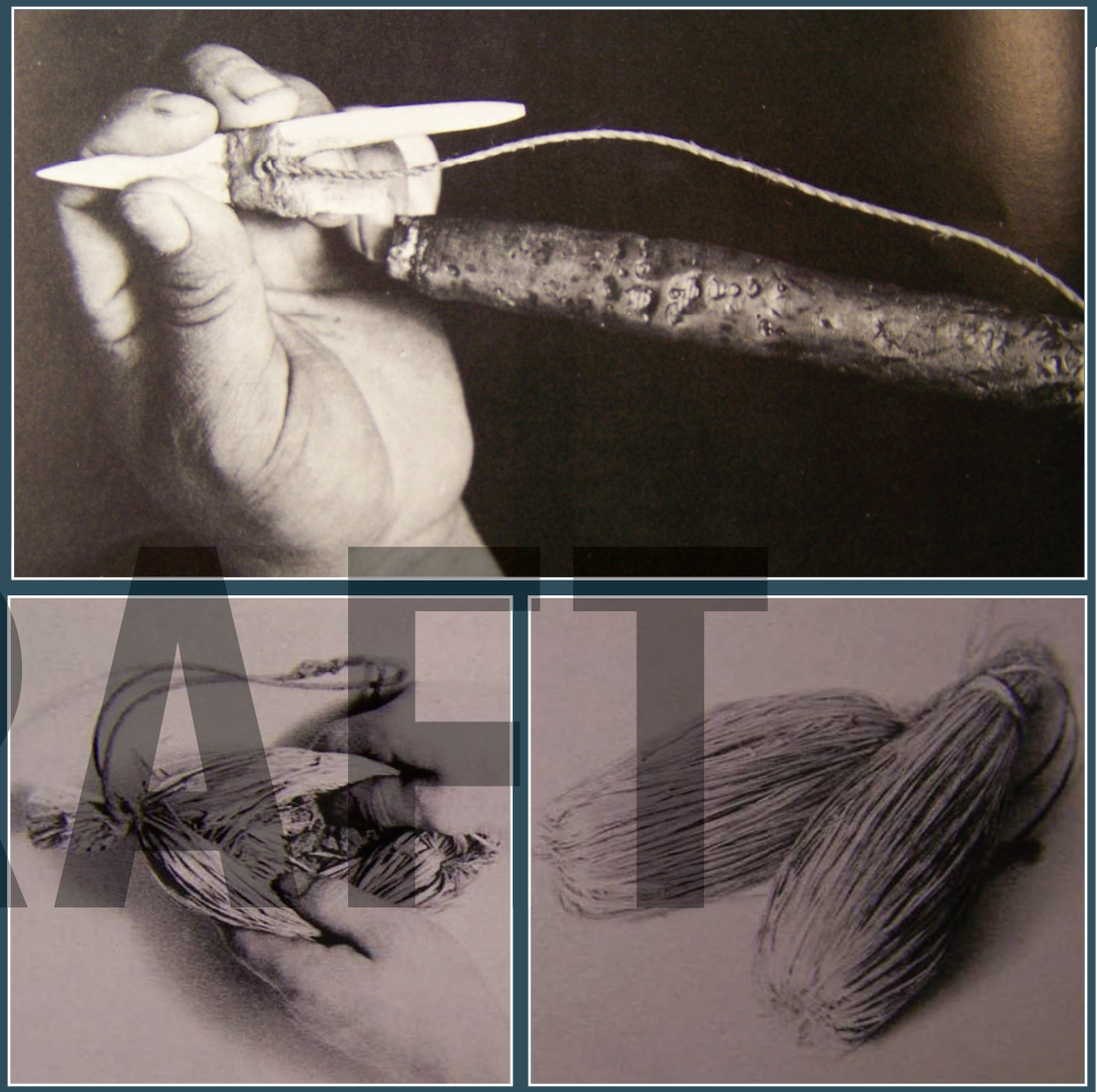
California Governor Peter Burnett and their extermination was commonly believed to be inevitable. In some rare cases bounties were placed on native scalps, but this did not occur locally.

Many local natives sought to or had to join the Gold Rush itself. Locally and somewhat ironically they sought protection in the mining fiefdom of men like James Savage. His brief empire was centered on the Merced watershed where he established an early trading post at the confluence of the South Fork and the main stem. This local *caudillo* was a paternalistic overlord to local tribes; he sought to protect them for his own profit first as miners and then as prisoners in a brief but failed reservation system in need of beef. His self-serving efforts were out of step with the profound individualism of the Gold Rush. Use of slaves and native labor crews were simply anathema to the mining ethic. Savage died trying to control "his people's" food supply on a federal reservation.

The reservation failed; the natives wandered homewards. The result was that after Savage's murder nothing stood between the uprooted Indian and the new State of California which had no use for them at all. Miners saw Indians as "dangerous animals". The 1850 California "Act for the Government and Protection of the Indians" established virtual slavery; children could be obtained legally as servants, and adults could be indentured. Their right to life was not respected by those using the law to acquire or sell Indian labor. They had no civil rights and could not testify in court. To avoid starvation, they gravitated more and more to the (dangerous) edges of towns in search of low-wage, menial, day work. Their chances of survival as indentured agricultural workers were poorer than if they had not worked in the fields.

Today the Miwuk constitute about 3% of the local population and play an active part in the life of the County. They are still here. No reservation was established for the Southern Sierra Miwuk and tribal recognition has not been bestowed by the federal government. They have been seeking such recognition since 1982.

DRAFT



Courtesy Yosemite Research Library

RIVER-SHAPED LIFEWAYS
Indigenous fishers developed sophisticated and effective tools to access the nutritional and culinary benefits of the Merced's salmon fishery. This includes spears with hooks made of bone and line made of milkweed (top), and fish-worm carriers ("huk-ken"), made of blue grass (bottom). The implements shown here belonged to Southern Sierra Miwuk Chief Lemee.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

EARLY TRAILS //

With natives largely driven from the foothills during the 1850's, miners pushed up the Merced River canyon, making several important gold strikes along the river between present Briceburg and the entrance to Yosemite Valley. By 1860 more and more mining took the form of hard rock mining. In 1860, Elijah and Ephraim Ferguson and their cousin Charles Pease discovered quartz veins containing gold on the north side of the Merced River, about one mile above the mouth of the South Fork. A mile further up the river, James Wilson and the Rutherford brothers, Thomas and Adam, also found gold bearing rocks that same summer. In 1862, John R. Hite and J. C. Wilson located gold bearing quartz on the South Fork at what became known as Hite's Cove. Additional smaller claims were established over the next several years along this stretch of the Merced River.

Rudimentary trails were initially developed to these mines for packing in supplies and equipment by mules. While the mining operation at Hite's Cove was reached by a trail from Mariposa, the mines along the north side of the Merced were supplied by a trail from Coulterville and Sonora. Only wide enough for animals to move in single file, this trail traversed through very difficult topography with high, steep canyons and tumbles of boulders from rock slides. Traces of this early route can still be seen today on the canyon walls.

In November 1865, the Mariposa County Board of Supervisors approved a trail, designed and built by A.W. Bolton, as a public highway extending from Black's Store on Bull Creek to Jenkins Mill on the Merced River, then up the river past Green's Store at the South Fork confluence, to Ferguson's Mill, and finally ending at Rutherford's Mill, then the furthest mining operation up the river. This trail or "road" grew out of a petition of the various hard rock mining interests active in that portion of the canyon.

DRAFT



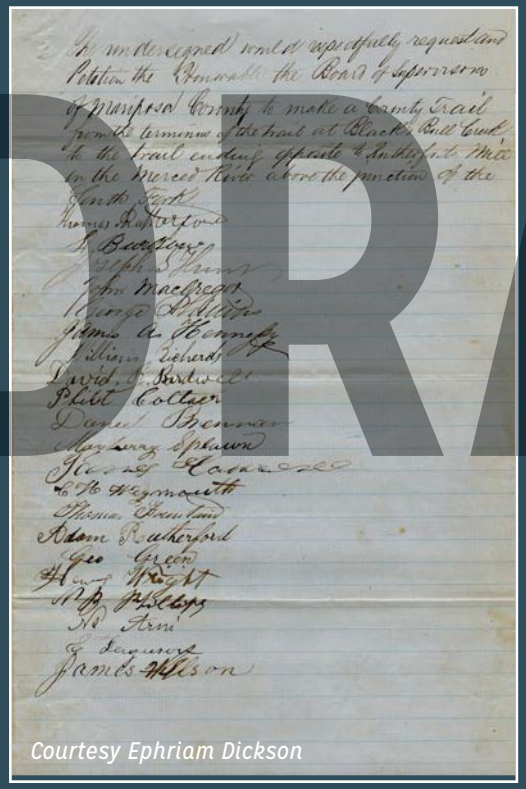
HISTORIC FOUNDATIONS
In the mid-late 19th century, local miners built trails on the north side of the Merced River to provide access to claims in the canyon. These trails became the basis of the Yosemite Valley Railroad, and later the Merced River Trail.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Then in 1871, Bolton proposed to expand his previous trail to the boundary of Yosemite National Park, and was granted authority to extend the existing county trail from Ferguson's Mill further along the north bank of the Merced to its junction with Cascade Creek. The trail was inspected in May 1873 and approved by the Board. The toll rate for equestrians was one dollar per head, 50 cents for a pack animal, and 25 cents for hikers. Tolls were payable at the booth Bolton built on his 80-acre claim near Cascade Creek. Bolton's extension of the county road along the river was the first all-weather route to Yosemite for tourism purposes.

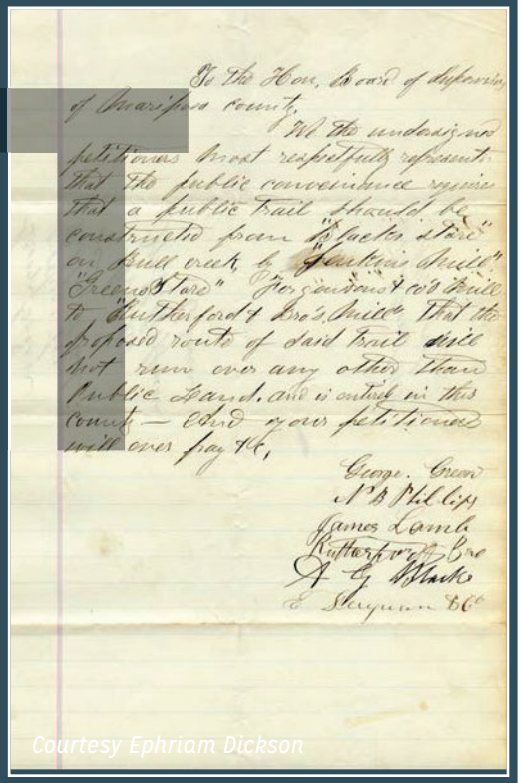
The rugged canyon topography posed a major engineering challenge to developing this trail into a wagon road. Attempts were made to fund a wagon road along the Merced River in the 1880s and 1890s, but ultimately this was not accomplished until the All Weather Highway (State Highway 140) was finally completed in 1926.

"The undersigned would respectfully request and petition the honorable Board of Supervisors of Mariposa County to make a County trail from the terminus of the trail at Black's Bull Creek to the trail ending opposite to Rutherfords Mill on the Merced River, above the junction of the South Fork."



Courtesy Ephriam Dickson

"We the undersigned petitioners most respectfully represent that the public convenience requires that a public trail should be constructed from "Blacks's store" on Bull Creek, by "Jenkins Mill", Greens store", Fergusons & Co's mill to Rutherford & Bro's Mill," that the proposed route of said trail will not run over any other than public land, and is entirely in this county – And your petitioners will even pay &c."



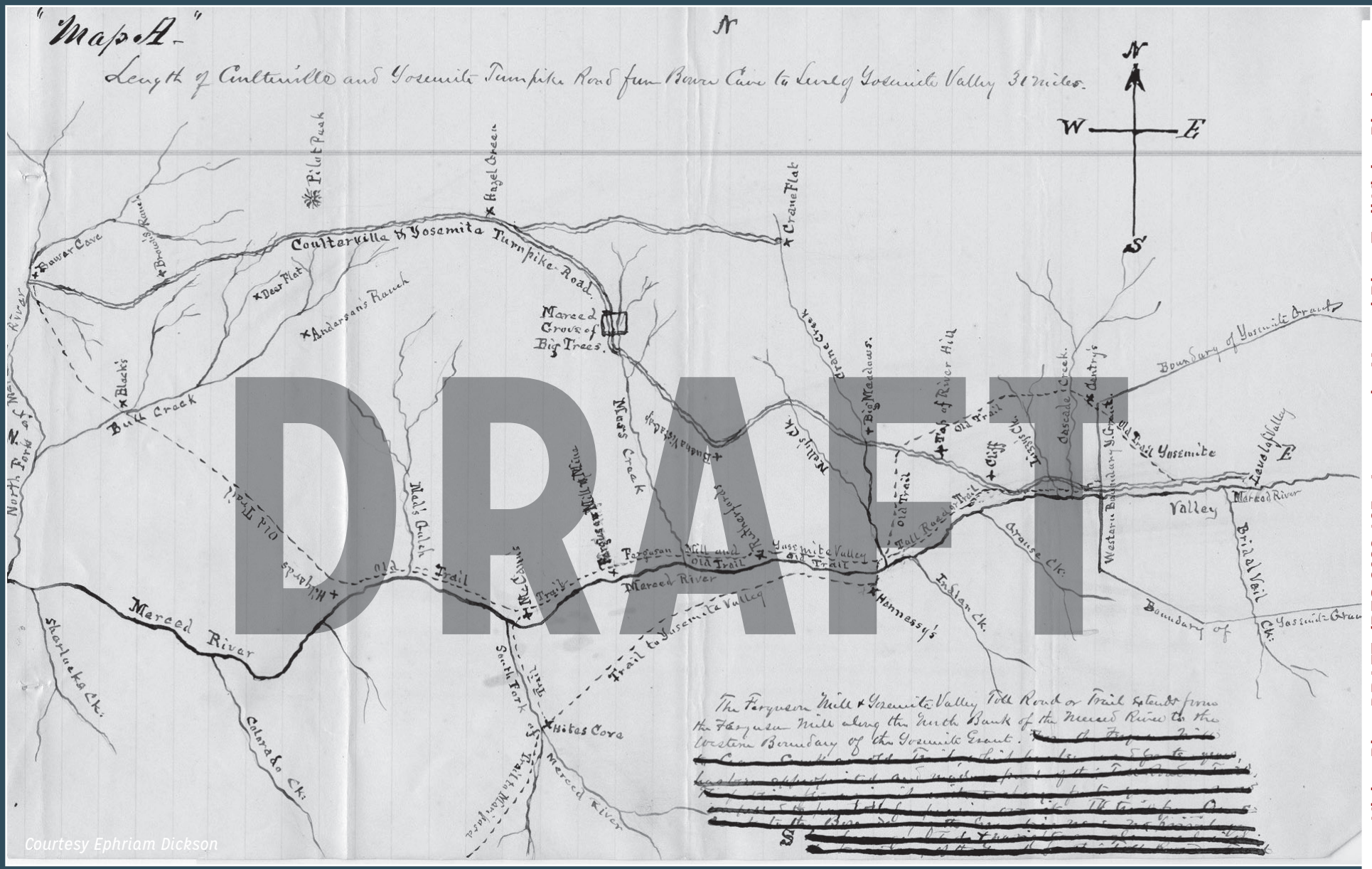
Courtesy Ephriam Dickson

19TH CENTURY LOCAL TRAIL ADVOCACY

These archival documents, discovered by Ephriam Dickson, show Mariposa County residents formally petitioning the Board of Supervisors to allocate County funds to support a public trail along the Merced River in 1865. Like the later Yosemite Valley Railroad route and the current/proposed Merced River Trail, this early trail, whose route is depicted on the opposite page, was located on the north side of the river.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



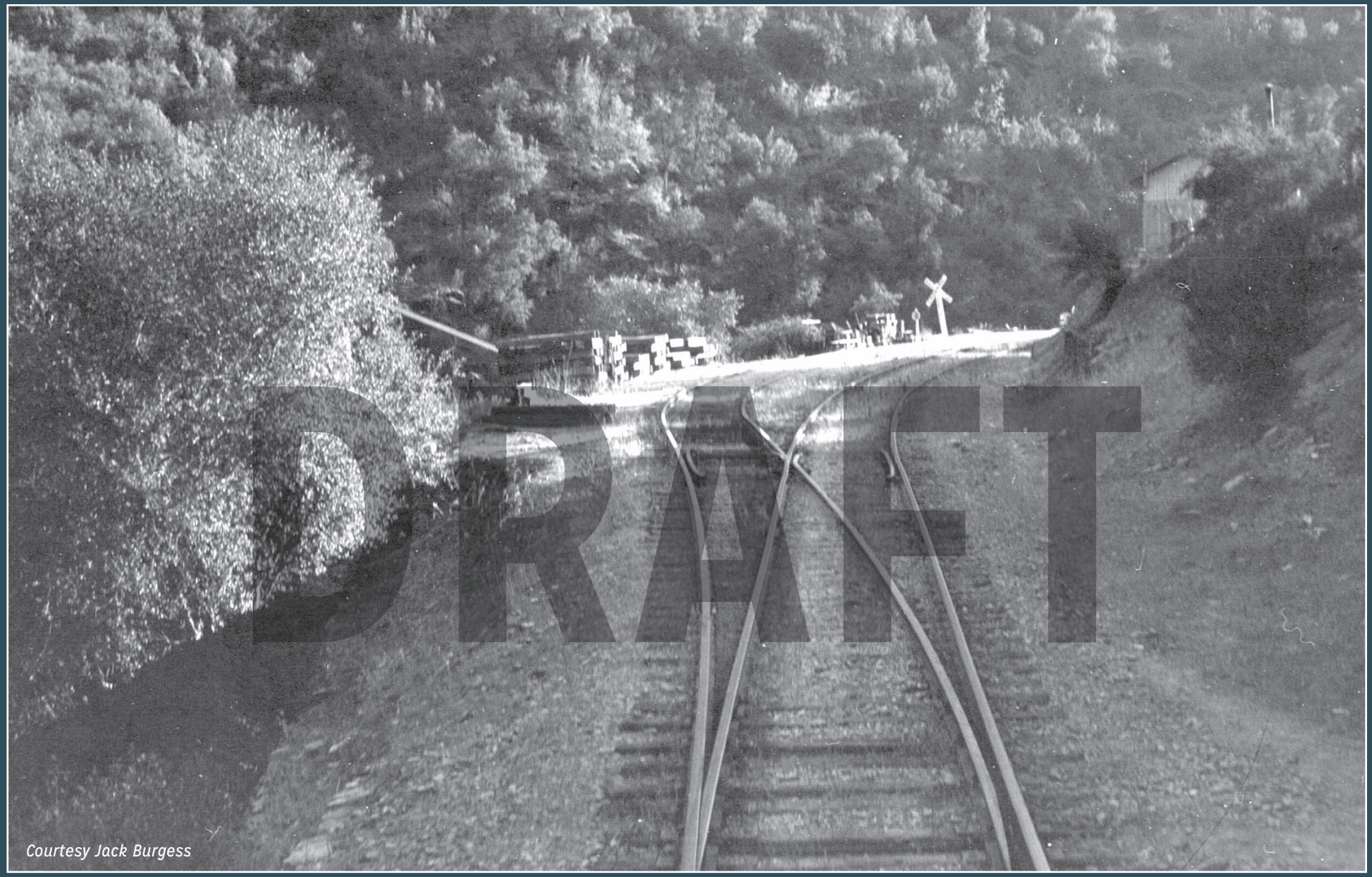
Courtesy Ephriam Dickson

DRAFT

ARCHIVAL TRAIL DOCUMENTATION

The 1865 trail ran from Black's Store on Bull Creek, near its confluence with the North Fork of the Merced, down to the Merced River at Hilyard's Mill near Ned's Gulch, and then up the river past Ferguson's Mill to the Rutherford Mine and Mill, both located on either side of Moss Creek. It is possible that it was not constructed until 1866.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Courtesy Jack Burgess

INDUSTRIAL ROOTS FOR RECREATIONAL TRAIL

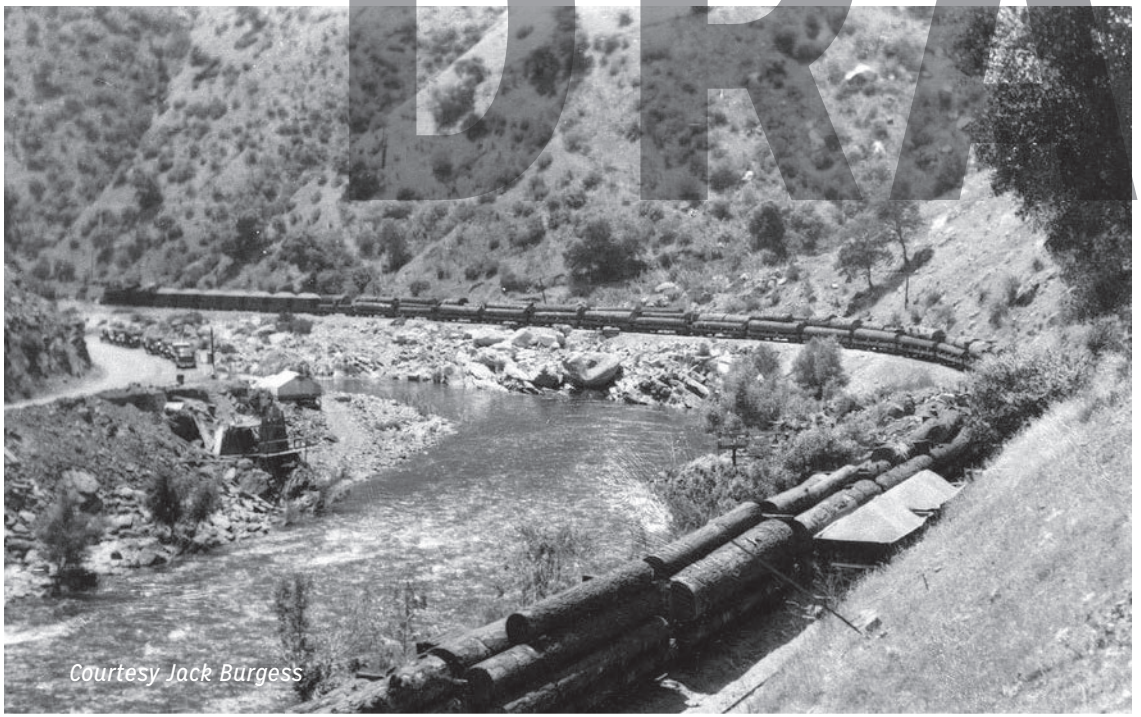
The existing and planned Merced River Trail primarily follows the course cleared for the Yosemite Valley Railroad along the northern banks of the Merced River. In the 20th century, the imperatives for moving both the materials to support resource extracting industries and their outputs, especially mining and timber, led to the establishment and maintenance of a corridor suitable for a train to regularly move through the Merced River canyon. Today, portions of that same route supports a non-motorized recreational trail, the appropriate extension and dedicated conservation of which have long been an aspiration for many in Mariposa County.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

THE INDUSTRIAL MERCED RIVER CANYON 1849-1950 //

The Gold Rush of 1848 thrust the river canyon into the industrial era. It brought placer, lode, and some hydraulic mining to the area. Virtually every side creek was explored, and some were diverted to pursue better gravels. Before long, small hamlets, mining centers, or farms (Hennessey Ranch) were established. The river itself became an engine of industry, and the canyon was filled with mechanical sounds, such as of stamp mills. This extractive industry expanded over the next century and drew to a close around 1950.

During the heyday of heavy industry (1911-1940) as many as 2000 people lived and worked in the river canyon. This was also a time when there were several little company towns at Bagby, Mountain King Mine, Briceburg, Emory (Miller Gulch), Clearinghouse, and El Portal. These were all supported by the Yosemite Valley Railroad, and as they came and went at different times, their materials were repurposed, usually upstream. Whereas in 1848 it was usually an individual miner, or pairs, or companies seeking gold through placer diggings on side streams, it was not long before mining became largely industrialized; this statewide process actually began in Mariposa County. Colonel John C. Fremont brought industrial mining to the state and to this river.



Courtesy Jack Burgess

Fremont's Merced River project was not just a mill and dam at the river; it required transportation to and from the river. The first incline on the river lowered full ore carts down the fall line from Bunnell Point to a river powered crushing mill. This mill was named Benton Mills for Fremont's prominent father-in-law, Senator Thomas Hart Benton. Unlike later inclines in the canyon the empty carts were pulled up the grade on rails. Mules provided the power. Rails then ran down the route of today's Highway 49 below Pine Tree Mine and over a curving trestle to make the hairpin turn. The mill below eventually reached 80 stamps.

The river took out its first dam, Fremont's, in the flood of 1861. Other dams followed, but as the mines deepened they flooded more, and ore quality was not consistent. In 1873, the bold, "can do" engineering idea of drilling from the river to Mariposa town hitting a series of gold mines at their bottoms failed to pay for itself after 3300 feet of trying.

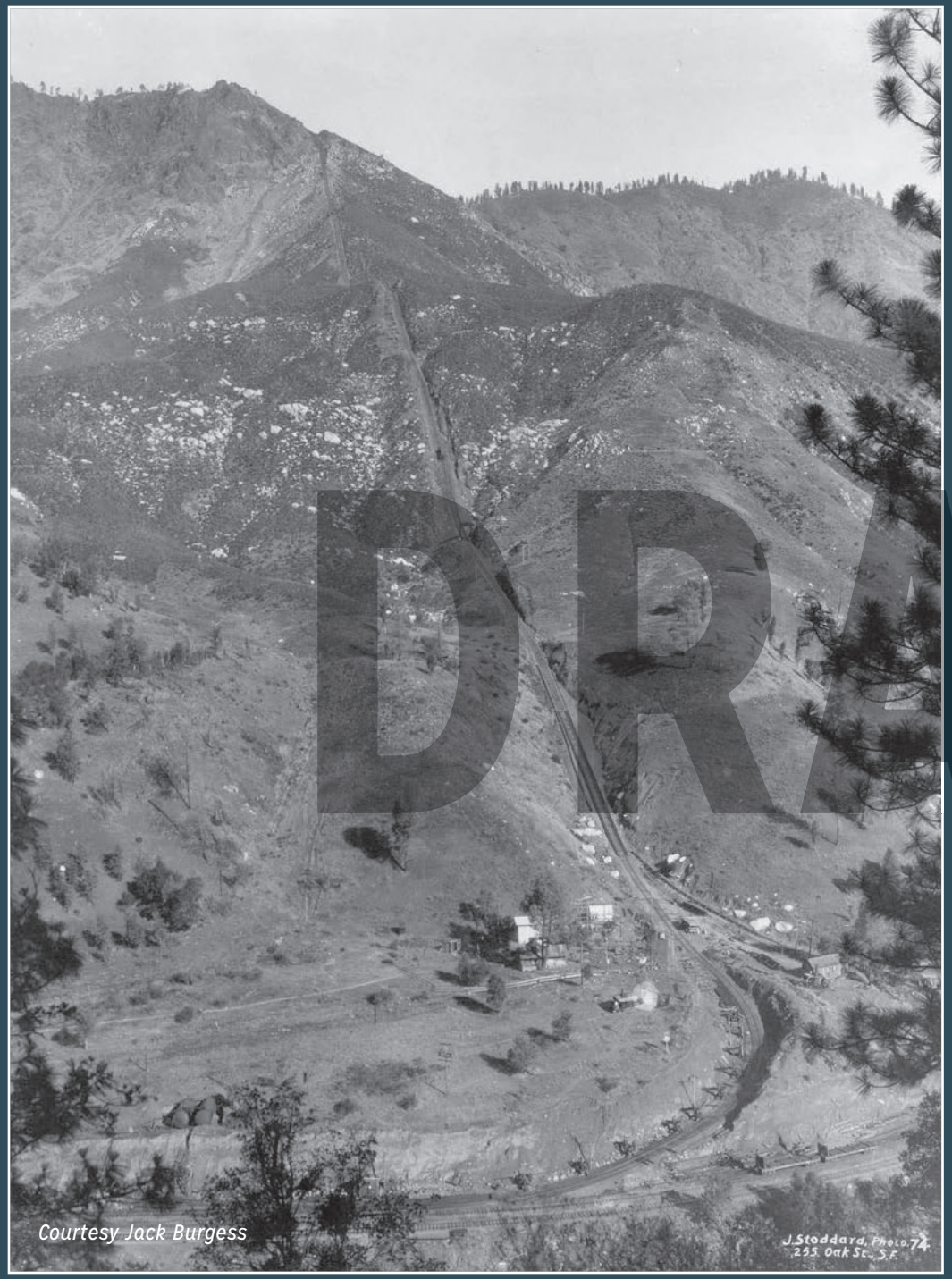
The Benton Mills dam was replaced by others, and the last dam there was for purposes of electrical generation. By then the post office was called Bagby. The Mariposa Commercial and Mining Company built this early electro project to serve their mines about 1900. They soon sold to San Joaquin Light and Power Company. Fire destroyed most of the plant in 1922. Only the bridge was replaced.

By 1923 power from San Joaquin Light and Power was reaching mines and mills at the upper end of the canyon. In 1967 the Merced Irrigation District's second Exchequer Dam flooded the Bagby area and most of its cultural and historic sites. The last hydro projects in the watershed (1980's) were precluded by

INDUSTRIAL LOGGING
The lumber harvested from the Merced River watershed in the early 20th century was transported along the rail grade to industrial centers in the Central Valley, where it was used to build cities throughout California.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Courtesy Jack Burgess

National Wild and Scenic River designations for the main stem and the South Fork of the Merced.

The canyon's inclines are the most visible reminder of the remarkable feats of its industrial era. Inclines further up canyon used the fall line from the source of the raw materials, but they lowered and raised heavy loads at the same time. The loads passed each other at a switch. The keys to the operation were the giant hoist, a heavy cable, and a switching point. Steam donkey engines provided the initial power source. Inclines had to be long, very steep, and moved massive amounts of material.

The Yosemite Logging Company's south incline 1911-12 was 7800' long and had a grade, at one point, of 78%. Stunning tonnages of steel, locomotives, and other machinery were hauled up the track and one key part, the donkey yarder, hauled itself up over the course of three months only to fail at the point of maximum grade. The yarder was demolished; the engineer perished; the lumber company was exonerated. Two others died in 1914, killed by falling limbs, with other fatalities among the loggers.

This illustrates the remarkable human effort and risk the industrial period brought to the Canyon. 35,000,000 feet of lumber went to the mill in 1913. And the later numbers sometimes were much higher. Everything used at the top was hauled up this incline; when the Yosemite Lumber Company ran out of timber near Wawona in 1923, equipment and the infrastructure above was brought back down and moved five miles downriver to the north side of the river.

The second incline across from Indian Flat was 8300' and had a maximum grade of 68%. A second 1600' 45% grade incline had to be constructed above the first. These operations were electrified, with a substation at what is now Indian Flat. The hoist was

RIVER CANYON INCLINES
Remnants of the inclines used to transport raw materials, especially timber, from higher elevations to the rail grade below, are visible in many places throughout the canyon today.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Courtesy Jack Burgess

RIPARIAN FLOODING AND INDUSTRIAL DESTRUCTION

Though contemporary observers likely think of wildfire as the most significant threat from natural disasters in the river canyon, catastrophic wildfire appears to have been relatively uncommon in the river's recent past. Rather, major floods—especially this one in 1937, which inundated the rail grade and destroyed industrial infrastructure throughout the rail corridor—were the biggest concern. 60 years later, similar flooding along the river would have enormous consequences in Yosemite, resulting in significant changes to park operations and policies that shape life in the canyon today.

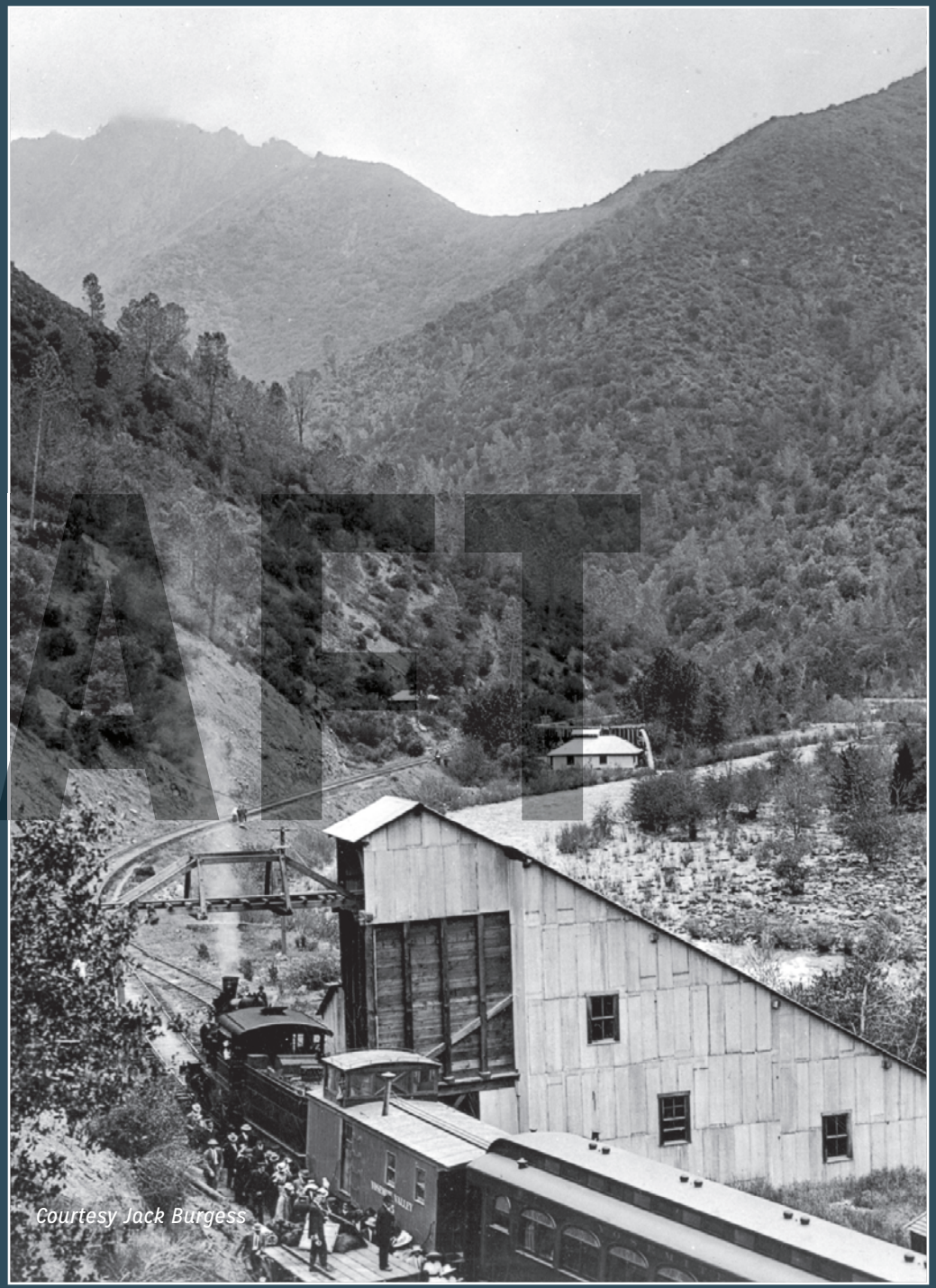
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

completely electric. In 1924, without missing a season, the new operation produced 60,000,000 feet of lumber; the next year it was 85,000,000. Five hundred men were employed in the woods.

Other inclines were employed at various times downriver. The limestone quarry (Miller Gulch) used to supply a cement plant in Merced, and was active in the 1920's and 1930's. Another shorter incline operated at the Mountain King Mine (gold) which had its heyday in 1915-17. All have left their marks on the river canyon long after the industries shuttered.

The later industrial phase of the inter-war years included gold and barium as well. The first was represented by the Clearinghouse Mine whose buildings remain on lower Incline Road. This was one of the few gold mining areas that, despite the boom and bust of mining, managed to produce in all three boom phases of area gold mining. By the end of its life, however, its gold ore was becoming considerably less profitable. Both the Clearinghouse and the National Lead Company's barium mine (1.5 miles below El Portal on the north side of the river) did well in the 1930's only to diminish later. Gold mining was non-essential in wartime, and better grade, more accessible, barium was available in Nevada.

Mining runs deep in the history of Mariposa County and the Merced River canyon. The abandoned mines in the canyon, most of them quite small, some of them extensive, are potential sites for physical accidents and chemical contamination due to the presence of mercury, arsenic, and acid rock deterioration. These may negatively affect the river. One such example is the private property at Miller Gulch above Briceburg. The old limestone quarry outbuildings burned down in the Ferguson Fire of 2018 and are immediately next to the Wild and Scenic River. As discussed later on in the Vision Plan, the planning process revealed an interest from community participants for leveraging the trail project to



CLEARINGHOUSE MINE
The mine mill shown in the foreground here was one of several sizable buildings that supported operations at the Clearinghouse mine. Many of the structures from that era still exist in that location.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

facilitate restoration and enhancement activities on former mine sites in the river canyon such as this one. Many old mines have historic and wildlife values that are more positive.

The heart of the industrial phase of the Canyon story was the Yosemite Valley Railroad (YVRR) which operated from 1906-1945. The railroad, mining, and logging lobbies must have played a significant role in the reduction of Yosemite's western boundaries which had never enjoyed much support in Mariposa. The successful rollback of those boundaries was no guarantee of economic success. The railroad's initial pitch was as a passenger line to Yosemite, but that only worked well for the first 20 years. They later, somewhat desperately, expanded this service to include the automobiles of the wealthy. YVRR played a central role in the development of all the industrial operations touched on above.

Along with electrification, the railroad underlay modernization



Courtesy Jack Burgess

PUBLIC LANDS HOSPITALITY
During the rail's twilight years in the 1940's, the Yosemite Valley Railroad provided passenger service from the Central Valley to Yosemite National Park via El Portal. The station's design, with its heavy emphasis on cedar bark and logs, references the "rustic" architecture that linked it to the park's aesthetics.

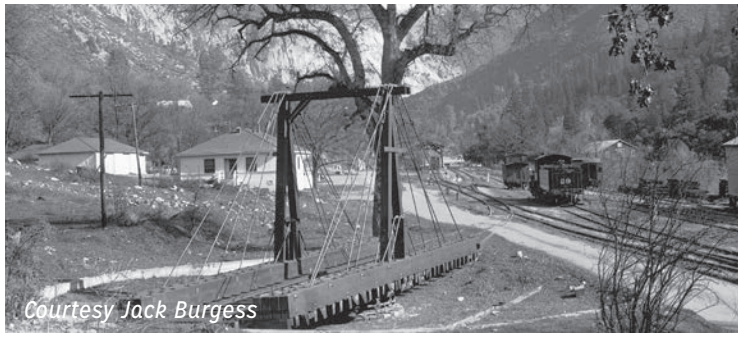
DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

of industrial infrastructure in the canyon. The railroad's peak years were 1925-1926 after which it began a gradual decline to closure in 1945. Root causes of this decline were: the loss of passenger traffic to cars after the opening of Highway 140 in 1926, the decline of freight revenues when the Yosemite Sugar Pine Company sold its holdings to the government to protect Yosemite (Rockefeller Grove purchase), and the costs of repairs after the great flood of 1937. The last but inadequate customers were the limestone quarry and the barium mine.

The closure of the gold mines by the federal government at the outset of World War II did not help the railroad. Had the railroad somehow survived it would have been destroyed again and again by fire and flood. The little towns it spawned with mills, dorms, housing, school, and store are all gone, except for El Portal, which has been completely repurposed to serving tourism.

The canyon is generally very narrow, forcing industry to gamble on what the high water mark would be. Throughout the industrial phase on the Merced River, flood and fire constituted persistent threats and added unforeseen costs to all industrial activity. The single most destructive flood was probably 1937. This wrought havoc with rails, roads, mines, dams, generators, and bridges. Just about every operating industry in the canyon suffered significant loss from fire at one time or another, or repeatedly.



PRESERVED RELICS OF THE PAST
Iconic elements of the canyon's industrial past, such as this turnstile currently located in El Portal, animate the area's present, and provide the basis for historic interpretation through the trail project.

RANCHING AND CATTLE //

Grazing cattle on a permit basis grew out of earlier movements of cattle from the lower foothills to the Sierra by several local ranching families such as Chase, Westfall, Pate, and Meyer. The nature of that changed with the creation of the National Park and the Forest Reserve (which would become the National Forests). After the 1905 withdrawal of 430 square miles from the west side of the original 1890 Park boundary, those lands, which reached to Jenkins Hill and the current US Forest Service western border, became Forest Reserve. These lands were open to industrial exploitation and also grazing. This withdrawal of 1905 was very popular with the mining, logging, and railroad interests. Grazing too was affected.

The Horace Meyer cattle drives and grazing permits may well have been the longest lasting in the Merced River canyon, though it is not clear when they began. The family's lease ended only in 2006. The purpose of grazing was to maintain and expand the stock of cattle rather than for beef. The bulk of this permit grazing occurred between the end of World War II and the mid-1980's. Grazing was facilitated by the failure of the railroad. Today, grazing in the canyon proper appears to be over, though it is not legally excluded.

The following is based on conversation with and a text from Betty Meyer Mankins (b.1937), Horace's daughter. The Meyers were one of three families that grazed the north side of the canyon, which was more sloping, and offered better grass with its sunnier exposure. They always used horses and dogs in their operations, but in more recent days vehicles were used to pick up and deliver stock as well. They paid a fee to the Forest per head to graze their animals. Initially the Meyers grazed from Ned's Gulch upriver to El Portal while the Jenkins Family of the Bull Creek area grazed downstream from there to the North Fork. The Schillings grazed below that to Bagby. Horace lost the Big Meadow operation to the Park in the mid-1960's and eventually moved his grazing below Ned's to cover Bagby to Miller Gulch. Horace worked with and eventually took over the Schilling and Jenkins permits downstream to Bagby. The Forest Service granted permits and "counted in" the cattle at Meyer's corral in El Portal (Rancheria Flat) at the beginning of the season.

Betty writes: "Around 1941 the Meyer's Ranch moved the operation to Hornitos Road and leased land in Whitlock, where Horace (my father) turned-out in March. Then in May, Horace drove cattle from the Summit up Hwy. 140. He camped in the flat below the Octagon and at the PG&E lot above Indian Flat. He then moved onto the gravel pit and swam the cattle across the river. He would turn in a holding field located on Rancheria Flat where the cattle were counted by (the) Forest Service. Rent was determined per animal. Following the count, the cattle were scattered down the river along the railroad grade to Ned's Gulch. When the grass dried, the cattle were moved up Ned's Gulch, Moss Canyon, and Old El Portal Road toward Foresta/Big Meadow. When Highway 140 became too busy

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

"Then in May Horace drove cattle from the Summit up Hwy 140. He camped in the flat below the Octagon and at the PG&E lot above Indian Flat. He then moved onto the gravel pit and swam the cattle across the river....

When the grass dried, the cattle were moved up Ned's Gulch, Moss Canyon, and Old El Portal Road toward Foresta/ Big Meadow. When Hwy 140 became too busy for cattle drives the cattle were hauled by truck to Rancheria Flat and counted by Forest Service, and then scattered along the river canyon."

BETTY MEYER MANKINS, DESCENDANT OF RIVER CANYON RANCHING FAMILY

for cattle drives the cattle were hauled by truck to Rancheria Flat and counted by Forest Service, and then scattered along the river canyon." These Hwy 140 drives involved about 200 head of cattle and were managed by cowboys on horseback: one in front, two in the middle, two or three in back. The riders did their own counting along the way. 2-3 dogs were always along.

After the loss of Big Meadow (mid-1960's) the Meyer operation moved down river, sharing and then acquiring the permits of the other two cattle families. The delivery of stock to the Lower River, Bagby, was also arduous. In this case, the drives went from Meyer's Hornitos properties to Bagby by way of the Bear Valley Road and then down to the river via the Pine Tree Mine. After the construction of the current Bagby Bridge they had to follow the Hell Hollow route of Highway 49 North and then cross the bridge to turn up the abandoned railroad grade. Here they were dispersed to graze. Before the current bridge they found a new use for the Fremont incline road down the fall line from Bunnell Point. This is the spot north of the Pine Tree Mine site from which Half Dome is visible. "That was the shortest way." The cattle were usually taken out by way of Bagby and Bear Valley, but some were taken out by truck from Briceburg in later years. Meyer had a small corral there.

Grazing continues to be legal in the steep Merced River canyon, and there is an active permit (but no actual cattle). Permitting has become more complicated and current permits come with a fencing requirement. Merced Irrigation District has no interest in having cattle by the water, and BLM is primarily focused on the recreational uses in the canyon itself. The logistics and economics of grazing cattle on the steep slopes may not make sense today. While legal and theoretically possible, grazing in the BLM portion would have to satisfy the requirements of both BLM and MID. According to BLM sources, there remain a few feral cattle from earlier leases. These can cause problems and occur on both sides of the Lower Merced, ie, in the Sherlock Creek Area about 7 miles below Briceburg.

DRAFT



Courtesy Betty Mankins

BIG MEADOW CATTLE PENS
When browse became more scarce in lower elevations in the foothills, some Mariposa-area ranching outfits moved herds to higher elevations, where mountain meadows provided forage for cattle in the warmer months. Some families moved herds through the Merced River canyon to access landscapes like Big Meadow near Foresta.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

CONSERVATION AND RECREATION: THE CANYON TODAY //

Highway 140 is one of three western access routes to Yosemite National Park, and while it is used less than the others, it is still used heavily, particularly during the winter and spring. It is the preferred all-weather route at the time of year when tourism is reduced somewhat. Day use is the norm today.

The rapid expansion of short-term vacation rentals in the Mariposa area testifies to the popularity of day use. Heavy use of the highway has already had consequences in the canyon. One hears the sounds of the river from the road, but one also hears the sounds of the road from the river. Dispersed camping on the western edge of Yosemite is limited so there are occasionally inappropriate campsites. Pressure on canyon resources will increase as park visitation expands. Today, Yosemite directs visitors to the canyon as a recreational option. Park closures also seem to increase the interest in canyon recreation.

The Merced River canyon today did not have to look the way it does now. Despite its industrial past it remains largely undeveloped and unmarred by commercial development. It provides a spectacular access to the park in all seasons. Especially amazing are the flower displays in the spring. There is little of the industrial past left to see. And if we cherish the canyon as it is now we should be grateful for that.

In 1983 Merced Irrigation District wanted to put a large dam on the South Fork, and Mariposa came to expect water from the same. The necessary infrastructure and the dam itself would have completely altered the wild and steep South Fork canyon. This project, along with other smaller hydro projects on the Merced River itself, were prevented by the designation of both the Merced River and its South Fork as National Wild and Scenic Rivers.

Designation was the work of a national campaign doggedly pursued by the local Merced Canyon Committee. The push for dams in the 1980's grew out of the Energy Crisis and Oil Embargo, but in the Western US this push came up against a countervailing need to protect the few remaining undammed river miles. Today less than a quarter of one percent of the country's river miles are in the National Wild and Scenic River system.

Many of those miles are in California, and since 1992, 114 miles are in Mariposa County. The Merced River above Briceburg was added to this system in 1987 by Act of Congress and signed into law by President Reagan. It takes an Act of Congress to change an Act of Congress, so the designation seems fairly secure. Had the Merced Irrigation District (MID) project gone through and been built it would doubtless have been severely damaged or destroyed in the Ferguson Fire of 2019 and the flood of 1997. As described in the following section, the designation of the river as a National Wild and Scenic River is now the basis of planning in the Merced River canyon. The management and protection of the outstanding qualities of the rivers is left to federal land management agencies.

Mariposa County's claim to the water of the South Fork was as old as the county itself but had proved impractical. The Wild and Scenic designation finally created the opportunity for a greater realism, which was realized in the Saxon Creek Project in the early 1990's. For this reason, in part, the Merced River below Briceburg was not designated until 1992. This functional twelve-inch "straw" in the river was worth much more than a fantasy and helped get Mariposa town through the severe water shortage of 2015. The Saxon Creek Project pumping station now sends Merced River water to Stockton Creek reservoir. It is buried deep below the incline road a mile down from Briceburg. BLM insisted on an almost invisible project. BLM also used the five year delay to bring an end to a obvious tendency by some miners to lay private claim to public lands, ie. discouraging public access. Today mining rivers and streams using dredges is illegal in California according to the Fish and Game Code.

A number of major resource issues have arisen since designation. This includes, of course, the required management plans from BLM, USFS, and NPS, wherein the agencies laid out their goals and objectives for the Wild and Scenic Merced and South Fork (USFS). The


Dalton. PAGE TEN

Citizens Group Formed

El Portal Hydro Meeting

Eighty people attended an important public meeting at the El Portal Community hall on Thursday, April 28. The meeting was largely an informational one with Dr. Ralph Mender- a "ripoff" of Mari County. He stressed the South Fork of Merced is one of State's few Wild T Streams and has po tial Wild and Sc River status nation

LOCAL CONSERVATION LEADERSHIP
In the 1980's, Mariposans organized to advocate for the conservation and protection of the Merced River, and secured federal designation of the upper portions of the river and its canyon as Wild and Scenic. Continued citizen leadership will be necessary for the Merced River Trail vision to be realized.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

plans are discussed elsewhere in this section. The Ferguson Slide repair of Highway 140 has also to contend with the problem of "emergency" buttresses in the river, a clear violation of the Wild and Scenic Rivers Act. The South Side rock shed fix to the slide is the best way to protect the river and is the present solution.

MID has tried to raise its lake level through various means, but this too has come up against the protected status of the river. Although MID has not abandoned its effort for a slight increase in capacity, it has yet to make any progress, even during a most politically favorable time (2016-2020). It is not clear why they have not pursued the matter recently.

The Merced River Trail itself emerges as a distinct planning concept with the Wild and Scenic designation of the Merced River. In early August 1989 the National Park Service's Western Region released a 30-page report marking a collaborative planning effort by NPS, BLM, USFS, MID, and Mariposa County: "Merced River Trail: Opportunities and Constraints." The first paragraph in the report reads: "The Merced River Trail combines a Wild and Scenic River, one of the nation's premier national parks, a fascinating history, and important ecological areas into an exciting opportunity for a hiking, bicycling, and equestrian trail. The abandoned Yosemite Valley Railroad bed provides a route that, with very little additional work, can become a prime recreational resource in the Merced River canyon." The full study is included in Appendix M.

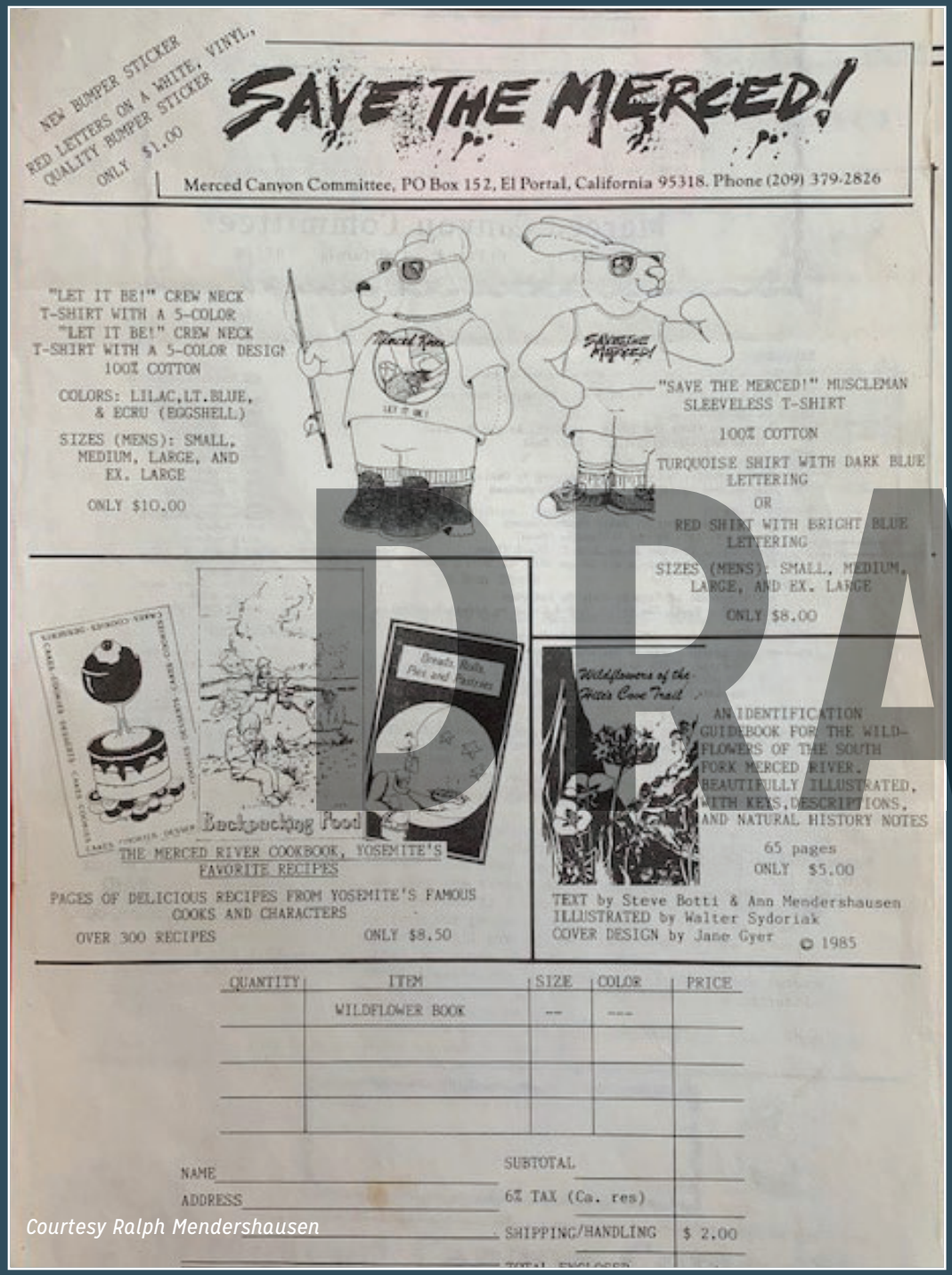
Thirty years later we can see that the initial concept of the trail was heavy on the opportunities of the situation. Today Mariposa County is partner with other agencies seeking ways to provide opportunities while protecting the many outstanding and remarkable values of the Merced River Canyon.

NON-PROFIT ORGANIZATION AND ACTION

After the industrial era, several local non-profits, including the Merced Canyon Committee, Merced River Conservation Committee, and Upper Merced River Watershed Council have formed to serve the river and its landscape.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DRAFT



Courtesy Ralph Mendershausen

PLANNING CONTEXT //

This Vision Plan does not stand alone as the only or even primary planning document for the Merced River Trail project. Rather, it exists in a wider context of federal, local, and state/regional planning efforts that this project builds upon, directly implements, and/or must take into account in order to be both appropriate and actionable. This section summarizes the specific implications of these previous planning efforts for the Merced River Trail.

FEDERAL PLANNING CONTEXT //

Nearly all of the Merced River Trail is located in the public domain, on lands managed by the Bureau of Land Management, US Forest Service, and National Park Service. Since the river is designated as Wild and Scenic (WSR) in all of these jurisdictions, each agency has their own WSR management plan, and each has direct relevance to the Merced River Trail. Understanding these previous federal planning efforts and their handling of the Merced River Trail concept is essential to developing a feasible Vision Plan and recommendations for the trail that aligns with federal priorities and authorities.

WILD AND SCENIC RIVER ACT



APPROXIMATELY

23 MILES

OF EXISTING AND POTENTIAL MERCED RIVER TRAIL IN WILD AND SCENIC RIVER JURISDICTION

The Merced River is a component of the National Wild and Scenic Rivers System (NWSRS), which was established by Congress in 1968 through the passage of the Wild and Scenic Rivers Act (WSRA; Public Law 90-542; 16 U.S.C. 1271). The Act protects rivers with outstanding natural, cultural, recreational, and similar values for the enjoyment of present and future generations.

The law preserves the free flow and excellent water quality of rivers in the national system, while allowing for appropriate use and development that does not adversely affect the river's outstandingly remarkable values (ORV). As noted in the Act:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (Wild & Scenic Rivers Act, October 2, 1968)

The WSRA requires federal agencies to "protect and enhance" ORV, establish legal boundaries for designated areas, and classify federally administered rivers in the NWSRS. Section 2(b) of the WSRA defines the following river classifications:

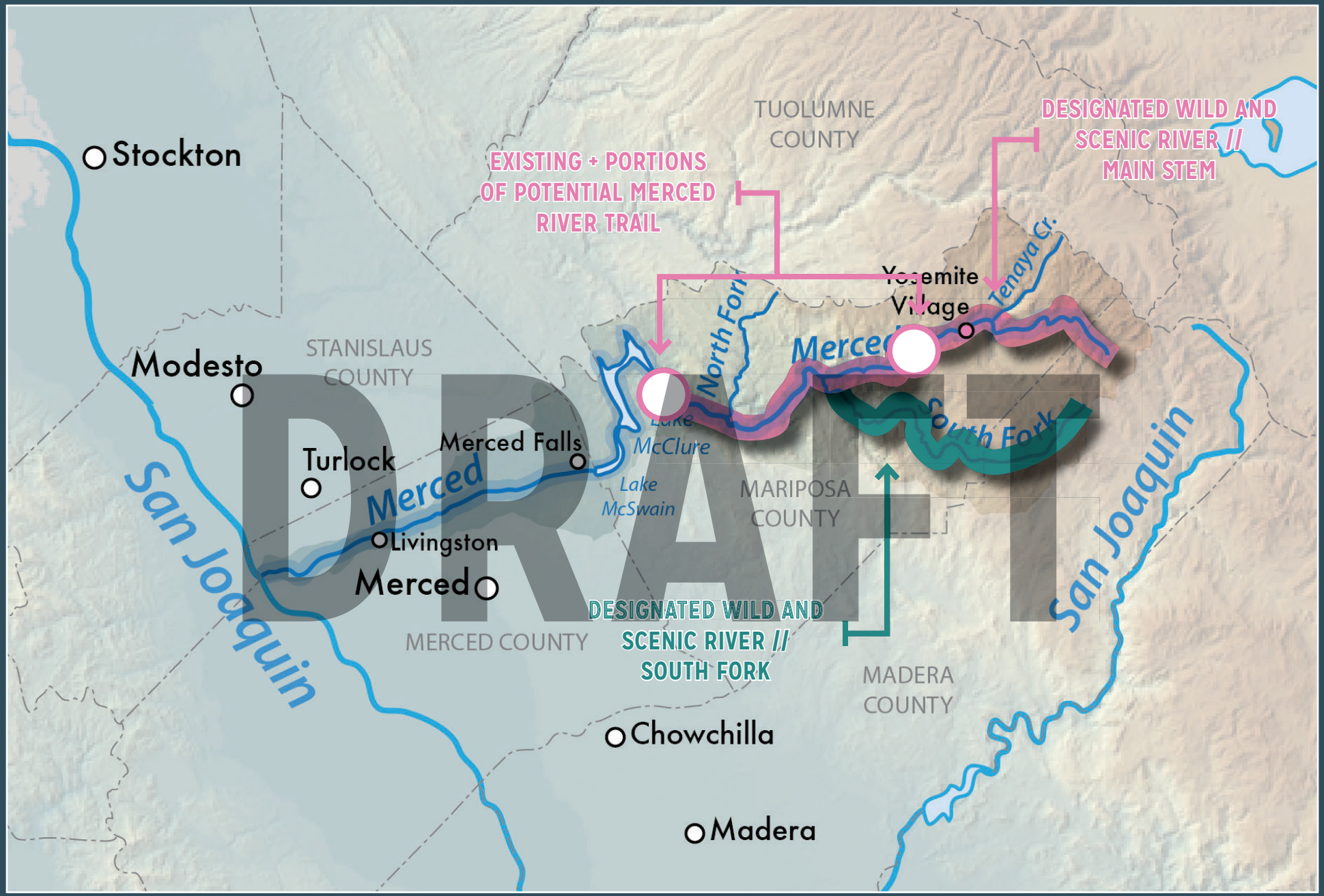
Wild River Areas:
Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic River Areas:
Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational River Areas:
Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ENHANCED FEDERAL PROTECTION

The Wild and Scenic Rivers Act affords significant protections to preserve the "natural, cultural, and recreational values" of river segments in the United States, including 122.5 miles of the main stem and South Fork of the Merced River. The existing segments of the Merced River Trail and much of the proposed trail follows the designated areas of the main stem.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Section 4(d) of the WSRA establishes river corridor boundaries for administering agencies, mandating protection of the free-flowing nature, water quality, and unique ORV, regardless of classification. The legal boundary established for Section 4(d) "shall generally comprise that area measured within 1/4 mile from the Ordinary High Water Mark on each side of river." (WSRA, October 2, 1968)

Section 7 of the WSRA requires a rigorous process to ensure that proposed "water resources projects," implemented or assisted by federal agencies within the bed and banks of designated rivers, and/or the tributaries to the main stem, do not have a "direct and adverse effect" on the values for which the river was designated. "Water resources projects" include non-Federal Energy Regulatory Commission (FERC) licensed projects, such as dams, water diversions, fisheries habitat and watershed restoration, bridges and other roadway construction/reconstruction, bank stabilization, channelization, levees, boat ramps, and piers that occur within the bed and banks of a designated WSR, and those that affect the river's free-flowing characteristics. Water resources projects that may have a direct and adverse effect on the ORV must either be: redesigned and resubmitted for a subsequent Section 7 determination; abandoned; or may proceed following written notification of the Secretary of Interior and the United States Congress.

"From its source on the south side of Mount Lyell at 13,114 feet, through a glacially carved canyon within Yosemite National Park, the river flows downstream to Lake McClure Reservoir.

The Merced, including the South Fork, flows through exceptional scenery—glaciated peaks, lakes and alpine and subalpine meadows—in alternating pools and cascades. Wildflower displays are spectacular."

MERCED RIVER WILD AND SCENIC DESIGNATION

MERCED WILD AND SCENIC RIVER DESIGNATION

On November 2, 1987, Public Law 100-149 amended the WSRA by including 114.5 miles of the Merced River in the National Wild and Scenic Rivers System. The designation applies to the section of river extending from the headwaters in Yosemite National Park (YNP) to a point 300 feet upstream of the confluence of Bear Creek (71 miles), and the South Fork of the river from its headwaters in YNP to the confluence with the main stem (43.5 miles). Specific sections are administered by the Secretary of the Department of Interior (DOI), and the Secretary of the Department of Agriculture (DOA). The National Park Service (NPS) and Bureau of Land Management (BLM) are agencies within the DOI, and the U.S. Forest Service (USFS) is an agency within the DOA. On October 23, 1992, Public Law 102-432 amended the WSRA, to include 8 additional miles of the lower Merced River into the NWSRS, administered by the BLM. This lower segment begins near Briceburg, and ends at Lake McClure, totaling 12 miles under BLM's management responsibility. Following the 1992 amendment to WSRA, a total of 122.5 miles of the Merced are included in the NWSRS.

This segment was proposed for designation after the initial designation of the upper Merced River for two reason. First, BLM was tasked with removing illegal occupation and adverse mining activities along the lower Merced. Second, a multiple agency planning effort was needed to design and approve a drinking water system for Mariposa County. The Sierra National Forest (SNF) manages 29.5 miles of the Merced WSR corridor (including the South Fork Merced River). BLM manages the whitewater rafting program in the Merced River corridor from Redbud put-in downstream to the WSR boundary.

Today, the Merced River Trail formally exists along nearly 12 miles of the main stem of the federally designated Merced Wild and Scenic River. The existing trail is located entirely in BLM jurisdiction. As will be described elsewhere in this Vision Plan, an additional 11.5 miles of trail and—about 8.5 miles in USFS jurisdiction and about 3 miles in NPS jurisdiction—are included in the recommended trail route between Bagby and Yosemite National Park. Additional miles of the recommended trail route are in the Merced River watershed, but not located adjacent to the federally designated river and therefore are outside of the WSR area.

Nonetheless, the individual and collaborative WSR planning initiatives for each of these federal agencies are extremely relevant to the community's vision for the Merced River Trail, and are described in more detail in the following sections.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

BLM // USFS JOINT AGENCY PLANNING

As neighboring federal agencies with shared responsibilities to administer the Wild and Scenic River Act on the Merced River, BLM and USFS collaborated, with USFS as lead agency, to jointly develop several planning and environmental compliance documents for the river in their respective jurisdictions. These include:

- "South Fork and Merced Wild and Scenic River Final Environmental Impact Statement, March 1991 (MWSR FEIS)"
- "South Fork and Merced Wild and Scenic River Record of Decision, November 1991 (MWSR ROD)"
- "South Fork and Merced Wild and Scenic River Implementation Plan, November 1991 (MWSR IP)"

The plans were developed while considering the following responsibilities: "(1) Protect the free-flowing condition of the river, preserve and protect the values for which it was designated; (2) Provide recreational opportunities within the capability of the resource" (USFS and BLM 1991). The MWSR Boundary EA established and documented the wild and scenic river boundary, and the associated segment classifications (i.e., "wild", "scenic", and "recreational" segments) for both agencies. The 1991 MWSR FEIS plan described wildlife/fisheries, vegetation, geologic, historical/cultural, recreational, and scenic ORV that will be protected and enhanced through the plan implementation. They are:

the geologic/mineral ORV, which emphasizes a metamorphic belt of steep metasedimentary and metavolcanic rocks of Paleozoic and Mesozoic ages; placer gold deposits in stream alluvium, and gravel terraces above the river;

the scenic ORV, which describes the entire WSR corridor, highlighting the river's free flow, scenic steep-sided gorges, and heavily dissected ridges and deep narrow canyons;

the wildlife/fisheries ORV, which includes a diverse range of native and introduced fish species, abundant bird and animal species. The rarest species within the river corridor under BLM's jurisdiction is the limestone salamander (*Hydromantes brunus*), listed as threatened under the California's Endangered Species Act. Their range is restricted to a 20-mile stretch of the Merced from Sweetwater Creek to the headwaters of Lake McClure;

the vegetation/rare plants ORV, which consists of special status species occurring within the Merced River corridor between El Portal and Briceburg, to include: Yosemite onion (*Allium yosemitense*), Congdon's lewisia (*Lewisa congdonii*), Merced clarkia (*Clarkia linqulata*), Congdon's wooly sunflower (*Eriophyllum congdonii*), and shaggyhair lupine (*Lupinus spectabilis*);

the cultural resource ORV, which is described as recorded Indian grinding rocks and habitation sites (midden and bedrock mortars) overlain with historic features, such as building remnants and grave sites, historic cabins, and other nineteenth century lode gold mining features.

Two historic properties are located in the corridor under BLM's management authority: (1) Yosemite Valley Railroad operated between 1907-1945, carrying passengers and freight through the canyon, from Merced to El Portal; (2) The historic Briceburg Inn, now used as a BLM visitor center, is an architecturally significant building constructed in 1927. Prior to its construction, the parcel was the site of Camp E, a convict labor camp for prisoners who constructed the Yosemite All-Year Highway (now State Route 140); and

the recreation ORV includes unique whitewater boating, camping, fishing, hiking, swimming, and recreational mining for gold.

The 1991 MWSR USFS/BLM ROD documented the agencies' decision to select Alternative C for managing segments within their respective jurisdictions. The MWSR Implementation Plan provides a consistent vision for future management of the wild and scenic river, while addressing specific resource management questions, and resolving conflicts of use within the river corridor.

Plan objectives, with areas of particular relevance for the Merced River Trail **highlighted**, include:

- Provide for the long term protection for ORV, free-flow, and water quality of the MWSR.
- **Manage segments for visitor use and enjoyment, while leaving areas unimpaired for future use and enjoyment as a natural setting.**
- **Establish levels of hiking, camping, fishing, off-road vehicle, grazing, and mining use that prevent degradation of the area's character.**
- Provide varying levels of accessible, barrier-free facilities and programs for all recreation users.
- **Coordinate management of lands within the WSR with other agencies, and maintain relationships with the public and user groups.**
- Provide cost-efficient fire management program; maintain fuel load conditions consistent with natural fire ecology within the river corridor.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



FEDERAL DESIGNATION AND PROTECTION
The Merced River's designation as a Wild and Scenic River compels the federal agencies with jurisdiction over the designated segments—in this case, Bureau of Land Management, US Forest Service, and National Park Service—to plan and take action to conserve and enhance the river qualities that make it worthy of federal designation. These include ecological, historic, and recreational values that have serve as the foundation of the Merced River Trail Vision Plan.

- Manage stream channels and riparian zones to provide quality habitat for self-sustaining trout populations.
- Implement practices to retain soil stability, productivity, and water and air quality.
- Manage the MWSR corridor effectively, while responding to compatible economic and social needs of the public and local communities.
- Maintain or enhance the habitat of threatened, endangered, rare and sensitive plants and animals within the area.

The implementation plan calls for specific recreation-related objectives for the main stem MWSR corridor (classified as "recreational"), including several with particular relevance for the Merced River Trail, which have been **highlighted**.

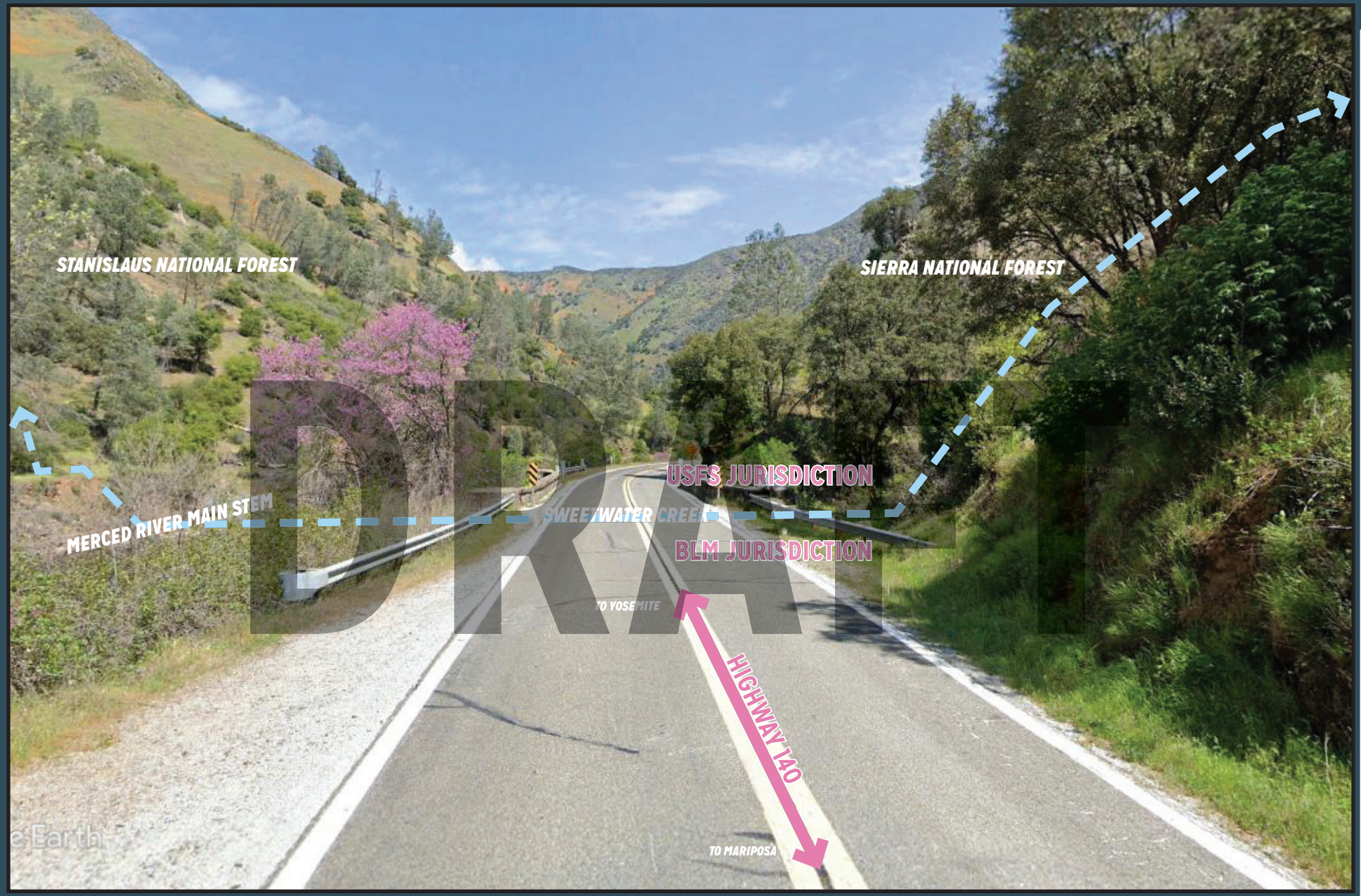
- **Allow the potential multi-agency "Merced River Trail" on the old Incline railroad grade to be implemented on USFS and BLM administered lands. Manage for foot, horse and mountain bicycle use. Develop trailhead and parking at designated road access points. Recreation capacity would increase from the current levels of use within the MWSR "recreation" zone if the trail is constructed. This action would include a planned monitoring approach, public use controls and sanitation facilities to mitigate potential negative effects.**
- Identify new or existing trails that require re-construction or rehabilitation; **analyze and identify types of uses permitted on the trail system**; when possible, provide separate trails for equestrian and bicycle use, while permitting hikers on both systems.
- Identify and interpret significant cultural resources that are not subject to damage from increased use.
- Construct new recreation facilities in existing development areas to meet existing needs.
- **Obtain easements for public access across private lands; acquire scenic easements, or purchase private lands within corridor boundary.**
- Complete fire management, water monitoring and protection, and visual resource monitoring plans.
- Prohibit motorized access in or across all "wild" segments, with the exception of private landowner's legal right-of-way.
- Establish whitewater allocations based on existing carrying capacity of the river recreation resources.
- Maintain trails consistent with Recreation Opportunity System (ROS)* at levels determined designated river opportunity class or zone.
- Develop a carrying capacity for the river corridor; adopt Limits of Acceptable Change (LAC)**, monitor and adjust capacities, permits, and/or allocations to protect ORV. Monitoring system findings may trigger future management changes.

*The Recreation Opportunity Spectrum is a recreation management process, an approach to assessing carrying capacity that agencies use for decision-making regarding the type of conditions that will be permitted.

**The LAC is used for classifying areas in relation to the types of recreation opportunity experiences that are or can be provided, and the settings in which they occur.

DRAFT

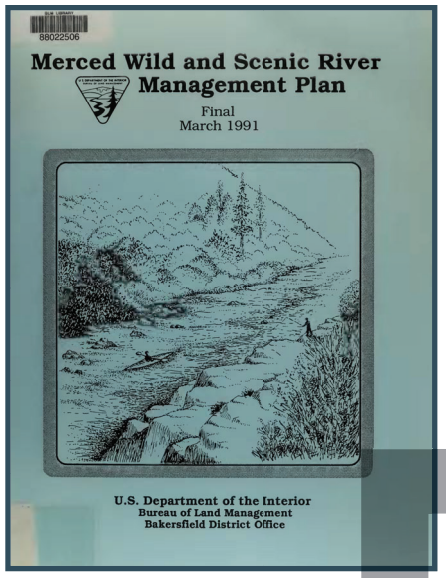
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



JURISDICTIONAL CONFLUENCE
The boundary between BLM (downstream) and USFS (upstream) jurisdiction in the Merced River canyon is located roughly where Sweetwater Creek meets the main stem of the Merced River. Additionally, within USFS jurisdiction, the Merced serves as the boundary between Sierra and Stanislaus National Forests, with both units having management and operational responsibilities in the area. This mix of administrative roles emphasizes the importance of collaborative interagency planning in the canyon.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

BUREAU OF LAND MANAGEMENT



APPROXIMATELY

12 MILES

OF EXISTING MERCED RIVER TRAIL IN BLM-MANAGED WILD AND SCENIC RIVER JURISDICTION

The Federal Land Policy and Management Act of 1976 authorizes BLM to enforce laws relating to the public lands or their resources. In compliance with the WSRA, BLM and USFS identified the river corridor boundary and classified river segments under their legal jurisdictions (USFS 1989).

BLM completed a MWSR Management Plan in March 1991, for the 12 miles of river under their authority, outside of USFS and NPS boundaries, including commercial boating management of river segments within the Merced River corridor, from Redbud put-in (Foresta Bridge) to the Briceburg segment (near confluence of Bear Creek). Although the plan was finalized prior to the addition of 8 miles of the MWSR under their administration, the plan assumed that segment of river would be designated. River segments solely administered by BLM, which together include all of the existing Merced River Trail, are classified as follows:

Recreational segment (4 miles):
from the USFS/BLM boundary, to 300' upstream of confluence of Bear Creek and the Merced River.

Recreational segment (5 miles):
300' upstream from confluence of Bear Creek and the Merced River to Mountain King Mine

Wild segment (3 miles):
Mountain King Mine to Lake McClure at the 867' level,which is the reservoir height of the impoundment by the new Exchequer Dam.

The 1991 BLM MWSR Final Management Plan lists specific area objectives for the segments of river within the agency's sole jurisdiction. Those with particular relevance to the Merced River Trail have been **highlighted**.

- Preserve and enhance the quality of the viewshed and watershed.
- Preserve and enhance riparian habitat.
- Maintain and enhance water quality.
- Maintain and enhance wildlife and fisheries values with special emphasis and priority given to the limestone salamander and its habitat.
- Maintain a diversity of land based and water based recreation opportunities.
- **Minimize long term human influence outside of existing and proposed development sites.**
- Meet Mariposa County water management needs with minimum environmental impact to the river.
- Eliminate and prohibit residential occupancy of the wild and scenic river corridor on public land.
- **Acquire private land within the wild and scenic river corridor by exchange, easement, sale or other voluntary means.**
- **Maintain an appropriate level of use in order to provide the desired recreational experience.**

Additionally, the BLM "Sierra Resource Management Plan" (SRMP), and its ROD released in 2008, documents where and how the agency's Mother Lode Field Office will administer the public lands within the Sierra Resource Management Area. The SRMP states the agency will manage the Merced River, a Special Recreation Management Area (SRMA), in accordance with the BLM MWSR Management Plan, 1991.

The river will be managed to preserve and protect ORV, and recreational opportunities will be provided as appropriate. Land use conflicts will be examined and resolved in favor of the preservation and enhancement of natural resources. Recreational and other uses will be managed to minimize use conflicts and to maintain a high degree of user satisfaction. The plan states that the agency will "build/support development of a non-motorized trail between Bagby and El Portal" (SRMP 2008).

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



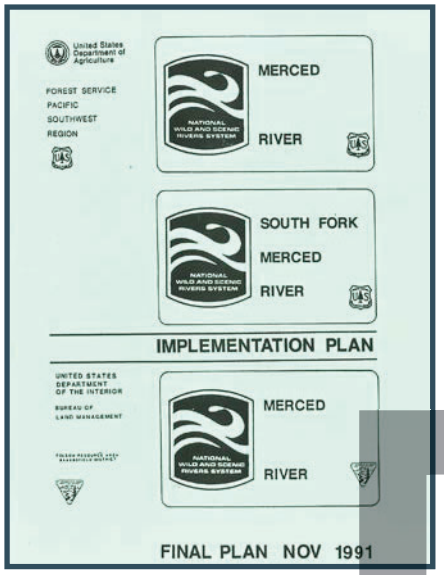
DRAFT

BLM PLAN IMPLEMENTATION

Since the agency's Wild and Scenic River management plan was adopted, BLM has implemented and currently maintains a trail along the historic Yosemite Valley Railroad grade within the agency's jurisdiction, which includes nearly 12 river miles of Wild and Scenic river.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

US FOREST SERVICE



APPROXIMATELY

8.5 MILES

OF POTENTIAL TRAIL IN USFS-MANAGED WILD AND SCENIC RIVER JURISDICTION

The USFS was established in 1905, with their mission is to sustain healthy, diverse, and productive forests and grasslands for present and future generations.. The BLM/USFS MWSR Implementation Plan guides the management of MWSR segments within BLM and USFS jurisdictions.

The Merced River forms the boundary between the Stanislaus and Sierra National Forest, with both forests assigned jurisdiction of the Merced River corridor. However, as authorized by a special agreement, the SNF administers the MWSR corridor under the jurisdiction of both forests. As written in their implementation plan, the MWSR and its immediate environments will be managed to protect the ORV, while providing opportunities for public recreation based on the classification of each river segment (USDA USFS 2017).

SIERRA NATIONAL FOREST

The SNF manages the following MWSR segments on the main stem and South Fork of the Merced.

On the Merced River main stem:

Recreational (12 miles):

From the boundary of the Stanislaus and SNF and the El Portal Administrative Site, to the BLM/USFS boundary downstream.*

On the South Fork of the Merced:

Wild (3 miles shared):

From Johnston Creek to Madera/Mariposa County line. SNF administers the south side of the river, and YNP administers the north side.

Wild (12 miles):

From YNP/SNF boundary to 1.5 miles east of Hites Cove (two private parcels in segment)

Scenic (2 miles):

From 1.5 miles east of Hites Cove, to .5 miles downstream west of Hites Cove

Wild (3 miles):

From 1.5 miles downstream west of Hites Cove to .5 miles upstream from confluence with the main stem

Recreational (.5 miles):

From confluence with the main stem to .5 miles upstream on South Fork

Note that the 12 recreational miles on the main stem of the river include the historic Yosemite Valley Railroad grade, which is identified in agency planning efforts as the location of the future Merced River Trail. However, as will be discussed in greater detail in Chapter 3, the trail has not yet been formally designated in USFS jurisdiction.

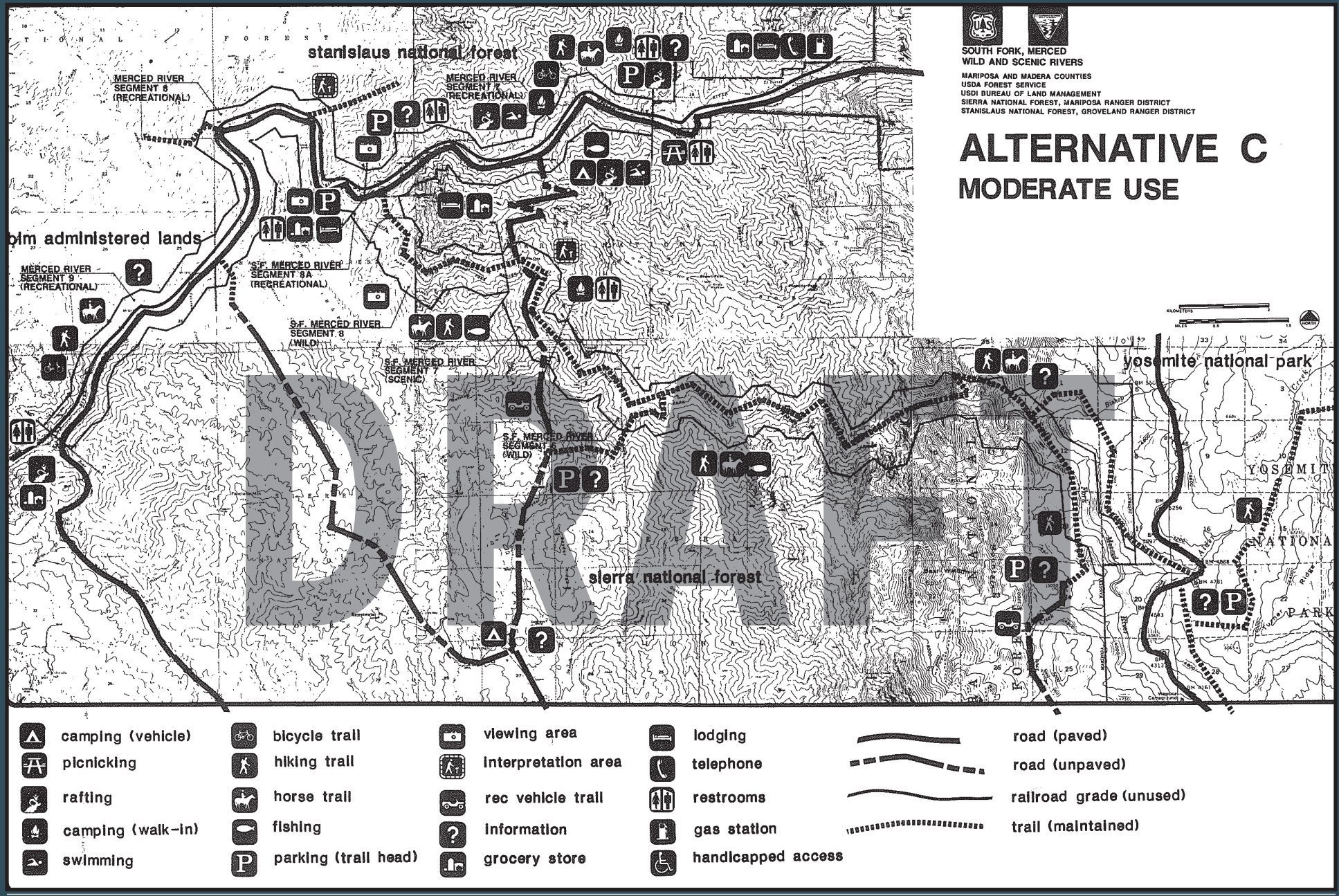
Additionally, though the South Fork includes world-class natural and cultural resources, this portion of the WSR is not directly related to the Merced River Trail project. However, while the South Fork is not specifically addressed in this Vision Plan, the Hites Cove Trail along the South Fork is keenly relevant for several recommendations described in Chapter 3.

In June 2022, SNF released the “Land Management Plan for the Sierra National Forest” (Forest Plan), a tool guiding

*BLM administers the commercial boating program for that segment and the additional 4 miles downstream under their authority.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



JOINT US FOREST SERVICE ROLE

The main stem of the Merced River is the boundary between Stanislaus National Forest (north of the river) and Sierra National Forest. Since the historic Yosemite Valley Railroad is on the northern banks of the river, the trail itself is in Stanislaus National Forest. However, existing USFS recreation facilities along the river in the Stanislaus are managed, through agency agreements, by the Sierra, meaning that both forests have responsibilities in implementing the preferred management alternative in the USFS Wild and Scenic River plan.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

management and decision-making involved with lands under their jurisdiction. All projects and activities must be consistent with the Forest Plan, which identifies long-term or overall desired conditions and provides general direction for achieving them. The 2022 Forest Plan revises the 1991 version, and focuses on the following purpose and need, with topics of particular relevance to the Merced River Trail **highlighted**.:

- Reduce the risk of large high-intensity wildfires to communities and assets; increase the ability to manage wildfires to meet resource objectives, and reduce smoke impacts on communities.
- Restore the resilience of terrestrial, aquatic, and riparian ecosystems to fire, drought, and climate; restore wildlife, fish, and plant habitat and diversity, while reducing the risk of wildfire impacts on species and habitat.
- Provide **sustainable and diverse recreation opportunities**, considering population demographics. Reflect desire of local communities, and **avoid overcrowding and use conflicts to minimize resource damage.**
- **Protect cultural resources,** and update management direction for wilderness and wild and scenic rivers.

The Forest Plan management direction includes protection of free-flowing conditions and the ORV identified for the eligible and existing segments of wild and scenic rivers, and provides guidance for current use and potential projects proposed on SNF land and waterways. Project proposals must first meet the described suitability of an area; if appropriate, relevant design criteria, standards, and guidelines are used. If the project is not consistent with the Forest Plan, it may be redesigned or rejected.

Additionally, proposed recreation-related projects within the SNF, such as the Merced River Trail, should not conflict with the following desired conditions:

- *The design, condition, function, and accessibility of recreation facilities accommodate diverse cultures*
- *Recreation information is current, connecting people to the forest through contemporary means*
- *Recreation opportunities provide a high level of visitor satisfaction, while minimizing user conflicts*
- *Recreation opportunities are balanced with management capacity to manage sites to agency standards*
- *The forest provides a variety of activities with minimal impact on sensitive environments and resources*
- *Visitors can connect with nature, culture, and history through a range of sustainable outdoor recreation opportunities and are committed to resource stewardship*
- *A sustainable system of trails provides access to destinations, and opportunities connecting to a larger trail system; provides linkages from local communities to the national forest; facilities are planned, designed, and managed to be compatible with other resources*

Forest Plan objectives recommend coordinating with local and national partners early in project development to elicit collaborative input on sustainable recreation opportunities, needs, and potential conflicts.

STANISLAUS NATIONAL FOREST

The USFS completed the STF Land and Resource Management Plan (Stanislaus Forest Plan) and Environmental Impact Statement in October 1991. The STF "Forest Plan Direction," released in July 2005, presents the current management direction based on the original 1991 Stanislaus Forest Plan, and modified by the current Forest Plan amendments.

The Forest Plan Direction lists many forest goals accompanied with strategies and management practices to achieve them. Relative to the Merced River Trail proposal, the goals associated with wild and scenic rivers; recreation; and aquatic and riparian ecosystems and associated species apply:

Wild and Scenic Rivers

Manage WSRs and their immediate environments to preserve their free-flowing condition and to protect their ORV. Provide opportunities for public recreation and other resources based on the classification of each river segment.

Recreation

Provide a wide range of recreation opportunities directed at various experience levels to meet current and projected demand, including campgrounds, hiking trails, picnic areas, off-highway vehicles (OHV) trails, etc; develop recreation management plans for existing and potential areas of concentrated public use; develop and implement programs to inform forest users about recreation opportunities; interpret forest management activities and the forest environment for visitors;

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

provide OHV recreational opportunities, while protecting wildlife and other resources, including non-motorized recreation.

Aquatic, Riparian, and Meadow Ecosystems and Associated Species

Goals in this topic area include, but are not limited to:

- Maintain and restore water quality to meet goals of the Clean Water Act and Safe Drinking Water Act, providing water that is fishable, swimmable, and suitable for drinking after normal treatment.
- Maintain and restore habitat to support populations of native and desired non-native plant, invertebrate and vertebrate riparian-dependent species.
- Prevent new introductions of invasive species; work with State and Federal wildlife agencies to reduce impacts to native populations.
- Maintain and restore the distribution and health of biotic communities in special aquatic habitats to perpetuate their unique functions and biological diversity.
- Maintain and restore connections of floodplains, channels, and water tables to sustain diverse habitats.
- Maintain and restore the physical structure and condition of stream banks and shorelines to minimize erosion and sustain desired habitat diversity.

DRAFT



McClendon's Beach

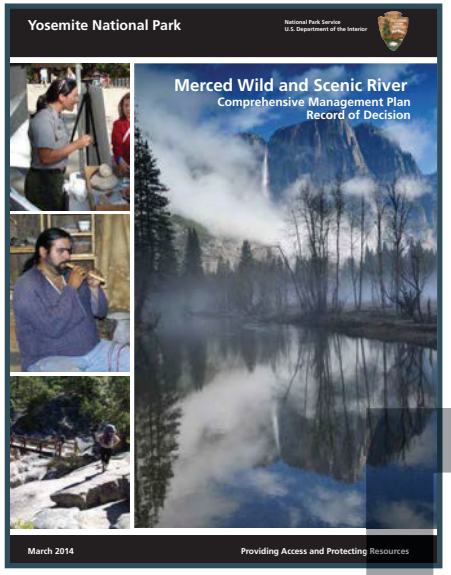


Cranberry Flat

EXISTING DEVELOPED RECREATION AMENITIES

In addition to a campground in Jerseydale near the South Fork of the Merced, USFS provides both day use and overnight recreation facilities on both sides of the main stem of the river. Already popular among trail and river users today, these facilities will likely take on higher use and added significance when the full vision for the Merced River Trail is realized.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



APPROXIMATELY

3 MILES

OF POTENTIAL TRAIL IN NPS-MANAGED WILD AND SCENIC RIVER JURISDICTION

The NPS Organic Act, passed by the U.S. Congress in 1916, provides fundamental management direction for all units of the NPS. It states the purpose of the National Parks: "...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

In addition to these key management-related statutes, federal management decisions must be consistent with national laws. In accordance with WSRA and NEPA, Yosemite National Park (YNP) released the Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement in February 2014, addressing the MWSR's 81 miles (South Fork, 22 miles; 3 co-administered with USFS; and 56 miles of main stem) flowing within YNP and the El Portal Administrative Site. The plan is the guiding document to protect and enhance river values and manage use within the river corridor for the next 20 years (NPS 2014).

Prior to the release of the 2014 Final Record of Decision for the Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement (hereafter, "YNP WSRP") , the NPS had completed two previous draft Merced Wild and Scenic River plans. Both were challenged in federal courts by plaintiffs claiming document deficiencies, including inadequately addressing user capacity, kinds and amount of use in river corridor, river corridor boundary, and ORV protection.

The final planning effort began in 2009, addressing noted deficiencies, and in 2014, the YNP WSR Final Comprehensive Management Plan and Record of Decision were released. The plan:

- *Establishes the WSR boundaries and segment classifications, and provides for protection of the river's free-flowing condition*
- *Presents the river's ORV; documents their condition (water quality and free-flowing condition included).*
- *Identifies management objectives for the river, and specific actions that will be implemented to achieve the objectives*
- *Commits to a program of ongoing studies and monitoring to ensure management objectives are met*
- *Establishes a visitor use/user capacity management program addressing kinds and amounts of public use that the river corridor can sustain while protecting and enhancing ORV*

The YNP WSRP describes and lists ORV according to several river segments in which they occur. YNP administers the following segments of the Merced River and the South Fork Merced River:

On the Merced River main stem:

Wild (37.7 miles):

Above Nevada Fall to headwaters of the Merced River

Recreational (6.11 miles):

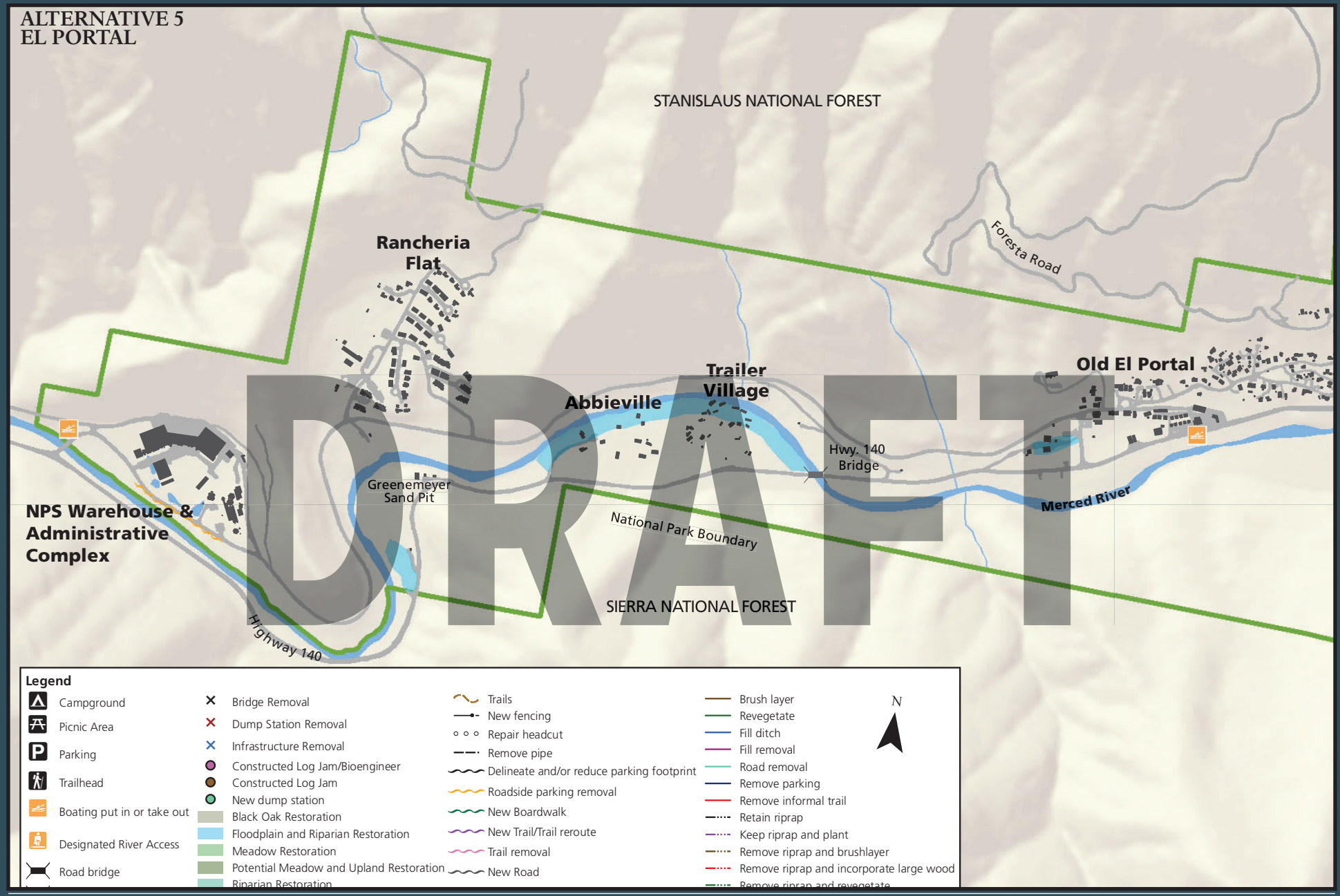
East Yosemite Valley; Top of Nevada Fall to Sentinel Beach

Scenic (5.71 miles):

West Yosemite Valley; Sentinel Beach to junction of El Portal and Big Oak Flat Roads

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ALTERNATIVE 5: ENHANCED VISITOR EXPERIENCES AND ESSENTIAL RIVERBANK RESTORATION

The YNP WSRP identified Alternative 5 as the preferred framework for conserving the river's federally designated outstandingly remarkable values. Among the recommendations of that alternative are a new remote visitor parking area in the Abbieville and Trailer Village of El Portal, and a greater emphasis on active, non-automobile modes of travel throughout the park, especially in Yosemite Valley. These NPS recommendations may be important to consider in the context of the Merced River Trail.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Scenic (6.88 miles):
Junction of El Portal and Big Oak Flat Roads to western YNP boundary at Parkline

Recreational (3.13 miles):
Western YNP boundary at Parkline to El Portal Administrative Site boundary

On the South Fork of the Merced:
Wild (19.96 miles):
Headwaters above to top of pool at Wawona Impoundment

Recreational (.05 miles):
Wawona Impoundment; Top of pool to 200' below dam

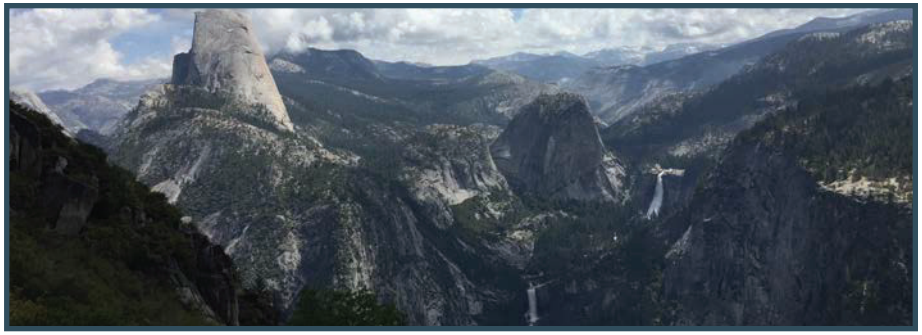
Recreational (4.54 miles):
Wawona; 200' below Wawona Impoundment to Squirrel Creek

Wild (2.61 miles):
Below Wawona; Squirrel Creek to western park boundary

The YNP WSRP described ORV, and listed according to several river segments in which they occur. Though the final route for the Merced River Trail has yet to be determined, the priority route recommended for further exploration in the Vision Plan (Chapter 3) is minimally adjacent to the Merced River in NPS jurisdiction and the YNP WSRP planning area. Accordingly, many of the ORV addressed in that plan primarily occur in locations that are not directly related to the Merced River Trail.

However, many of the ORV identified in the YNP WSRP are directly applicable to the Merced River Trail. These have been **highlighted** below. Examples of identified ORV include:

Geologic/hydrologic
Upper MWSR glacially-carved canyon, Vernal-Nevada Fall, the "Giant Staircase," one of the finest examples in the western U.S. of stair-step river morphology; the MWSR from Happy Isles to the west end of Yosemite Valley provides an outstanding example of a rare, mid-elevation alluvial river; t**he boulder bar in El Portal created by changing river gradients, glacial history, and powerful floods, resulting in an accumulation of extraordinarily large, and rare boulder deposits.**



SPECIFIC AND CONCEPTUAL APPLICABILITY
Though the YNP WSRP pertains primarily to areas of the Merced watershed that are not directly affected by the Merced River Trail, like Vernal and Nevada Falls, the plan nonetheless has both specific and philosophical applicability to the Vision Plan and the parameters of the future Merced River Trail.

Cultural
The Yosemite Valley Archeological District is rich, with linked landscape containing dense concentrations of resources, representing thousands of years of human settlement; the Yosemite Valley Historic District represents a linked landscape of river-related, rare, unique or exemplary contributing resources; the **El Portal Archeological District with dense concentrations of resources that represent thousands of years of occupation and evidence of continuous, far-reaching traffic and trade**; South Fork Merced River has rare archeological features representing indigenous settlement and use along the river at sites with rock ring features; the Wawona Archeological District encompasses clusters of resources spanning thousands of years of occupation; Segment 7 includes the remains of the U.S. Army Cavalry Camp, documenting the unique Yosemite legacy of the African American Buffalo Soldiers; Wawona Historic Resources include a covered bridge, and the National Historic Landmark Wawona Hotel complex.

Scenic
The Merced River above Nevada Falls displays exemplary views of serene montane lakes, pristine meadows, slickrock cascades, and High Sierra peaks; Yosemite Valley visitors experience views of some of the world's most iconic scenery, with the river and meadows forming a placid foreground to towering cliffs and waterfalls. In the Merced Gorge, the river drops 2,000 feet over 14 miles, cascading under Sierra granite outcrops and domes; South Fork Merced River passes through a vast area of exemplary and wild scenic beauty.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Recreational

The Merced River Above Nevada Falls engages in a variety of river-related activities in an iconic High Sierra landscape, where opportunities for primitive and unconfined recreation, self-reliance, or solitude shape the experience; Yosemite Valley visitors enjoy a wide variety of river-related recreational activities in the Valley's extraordinary setting along the Merced River.

Biological

Riparian habitat with high biological integrity; large Yosemite Valley mid-elevation meadow-riparian complexes, Sierra sweet bay (*Myrica hartwegii*), a rare plant found on river banks of the South Fork Merced River.

The YNP MWSR Plan/EIS preferred alternative, Alternative 5, includes various actions to protect and enhance ORV through ecological restoration. Restoration of riparian and meadow habitats will protect water quality, scenic views from the river, and traditionally used plant populations. Protection and enhancement of archeological sites and historic districts will allow future generations an opportunity to connect to Yosemite Valley's rich history and heritage."

Though this management framework applies throughout YNP jurisdiction, and as such has limited direct relevance for the Merced River Trail, Alternative 5 does entail several actions for improving the visitor experience that align with or are supported by the Merced River Trail project. These include providing peak season shuttle service to Yosemite Valley from a new El Portal remote parking area, and supporting regional transit service, including a new route from Fresno to Yosemite Valley.

DRAFT



Dayton Daily News

POTENTIAL CONGESTION REDUCTION

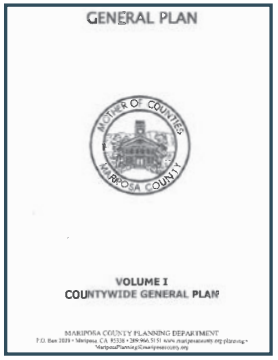
The trail's potential to increase the amount of visitors accessing Yosemite through modes that do not rely on personal vehicles, such as regional transportation or active recreation modes such as long-distance backpacking or bikepacking, could have a positive impact on congestion issues in Yosemite Valley.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

LOCAL PLANNING CONTEXT //

The Merced River Trail takes place almost exclusively on land under federal jurisdiction, and implementation of the Vision Plan's recommendations require close collaboration with federal partners. However, though on federal land, that federal land is entirely within Mariposa County, and those whose lives stand to be the most effected by changes to the trail and its landscape are Mariposa residents. As such, it is critical to place the Merced River Trail in the context of applicable local planning initiatives, which, like the Vision Plan, reflect the preferences and priorities of Mariposa County residents.

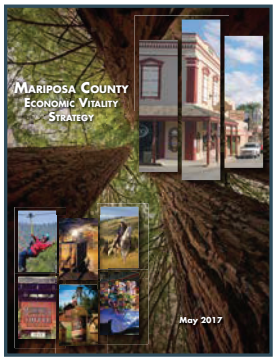
MARIPOSA COUNTY GENERAL PLAN (2006)



The Mariposa County General Plan is the county's basic guiding document, establishing an overarching vision for the community, and a blueprint for policies and other actions to take to achieve that vision over short-, medium-, and long-term time horizons. Though adopted in 2006, the General Plan has undergone multiple revisions since that time to ensure that it reflects current local priorities and values. General Plan policies are organized into 12 elements, several of which have particular relevance for the Merced River Trail, namely:

- the **Conservation and Open Space element**, which identifies the Merced River canyon as a priority "scenic resource" to be protected to ensure the County's quality of life and economic viability (Goal 11-1) and specifies environmental conservation, including "ecosystems, plant communities, wildlife habitats, and the inherent diversity of both plant and animal species" (Goal 11-2) as a primary concern of the General Plan;
- the **Regional Tourism element**, which calls out the Merced River Trail from Bagby to El Portal as a recreational tourism opportunity, while laying out policies and implementation measures for balancing the trail's economic benefits with natural and cultural resource conservation. These include "Policy 13-1(a)2: The County shall collaborate with the American Indian Council of Mariposa County creating facilities and opportunities to promote public education of Native American cultural traditions and places" and Policy 13-1(b) Maximize public access to public lands consistent with the protection of sensitive natural resources and habitats."

MARIPOSA COUNTY ECONOMIC VITALITY STRATEGY (2017)



Adopted on July 18, 2017, the Mariposa County Economic Vitality Strategy (EVS) provides a strategic framework to guide community-supported, context sensitive economic development activities throughout Mariposa County. To develop the EVS, Mariposa County staff facilitated a range of meetings and workshops with stakeholders from throughout Mariposa County, including business owners, economic development practitioners, and others involved in the County's economic future.

The resulting recommendations are organized around six strategic initiatives, the first of which, "Promotion and Expansion of the Tourism Sector," directly references the Merced River Trail as an opportunity to "develop and promote activities and places of interest in each of the county's subareas and communities." (Action 1.2.3). Though particiants in the Merced River Trail vision planning process (described in Chapter 2) acknowledged that the trail project would—and indeed, currently does—have an economic benefit to the county, that process revealed concerns about placing the project's economic potential before visitor use issues, like mitigating the trail's impact on the natural environment.

It is noteworthy then, that Objective 1.4 of the EVS is to "ensure that there is adequate capacity to accommodate a growing tourism industry." Though this recommendation doesn't explicitly refer to the capacity of the landscape to absorb more users, this value of the EVS does align with the Vision Plan's essential priorities.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

KEY MARIPOSA COUNTY GENERAL PLAN // MERCED RIVER TRAIL ALIGNMENT

11. CONSERVATION + OPEN SPACE ELEMENT

Goal 11-1: Conserve the natural and scenic resources, and open space lands to protect and enhance the County's quality of life and character ensuring a viable economy.

- *Policy 11-b: Collaborate with other public and private agencies for conservation management plans and programs.*

13. REGIONAL TOURISM ELEMENT

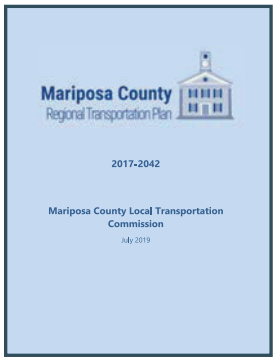
Goal 13-1: Preserve, protect and enhance regional tourism opportunities and resources.

- *Policy 13-1a(1): Plan collaboratively with the public land managers for a broad spectrum of regional tourism opportunities.*
- *Policy 13-1a(2): The County shall collaborate with the American Indian Council of Mariposa County creating facilities and opportunities to promote public education of Native American cultural traditions and places.*
- *Policy 13-1b: Maximize public access to public lands consistent with the protection of sensitive natural resources and habitats.*

Goal 13-3: Increase public access to trails and off-road areas to provide greater opportunities for "in-County" visitor experience.

- *Policy 13-3a: Work with other land management agencies to establish access routes and trailheads while protecting environmentally sensitive areas.*

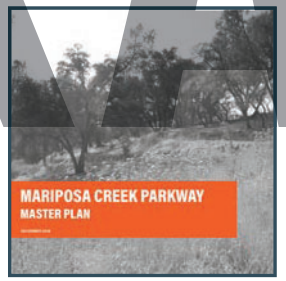
MARIPOSA COUNTY REGIONAL TRANSPORTATION PLAN (2017)



Adopted in 2017, the County's Regional Transportation Plan (RTP) is a technical transportation planning document that "documents the transportation policy, actions, and funding recommendations that will meet the short- and long-term access and mobility needs of Mariposa County residents over the next twenty-five years (2017-2042)." This sprawling document addresses a wide range of transportation and mobility issues, including transit, signage and wayfinding, and delays on state highways, which do not pertain to the Merced River Trail.

However, the RTP does call out opportunities in the county for bicycle mobility enhancements, including those with recreational benefits. Here, the document identifies two distinct stretches of the Merced River Trail—between Yosemite and Briceburg, and between Briceburg and Bagby—as "Class I bike paths or trails" capable of serving the regional goals that guide the document.

MARIPOSA CREEK PARKWAY MASTER PLAN (2019)



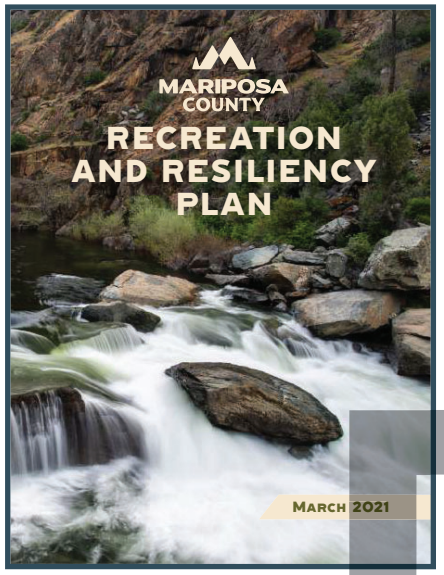
Relying on extensive engagement with a wide variety of perspectives, the Mariposa Creek Parkway Master Plan articulates a vision for a multi-beneficial trail and active transportation facility in the Town of Mariposa. Broadly, the project describes the trail's potential contributions to numerous community objectives, including recreation, ecological restoration, and civic vitality.

Though the Parkway is located in town, one of the plan's basic tenets is that the Parkway has the potential to transform Mariposa into a central hub or "base camp" for regional outdoor activities, and positions the the Parkway as an element in a larger network of non-motorized recreation. This includes potential connections via Bear Creek to the Merced River canyon and the Merced River Trail. This, along with the plan's treatment of the trail as a tool for achieving multiple objectives, including some not related to recreation, are relevant to the Merced River Trail project.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MARIPOSA COUNTY RECREATION AND RESILIENCY PLAN (2021)



In 2019 the Board of Supervisors authorized using resources from the General Fund to develop a Recreation and Resiliency Plan. This innovative planning effort was intended to use community engagement to identify priority projects for meeting the county's diverse needs for parks, trails, and open spaces, and articulate a strategy for harnessing these recreation projects to promote resiliency throughout Mariposa County's landscapes and communities.

Similar to the Merced River Trail visioning process (detailed in Chapter 2), the Recreation and Resiliency Plan was guided by a steering committee, with community input collected a variety of ways. Namely, the project hosted a series of workshops, facilitated an online survey, and organized interviews with key stakeholders to develop the plan's framework. That framework starts with a broad vision, identifies shared values for recreation and resiliency, and establishes four basic themes—Park Lands + Open Space, Recreation + Activities, Trails + Connectivity, and Natural Systems—to prioritize recommended projects. Then, the County is divided into four geographic zones, with zone-specific projects recommended based on their relationship to each of the four key themes.

In addition to these zone-specific projects, the Recreation and Resiliency Plan identifies three priority projects that stood out in the planning process as transformative, cross-cutting projects with the highest potential to achieve both the County's recreation and resiliency objectives. Priority projects include a countywide trail network, a community recreation center, and a policy of integrating wildfire planning and practices into recreation.

The Recreation and Resiliency Plan is significant for the Merced River Trail in two ways. First, the trail aligns closely with the plan's framework, especially the aspirations and goals for the Trails + Connectivity theme. For example, this theme's emphasis on using trails to promote connections to the landscape and nurture a stewardship ethic resonates deeply with the outcomes of the Merced River Trail visioning process and, therefore, this plan's framework and recommendations.

Second, the trail is specifically identified as a key component of the countywide trail network recommendation. When the Recreation and Resiliency Plan was being developed, the preferred Merced River Trail route had not yet been identified, so the countywide trail network isn't clear on the Merced River Trail's upstream alignment and terminus. However, that plan does position the MRT as a critical element of the countywide trail network, specifying trail/bridge dimensions in the river corridor and hinting at key resiliency considerations for trails like the MRT, including those related to erosion and wildfire risk reduction.

RECREATION AND RESILIENCY PLAN // TRAILS + CONNECTIVITY

ASPIRATIONS

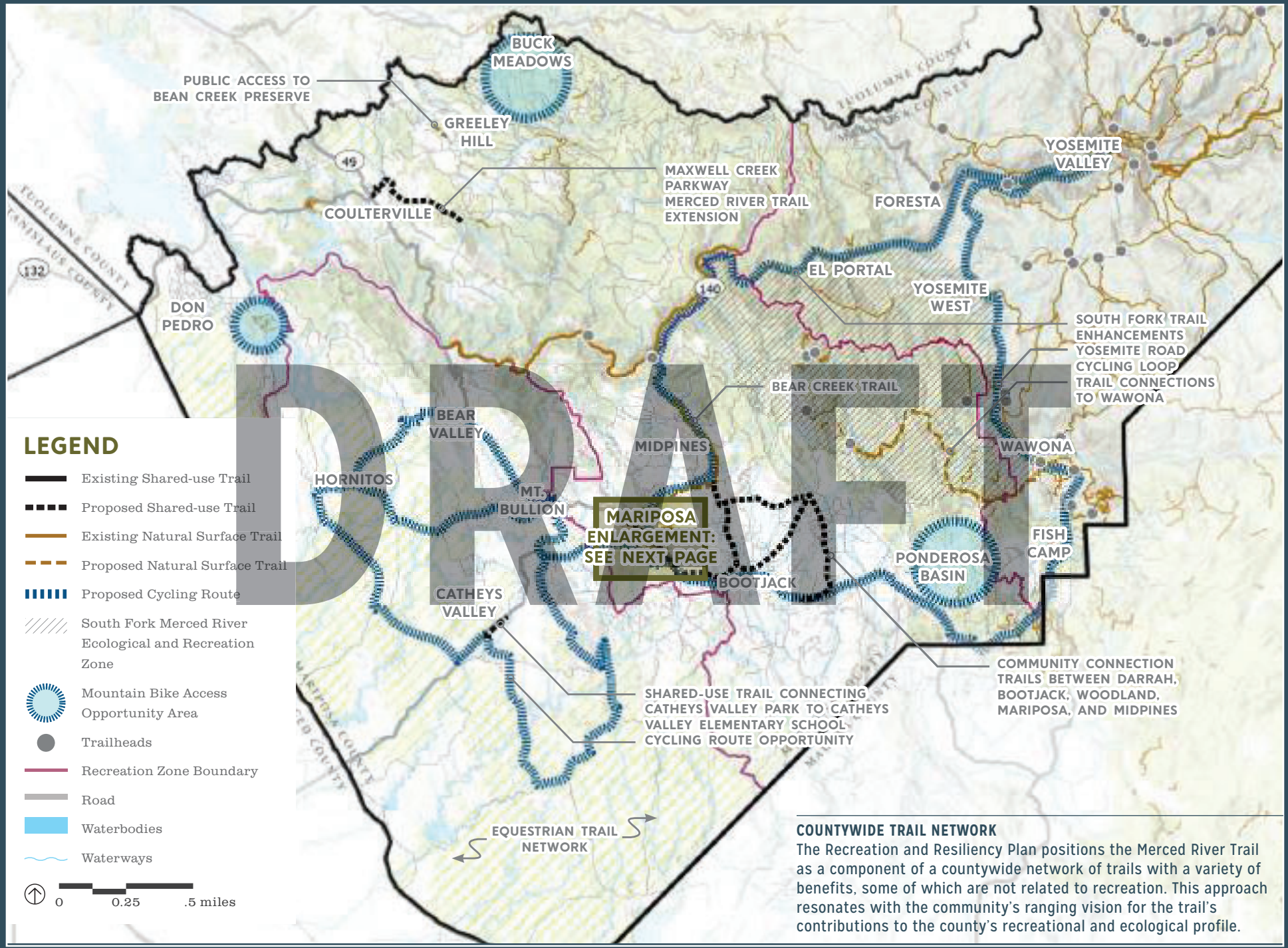
Our interconnected trail system will support wellness, showcase our biodiversity and strengthen relationships with our landscape. We aim to foster healthy living and trail experiences that benefit emotional and physical well-being.

GOALS

1. *Create a countywide network of trails to foster connectivity and promote safer communities in Mariposa County.*
2. *Strengthen the connection between Mariposans and the natural environment through improved trails.*
3. *Foster discovery, use, enjoyment, and stewardship of trails.*

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

LEGEND

- Existing Shared-use Trail
- Proposed Shared-use Trail
- Existing Natural Surface Trail
- Proposed Natural Surface Trail
- Proposed Cycling Route
- South Fork Merced River Ecological and Recreation Zone
- Mountain Bike Access Opportunity Area
- Trailheads
- Recreation Zone Boundary
- Road
- Waterbodies
- Waterways

0 0.25 .5 miles

COUNTYWIDE TRAIL NETWORK

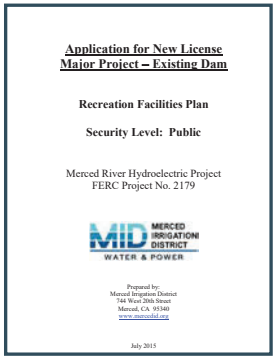
The Recreation and Resiliency Plan positions the Merced River Trail as a component of a countywide network of trails with a variety of benefits, some of which are not related to recreation. This approach resonates with the community's ranging vision for the trail's contributions to the county's recreational and ecological profile.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

OTHER PLANNING CONTEXT //

Though federal and local policies provide the primary regulatory parameters and conceptual direction for the Merced River Trail, it is important to acknowledge the trail's relationship to selected regional and state planning and implementation efforts. While a comprehensive listing of the every relevant environmental and recreational planning effort is neither necessary nor possible, the two plans below stand out as having immediate implications for planning and implementing the Merced River Trail project as described in the Vision Plan.

MERCED RIVER HYDROELECTRIC PROJECT // MERCED IRRIGATION DISTRICT + FEDERAL ENERGY REGULATORY COMMISSION


Application for New License
Major Project – Existing Dam

Recreation Facilities Plan

Security Level: Public

Merced River Hydroelectric Project
FERC Project No. 2179

MID MERCED IRRIGATION DISTRICT WATER & POWER

Prepared by:
Merced Irrigation District
744 West 20th Street
Merced, CA 95340
www.mercedid.org

July 2015

APPROXIMATELY
6 MILES
OF EXISTING TRAIL IN MID JURISDICTION

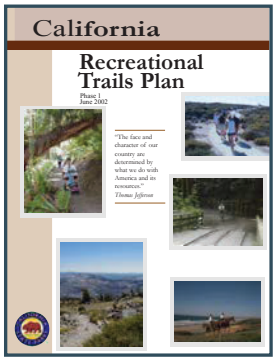
Merced Irrigation District (MID) operates a 103.5 megawatt hydroelectric project, which is located on the Merced River. This project, which includes the New Exchequer Dam, is licensed through the Federal Energy Regulatory Commission (FERC), which regulates non-federal hydropower projects. This license expired in February 2014, requiring renewal from FERC and negotiations with affected stakeholders. As part of the license renewal, MID reached an agreement that has a number of implications for recreational and environmental conditions in the Merced River canyon. While Appendix I includes a more detailed analysis of the agreement, perhaps most important is that through this relicensing agreement, MID is committed to measures which will result in the development of a trail upriver from the MID-operated Bagby Recreation Area to the project boundary near Sherlock Creek.

These measures are contingent on completion of several measures by BLM. MID will be responsible to build and maintain a bridge for cyclists and hikers that crosses the Merced River near Sherlock Creek, connecting the Merced River Trail from the north side to the south side, and build a south side trail to Bagby, but only if:

- all lands necessary to build a trail connecting from the BLM lands near Sherlock Creek have legal access (through ownership or easements) that would allow public access to Bagby; and
- BLM constructs a bridge, at no cost to MID, across the North Fork of the Merced River to allow safe public crossing during spring snow melt off and storm events.

BLM will notify MID when these two contingencies have been met, which to date, they have not.

CALIFORNIA RECREATIONAL TRAILS PLAN PHASE I (2002)



In 2002, the California State Parks Department adopted Phase I of a statewide recreational trails plan, which identifies 12 trail-related goals and lists general action guidelines designed to reach those goals. This effort was intended to be the initial phase of a larger comprehensive trail planning project.

This larger state-led trail planning effort has not yet occurred, and aspects of the first phase are too programmatic or agency-specific to apply to any specific trail project. However, many aspects of the first phase are relevant for the Merced River Trail. In particular, the plan's goal to "Develop and encourage expanded cooperation and collaboration among trail advocates, wildlife advocates, and cultural resource advocates to maximize resource protection, education, and trail use opportunities" resonates deeply with the community's stated desire to balance appropriate recreational trail use with resource conservation in the Merced River canyon.

This clear overlap between the Merced River Trail and state recreational trail planning guidance is important, because it positions the MRT as a potential priority trail for state-level investment. By aligning with state priorities, the Merced River Trail should be a candidate for funding from applicable state funding sources, such as the Recreational Trail Program, California Conservation Corps support for trail building and maintenance, and other resources available for projects that advance the state's broad agenda for trail implementation.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

RECREATIONAL MITIGATIONS FOR WATER USAGE

The New Exchequer Dam is licensed by the Federal Energy Regulatory Commission and includes Protection, Mitigation and Enhancement Measures (PM&E) in its permit to operate its facilities. These PM&E measures have been negotiated with the owners, federal and state natural resources agencies, and relicensing participants (primarily conservation organizations) for final permit conditions.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Among the first codification of the Merced River Trail in a federal planning document was the US Forest Service's Wild and Scenic River Implementation Plan. As mentioned, that plan was adopted in 1989, and includes the Merced River Trail in its selected preferred alternative. Later, USFS and NPS endorsed the trail concept in their respective jurisdictions through subsequent planning efforts in 1991 and 2014.

Indeed, since the WSR designation, BLM has taken significant action to implement the trail in their jurisdiction—today, that agency's Merced River Recreation Area contains the only formal Merced River Trail miles in the canyon.

However, the first formal depiction of the Merced River Trail was actually even earlier than these federal initiatives. As the Merced River Trail vision planning effort was taking place, Mariposa County staff discovered a map dated 1983, in which a now-defunct advisory committee called the Mariposa County Hiking and Equestrian Trails Advisory Committee illustrated a network of recreational trails throughout the whole county. This map, included as Appendix K, shows a trail along the Yosemite Valley Railroad Grade from Bagby to El Portal, with connections to Yosemite National Park via the Old Coulterville Road.

With nearly 30 years of local attention and federal endorsement, it may seem remarkable that Mariposa County has chosen this particular moment to ramp up its efforts to advance the Merced River Trail. Three factors helped re-energize the trail project and encourage the Mariposa County Board of Supervisors to take action now. They include:

RECENT RIVER CANYON USE PATTERNS //

Though the public lands in the Merced River have long been a celebrated local resource for Mariposa County residents, the existing recreation amenities have tended to be something of a hidden gem for visitors, most of whom experience the river canyon through the windshields of their cars on the way to Yosemite National Park on Highway 140.

However, as Yosemite has become increasingly crowded, expensive, and with the burgeoning day use reservation system, harder to get into, nearby BLM and USFS recreation areas in the river canyon have grown in popularity. This trend was emphasized during various park closures in recent years, including during federal administrative shut-downs and the COVID-19 pandemic.

While these public lands are intended to be accessed by human users, increased visitation have stressed the limited infrastructure in places like Briceburg and along Incline Road. This has resulted in increased impacts to the river and surrounding landscape, including litter, human waste, and the potential for (and, unfortunately, reality of) increased risk of wildfire from irresponsible recreation activities.

With the underlying causes of these trends, especially enforceable visitation limits in Yosemite and the widespread use of social media, which has limited the extent to which federal land managers can mediate the flow of information about public lands, not likely to dispel, and outdoor recreation only becoming more desirable and accessible in the central valley, California, and globally, it has become increasingly clear that a strategy for mitigating the impacts of increased visitors in the Merced River canyon is important for conserving its ecological resources. This has led to a growing chorus of voices in Mariposa County interested in a planning initiative that considers these ideas, and helps explain the current emphasis on advancing the trail project.

LANDSCAPE HEALTH FACTORS //

The Sierra foothills are fire-adapted, which means that intermittent fire is natural, and even necessary for a balanced landscape. However, factors like previous generations' policy of preventing wildfires and the impacts of global climate change have resulted in conditions where unnatural wildfires threaten the health and longevity of the river canyon.

A web of interrelated factors, including drought, warmer summers, and tree mortality have combined to make recent wildfires hotter, bigger, less predictable, and more destructive than the landscape has evolved to accommodate. Beginning roughly with the Merced River Trail vision planning process, for example, Mariposa County alone has suffered from four massive wildfires (Detwiler [2017], Ferguson [2018], Briceburg [2019], Oak [2022]), not including fires exclusively on wildlands (such as the Empire [2017] and Washburn [2022] fires) or fires during that timeframe elsewhere in the region.

In addition to the threat they pose to property and human life, these major wildfires can degrade local and regional ecosystems. While some fire is a critical component of a healthy Merced River watershed, extremely hot and frequent wildfires can damage soil, hampering regrowth and resulting in erosion (especially along steep slopes like those in the

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Merced River canyon) that further effects watershed health. As with the impacts from increased visitation, the recent spike in destructive wildfires, the clear imperative for systemic and countywide reactions to it, and the ability for increased planning and innovation in the river canyon via the Merced River Trail helps explain the recent interest in this effort.

EXPANDED PLANNING CAPACITY //

Historically, the Mariposa County Planning Department has focused on "current planning" functions, such as design review, development permits, and code compliance. However, in 2017, the department hired its first Community Design and Development Planner, which expanded its ability to support "long-range planning" initiatives, especially those involving parks, recreation, and trails.

This staff enabled the County to undertake this project, through the Department's ability to organize and support the Community Working Group, and by pursuing resources to supplement local capacity. Increased staffing allowed the Planning Department to secure support from the National Parks Service's Rivers, Trails, and Conservation Assistance program, which proved valuable to the Vision Planning effort.

Combined with longstanding interest in the Merced River Trail among federal and local agencies, these issues and opportunities catalyzed the Board of Supervisors to accelerate efforts to advance the Merced River Trail. The planning process that followed, described in the following chapter, resulted in a shared vision for the Merced River Trail project, and actions to be taken by the County, federal partners, and local stakeholders to realize it.



Photo Credit: Marie Edinger/KMPH

DESTRUCTION AND DISRUPTION

Massive wildfires like the Briceburg Fire (2019), which gets its name from the Briceburg trailhead that provides recreational access to BLM's Merced River Recreation Area off of Highway 140, have grown hotter, larger, and less predictable in recent years. The trail project provides opportunities to help mitigate and recover from disaster events like this, underscoring its importance and contributing to its timeliness.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

“Trail development should be minimally intrusive. Let the canyon speak for itself. It should be a trail for exercise, beauty and introspection”

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

2. VISIONING PROCESS

DRAFT

For generations and up to the present day, Mariposa County has been home to a range of opinions on public land and natural/cultural resource management. The Merced River—including the trail, canyon, and overall watershed—belong to everyone, and building consensus among river and trail lovers, many of whom have competing views on the future of the river canyon, is essential to the success of the Vision Plan.

This project relies on multiple levels of stakeholder engagement to collect and respond to input from diverse perspectives on the river trail.

The process, which unfolded over nearly four years, was guided by a dedicated group of volunteers who provided guidance and recommendations to the Mariposa County Board of Supervisors, and solicited contributions from trail users, wildlife advocates, conservationists, and community builders from throughout Mariposa County. It included a range of opportunities for passionate community members to participate at every point in the visioning process, both formally and informally, across several platforms and through various channels.

It also featured close collaboration with federal partners at the National Park Service, US Forest Service, and Bureau of Land Management, and incorporated subject matter expertise from technical contributors like the Environmental Protection Agency, Headwaters Economics, and the Rails to Trails Conservancy.

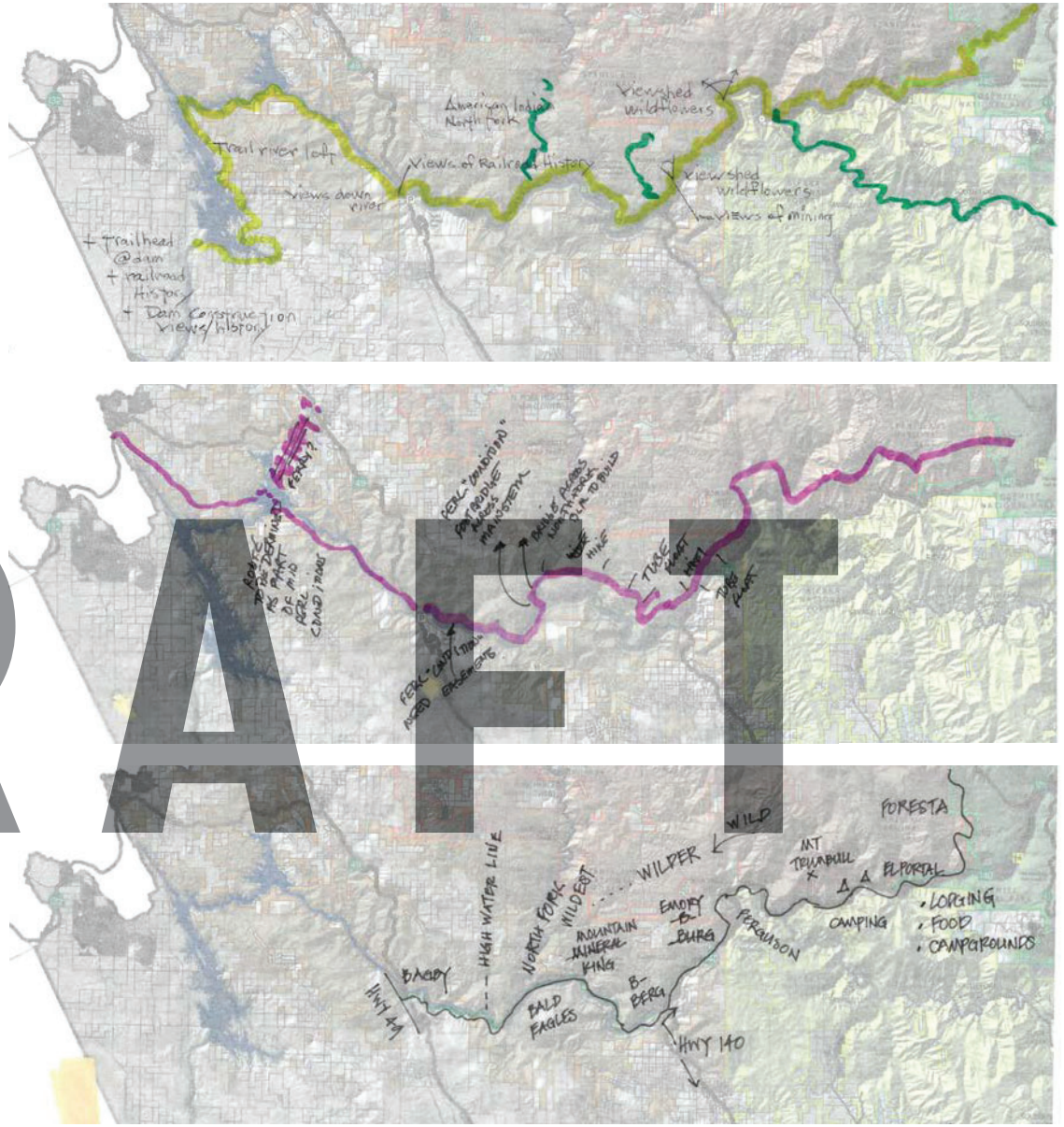
Though not all community members will be satisfied with all of its outcomes, the results of the visioning process were shaped by the compromises, trade-offs, and collaboration necessary to build consensus among differing, often opposed, visions for the future of these one-of-a-kind assets. They also present a snapshot of the state of consensus at this moment in time. Likely—indeed, hopefully—the ideas and recommendations that emerged from the Merced River Trail visioning process will change over time and need to be revisited, reexamined, and revised through future community engagement and dialogue.

PRELIMINARY DIALOGUE //

On April 11, 2018, the Planning Department sought direction from the Mariposa County Board of Supervisors on a preliminary strategy for informally engaging with local and agency partners on the Merced River Trail concept. County staff submitted a memo to the Board, which outlined "initial visioning and goal-setting efforts with targeted stakeholders within the community and from federal partners with the Bureau of Land Management (BLM), US Forest Service (USFS), and National Parks Service (NPS)."

The memo also identifies several community members "that are currently and/or have previously been involved in county trail development" who, through activities like interactive mapping exercises and surveys, could provide early insights to frame later, more formal trail planning work. In addition to frequent consultation and small group conversations with members of this initial trail "brain trust," approximately 15 members—including community stakeholders and staff from BLM, USFS, and NPS—convened at Pony Espresso in Mariposa for a meeting on May 5, 2018 to produce mental maps of the river corridor and share input on selected images of the existing trail and river corridor.

These preliminary engagement activities were important for building relationships among the federal agencies and local stakeholders, and for laying out a range of issues and opportunities to engage with through a more rigorous community engagement approach. In October 2018, the Planning Department was awarded technical assistance from the NPS Rivers, Trails, and Conservation Assistance program to support increased engagement with the project's federal partners, and in summer 2019, the Board of Supervisors authorized the establishment of the Merced River Trail Community Working Group to function as a formal community sounding board for and driver of the county-led planning effort.



MENTAL MAPS
Participants in an informal preliminary workshop produced mental maps of the river canyon, which reflected individual respondents' most memorable areas and experiences along the existing trail.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MERCED RIVER TRAIL COMMUNITY WORKING GROUP //

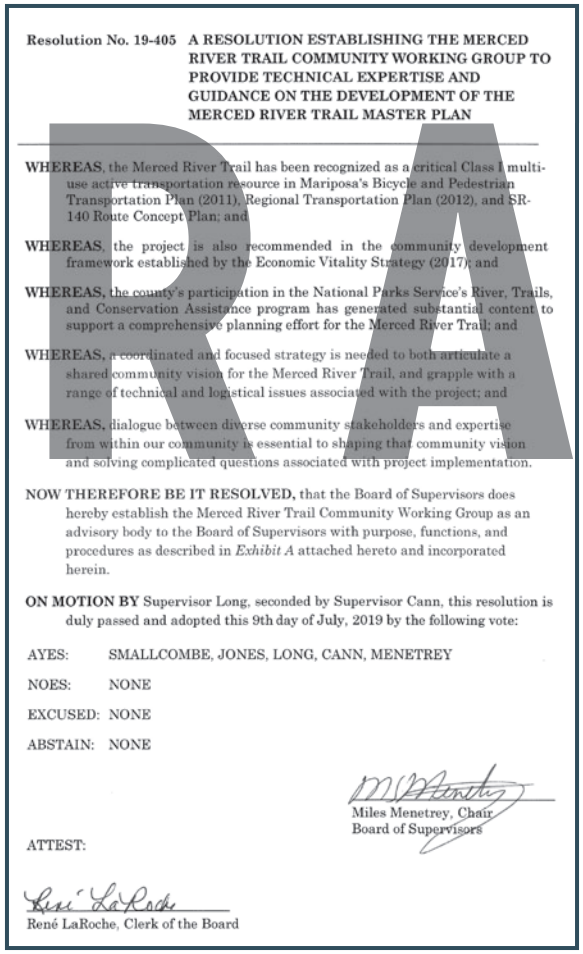
To expand on and formalize the community trail planning initiated in 2018, the Board of Supervisors passed Resolution 2019-405 on July 9, 2019, formally establishing the Merced River Trail Community Working Group (CWG) to act as an official 11-member advisory committee to the Board on the trail project, with nine voting members and two non-voting members. Essential to the group's establishment is that it is a formal public advisory committee, and therefore compliant with the Brown and Maddy Acts for public meetings. This means that all of the group's meetings would have to be open to the public, publicly noticed, and documented. This resolution identifies the group's purposes as to:

formulate, design, implement and participate in a public stakeholder engagement program to ensure appropriate participation by the development of the Merced River Trail Master Plan;

provide technical expertise in topic areas germane to the Merced River Trail Master Plan, including but not limited to: the trail's regulatory context; trail construction and maintenance; existing trail conditions; right of way acquisition; environmental conservation, including wildlife habitat and water quality issues; public health advocacy and promotion; cultural interpretation and conservation; community design and aesthetics; and trail programming;

support the work of staff and consultants in the conduct of fact finding and data gathering necessary to (1) identify and negotiate significant coordinative and logistical hurdles in achieving the trail; (2) recommend projects, programs, and policies needed to efficiently implement the community's vision for the trail; and (3) ultimately realize the recommendations contained in the Merced River Trail Master Plan; and

provide periodic assessment, evaluation of, and feedback to the Board of Supervisors regarding the success of the Merced River Trail Master Plan.



Resolution No. 19-405 A RESOLUTION ESTABLISHING THE MERCED RIVER TRAIL COMMUNITY WORKING GROUP TO PROVIDE TECHNICAL EXPERTISE AND GUIDANCE ON THE DEVELOPMENT OF THE MERCED RIVER TRAIL MASTER PLAN

WHEREAS, the Merced River Trail has been recognized as a critical Class I multi-use active transportation resource in Mariposa's Bicycle and Pedestrian Transportation Plan (2011), Regional Transportation Plan (2012), and SR-140 Route Concept Plan; and

WHEREAS, the project is also recommended in the community development framework established by the Economic Vitality Strategy (2017); and

WHEREAS, the county's participation in the National Parks Service's River, Trails, and Conservation Assistance program has generated substantial content to support a comprehensive planning effort for the Merced River Trail; and

WHEREAS, a coordinated and focused strategy is needed to both articulate a shared community vision for the Merced River Trail, and grapple with a range of technical and logistical issues associated with the project; and

WHEREAS, dialogue between diverse community stakeholders and expertise from within our community is essential to shaping that community vision and solving complicated questions associated with project implementation.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors does hereby establish the Merced River Trail Community Working Group as an advisory body to the Board of Supervisors with purpose, functions, and procedures as described in *Exhibit A* attached hereto and incorporated herein.

ON MOTION BY Supervisor Long, seconded by Supervisor Cann, this resolution is duly passed and adopted this 9th day of July, 2019 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE

Miles Menetrey, Chair
Board of Supervisors

ATTEST:

René LaRoche, Clerk of the Board

The enabling resolution also establishes that CWG members should represent a variety of key perspectives and skillsets, including, but not limited to:

- Bureau of Land Management
- Yosemite National Park
- US Forest Service
- Merced Irrigation District
- Upper Merced River Watershed Council
- Sierra Foothill Conservancy
- Creative Placemaking Strategy Advisory Committee
- Historic Sites & Records Preservation Commission

The resolution also explicitly states that "the committee may call upon representatives of other organizations and the general public as resources on certain topics related to the Merced River Trail, including trail advocates and outdoor recreation enthusiasts." It also includes a provision for two Ex-Officio (non-voting) members from the Board of Supervisors and county staff as appropriate, and establishes the group's general bylaws.

In September 2019, the Board appointed the first members to the CWG to randomly assigned three-, four-, and five-year terms. The committee has remained at its 11-member capacity, with its first meeting on October 24, 2019. Since then, the group has conducted more than 20 formal public meetings. Finally, it is worth noting that though the original resolution specifies the group's role as working on the Merced River Trail "master plan," the project's emphasis quickly shifted to developing a "vision plan," the differences between which are described in Chapter 1.

MARIPOSA COUNTY RESOLUTION NO. 19-405
In July 2019, the Mariposa County Board of Supervisors formally established the Merced River Trail Community Working Group. Subsequent Board actions would appoint members to the group, and receive updates on the project from the group and county staff.

DRAFT

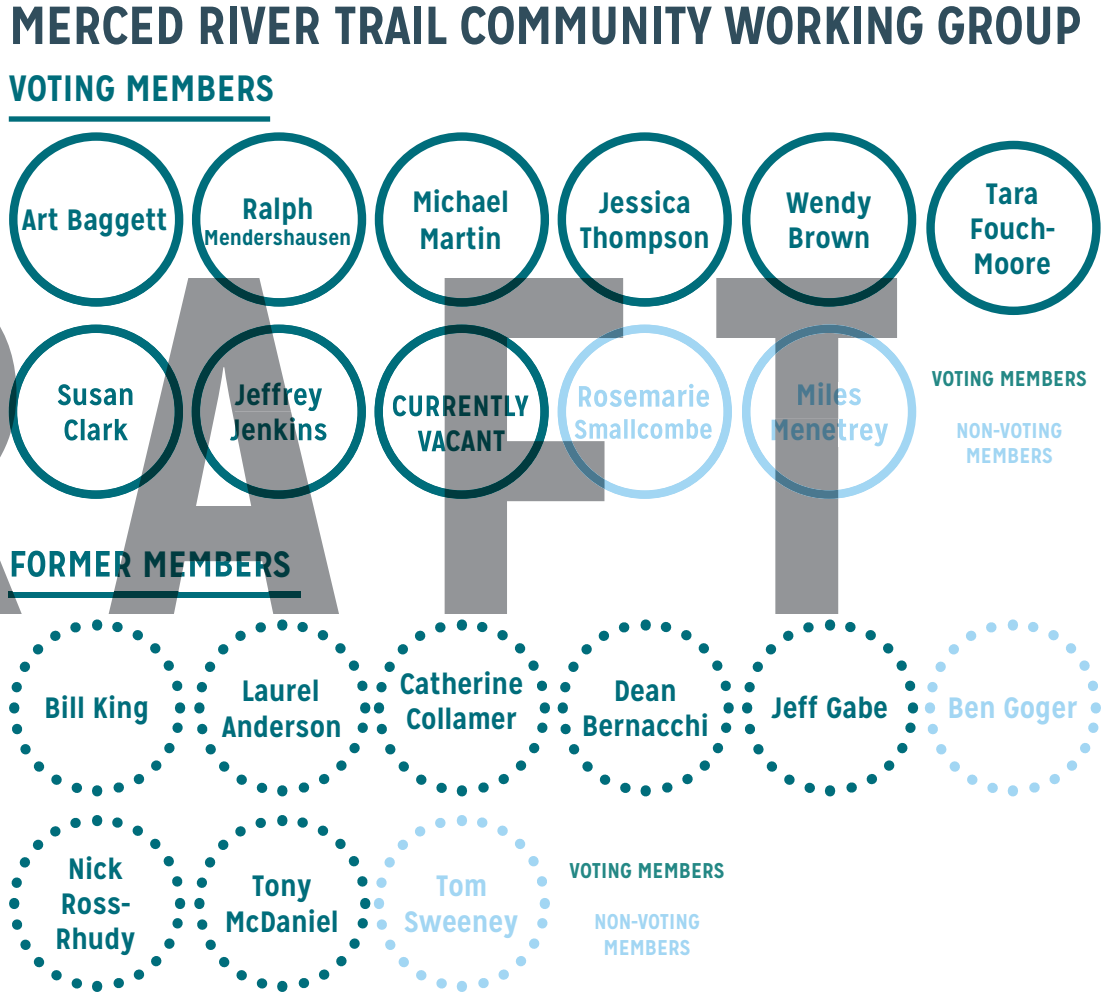
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

As articulated in the group's enabling resolution, the CWG's primary responsibility is to collaborate with county staff to establish and support the implementation of the community engagement work needed to develop a comprehensive, representative, and effective plan for the Merced River Trail. At the group's early meetings, the CWG helped articulate an overall framework for the engagement and decision-making process, through which community input is collected to make increasingly specific decisions about the project. The sequence of decisions is:

1. Vision // what are our highest aspirations for the project?
2. Goals // how can we realize that vision?
3. Actions // what do we need to do to achieve those goals?

While the substance and specificity of the decisions at each of these milestones differ, the process for dialogue between the CWG and the wider community was consistent throughout. First, the CWG would brainstorm and discuss potential ideas—first vision statements, then goals, then project actions—to collect input on from the public. This step frequently involved precedent research, reading similar plans to get a feel for comparable vision statements, goals and actions, identifying strengths and weaknesses in other projects to influence draft ideas for the Merced River Trail.

Next, after several rounds of discussion and refinement, the CWG would agree on draft materials on which to seek input and direction from the general public. At this point, the CWG would also work with the county staff to devise an appropriate medium in which to share draft materials. After collecting the community's feedback on draft materials, the CWG—often through a subcommittee—would work to synthesize the feedback that was received, and respond to it by revising the draft materials that were initially shared into a final vision statement, list of project goals, and recommended actions to be voted on and formally adopted by the CWG. Since these discussions took place at noticed public meetings, members of the public could and often did participate in these initial discussions at each stage in the visioning effort.



VISIONING FRAMEWORK
The trail visioning process is based on dialogue between the Community Working Group and the community at large, through which increasingly specific decisions are made. Each step relies on the decisions made at the previous step in the process.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

1. VISION → 2. GOALS → 3. ACTIONS

WHAT ARE OUR HIGHEST ASPIRATIONS FOR THE MERCED RIVER TRAIL?

1

EXAMPLES

- "THE MERCED RIVER TRAIL WILL BE A REGIONAL RESOURCE TO INCLUDE RECREATIONAL ACCESS AND REFLECT THE COMMUNITY'S DESIRE FOR A TRAIL THAT INCLUDES THE AREA'S HISTORY, CULTURE, AND ECOLOGICAL RESOURCES."
- "THE MERCED RIVER TRAIL WILL BE A HIGH-QUALITY MULTI-USE TRAIL IN THE MERCED RIVER CANYON THAT PROMOTES THE HEALTH AND WELL-BEING OF THE PEOPLE, CREATING OPPORTUNITIES FOR SUSTAINABLE ECONOMIC DEVELOPMENT AND SERVING AS A PROTOTYPE FOR A COMPREHENSIVE COUNTY-WIDE TRAIL NETWORK IN MARIPOSA COUNTY."

HOW CAN WE REALIZE THAT VISION?

1 2 3
4 5 6

EXAMPLES

- MINIMIZE CONFLICTS BETWEEN HUMAN AND NON-HUMAN USERS OF THE MERCED RIVER CORRIDOR
- EMPHASIZE INCLUSIVE AND EQUITABLE NARRATIVES ABOUT THE PAST, PRESENT, AND FUTURE OF THE MERCED RIVER IN ANY INTERPRETIVE FEATURES
- ENSURE THAT ANY CHANGES OR ADDITIONS TO THE RIVER CANYON ARE APPROPRIATELY SCALED AND DESIGNED TO THE NATURAL CONTEXT IN WHICH THEY EXIST

WHAT DO WE NEED TO DO TO ACHIEVE THESE GOALS?

1 2 3 4 5 6
7 8 9 10 11 12

EXAMPLES

- PRESERVE A MINIMUM IMPACT AESTHETIC IN THE CONSTRUCTION OF THE MERCED RIVER TRAIL, INCLUDING THE USE OF NATURAL MATERIALS AND DRY-STONE MASONRY TECHNIQUES THAT ARE CONSISTENT WITH THE HISTORIC TRAILS OF THE AREA.
- MAP WILDLIFE HOTSPOTS AND DEVISE APPROPRIATE AND EFFECTIVE MEASURES TO MINIMIZE THE IMPACT OF TRAIL USE ON WILDLIFE, ESPECIALLY AT THESE LOCATIONS
- MAXIMIZE OPPORTUNITIES FOR LOCAL VOLUNTEERS IN TRAIL PROJECTS

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

COMMUNITY ENGAGEMENT ACTIVITIES //

Throughout the visioning process, the CWG recommended and helped implement several events to promote, publicize, and make accessible the engagement activities for each milestone. Central to the engagement program was the Community Speaker + Engagement Series, which initially consisted of at least four events intended to provide a range of compelling, accessible opportunities to participate in the visioning process, while deepening the community's knowledge of and appreciation for the trail and river corridor's ecological, historical, cultural, and social contexts.

Each event in the initial series would begin with a presentation or guided hike led by a local expert in a topic germane to the river canyon and/or trail—Indigenous sense of place, botanical character, wildlife habitat, and mining, rail, timber, and ranching history. Then, the event's program would shift to feature an activity to provide input on and discuss the Vision Plan and the draft materials provided by the CWG. Initially, the events were intended to take place in person. However, while the first event did occur in person, most subsequent events did not because of restrictions on public meetings due to the COVID-19 pandemic. Accordingly, most events took place as virtual/teleconference meetings. What follows is a summary of each event and the decisions made throughout the visioning process.

DRAFT

SPEAKER SERIES // OPEN HOUSES // SURVEYS

February 20, 2020
Native American Sense of Place and Project Vision

December 14, 2020
Ecological Identity and Project Goals

March 29, 2021
Conservation and Advocacy History and Open House

January 7, 2021
El Portal Open House (online)

March 29, 2021
Community Open House (online)

June 16, 2021
Midpines Open House (in person)

December 2020-March 2021
Project Goals Community Survey

September-December 2021
Project Actions Community Survey

ADOPTED

MERCED RIVER TRAIL VISION STATEMENT

The Merced River Trail will manifest our community's appreciation of our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.

It will address the growing needs for education, access to recreation, and regional economic development with the imperative for conserving the canyon's many remarkable resources.

The trail will serve as a central connective component of an existing and future network of trails.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DIALOGUE #1: NATIVE AMERICAN SENSE OF PLACE + PROJECT VISION // FEBRUARY 20, 2020



The community presenter for the first installment in the Community Speaker + Engagement Series was Irene A. Vasquez, an expert in eco-cultural uses of native plants and then secretary for the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation). Ms. Vasquez presented on the river canyon's place in generations of Indigenous history, sharing archival photos and emphasizing the importance of projects like the Merced River Trail on addressing issues faced by contemporary Indigenous communities, including public health vulnerabilities and the prison industrial complex. The event was held at the El Portal Community Hall, with over 50 people estimated to have been in attendance.

After this presentation, participants completed an exercise to provide input on the project vision for the Merced River Trail project. Following the process outlined earlier in this chapter, the exercise was developed by the CWG as a prompt for participants to react and engage with three draft vision statements. For several CWG meetings prior the February event, members brainstormed and refined three draft vision statements, which were presented to participants at the February event. The activity asked participants to mark up the vision statements—circle, cross out, underline, rewrite or otherwise engage with—to develop a vision statement that resonated with them. The three draft vision statements that were presented were:

- *The Merced River Trail will reflect the community's appreciation of and desire to protect our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.*
- *The Merced River Trail will improve access to public land, while restoring, maintaining, and showcasing the river canyon's Wild and Scenic qualities. It will promote and reinvorce the conservation, education, recreation, safety, and economic values important to the community and region.*
- *The Merced River Trail will serve as a critical connective component of a future regional trails network that balances the needs for recreational access, protection of ecological resources, and economic development for our rural community.*

While some participants completed the exercise on site, others preferred to share their input on the vision statement to CWG members and staff in conversations after the event. The exercise was also made available on the County's website for community members to complete and return to the Planning Department. Based on input received through these channels, the CWG developed a revised vision statement that synthesized key phrases and concepts from each of the three draft statements, while adding language to what would become the adopted Merced River Trail Vision Statement.



VISIONING EXERCISE
Community members comment on their highest aspirations for the Merced River Trail to help establish the vision for the trail.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

"I like all 3 vision statements; do we need just one? [We should] weave all those great concepts into the final vision statement."

ANONYMOUS COMMENT FROM VISION STATEMENT ACTIVITY





DIALOGUE #1: NATIVE AMERICAN SENSE OF PLACE
Prior to the COVID-19 pandemic, community members gathered for an in-person event to both learn about and share their perspectives on the Merced River canyon, watershed, and trail at the first Community Speaker + Engagement Series event.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



The COVID-19 pandemic began shortly after the February 2020 meeting, forcing the visioning work to pause and the CWG to evaluate options for safely and productively continuing the engagement program. After deliberating for several virtual CWG meetings, it was decided to continue the Community Speaker + Engagement Series, while adapting the program to an online format.

Additionally, the CWG spent the intervening seven months developing a list of draft goals for the trail project to seek input from the community through the online format. At the public CWG meetings when the draft goals were developed, it was emphasized that the draft goals needed to align with the adopted vision statement. Ultimately, the CWG voted to share these draft goals with the community for further online discussion and engagement:

- *Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.*
- *Protect the natural, historic, and cultural resources in the river canyon.*
- *Enhance watershed health, wildlife, and wildlife habitat as a principle of trail planning, implementation, and use.*
- *Promote the Merced River Trail as an integral component of a broader California Regional and State-wide trail system.*
- *Support long term resource management objectives for public land along the Merced River.*
- *Develop a trail that improves access to a wide range of appropriate outdoor experiences.*
- *Support education and research activities that increase knowledge about the importance of the river canyon as a cultural resource and wildlife corridor.*
- *Improve public health through increased access to nature-based recreation in the Merced River canyon.*
- *Strengthen the community's connection to the natural ecosystems of the Wild and Scenic Merced River canyon.*
- *Support the regional economy by stimulating businesses, support services, and other ventures geared towards outdoor recreation.*
- *Prioritize projects for the benefit of wildlife, ecosystem health, and improvement of the current natural conditions.*

The community presenter for the December event was Rob Grasso, who leads the Aquatic Wildlife Restoration program in Yosemite National Park, restoring endangered amphibians and rare turtles. Rob provided an overview of some key wildlife species in the Merced River canyon, and identified several important wildlife- and habitat-related issues to consider through the visioning process. The event was an online meeting that took place over the GoToMeeting platform, and had approximately 50 participants.

"It will take both long-term vision and short-term goals to accomplish this project and make it available for immediate use and as a future resource."

ANONYMOUS COMMENT FROM PROJECT GOALS COMMUNITY SURVEY

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

After Mr. Grasso's presentation, county staff introduced an online survey where community members could provide input on the project's goals. Meeting participants were oriented to the survey, and a link to the survey was shared through the meeting's chat feature. The link was also emailed out and made available on a variety of online channels.

EL PORTAL OPEN HOUSE // JANUARY 7, 2021

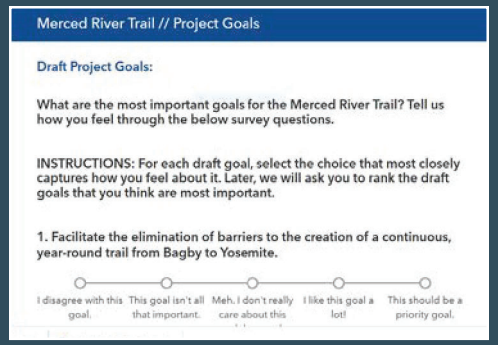
At this online Open House-type event, members of the Merced River Trail Community Working Group, Mariposa County staff, and District I Supervisor Rosemarie Smallcombe met with members of the El Portal, Foresta, and Incline communities to hear input, suggestions, and ideas for the Merced River Trail. The open house took place over the GoToMeeting platform, and had approximately 50 participants.

Many participants expressed concerns over the potential impact that a trail going through Foresta and El Portal could have on the fabric and livability of these communities. Similar sentiments had been expressed both by members of the community and of the working group at previous CWG meetings, and had been expressed in responses to the then-open online survey on the project's goals. Other participants expressed concerns over the potential impacts to wildlife habitat that expanded trail use could have.

PROJECT GOALS SURVEY

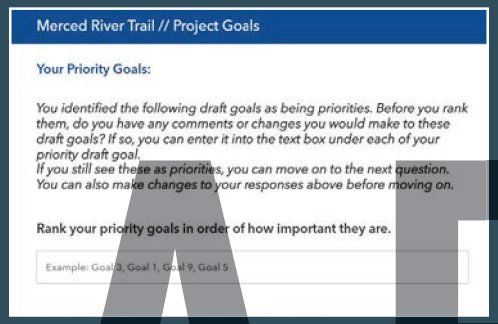
The CWG sought input on eleven initial draft project goals through an online survey. The survey used conditional formatting to ask respondents questions based on their responses to preceding questions in the survey.

1



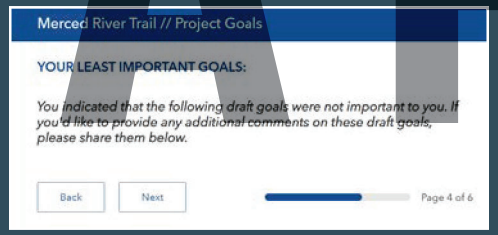
RESPONDENTS WERE FIRST ASKED TO INDICATE HOW IMPORTANT THEY VIEWED EACH OF THE ELEVEN INITIAL DRAFT GOALS.

2



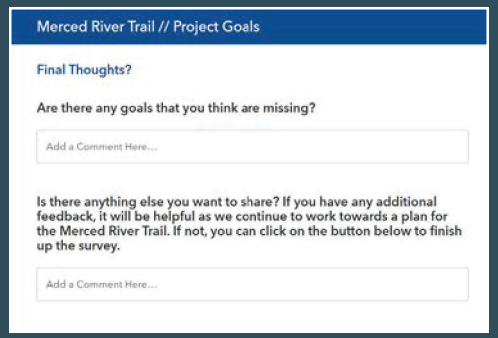
IF A RESPONDENT INDICATED THAT THEY AGREED OR STRONGLY AGREED WITH A DRAFT GOAL, THE SURVEY OFFERED AN OPPORTUNITY TO PRIORITIZE PREFERRED GOALS BY RANKING THEM.

3



IF A RESPONDENT INDICATED THAT THEY DISAGREED WITH A DRAFT GOAL, THE SURVEY OFFERED AN OPPORTUNITY TO PROVIDE ADDITIONAL COMMENTS SPECIFIC TO THAT DRAFT GOAL.

4



THE SURVEY CONCLUDED WITH AN OPPORTUNITY TO ADD NEW GOALS OR PROVIDE GENERAL FEEDBACK AND INPUT.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DIALOGUE #3: CONSERVATION AND ADVOCACY HISTORY + OPEN HOUSE // MARCH 29, 2021

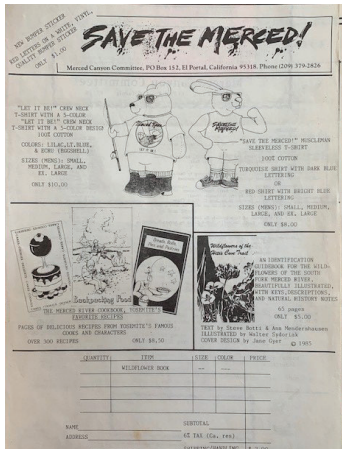


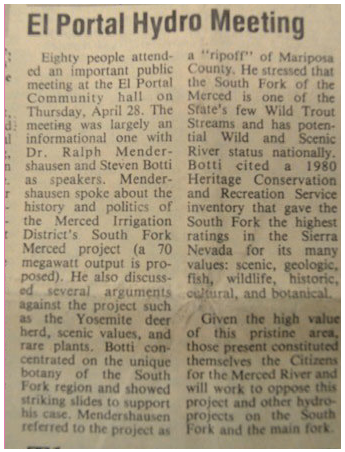


DRAFT

At the March 2021 event, Ralph Mendershausen discussed the history of community leadership and river conservation initiatives in the watershed, and reflected on their significance for the current visioning effort. As both a longtime Mariposan and founding member of the Merced Canyon Committee, Mr. Mendershausen drew on his extensive experience in helping secure Wild and Scenic designation for the river from its headwaters in Yosemite National Park to above Lake McClure. The event took place over the GoToMeeting platform, and had approximately 50 participants.

An open house-style discussion followed, where county staff and CWG members emphasized that, based on feedback received to that point from residents of El Portal and Foresta, the adopted Vision Plan would assuredly not recommend a trail alignment passing through those communities. Participants were also reminded to complete the online survey and encourage others to do so.





El Portal Hydro Meeting

Eighty people attended an important public meeting at the El Portal Community hall on Thursday, April 28. The meeting was largely an informational one with Dr. Ralph Mendershausen and Steven Botti as speakers. Mendershausen spoke about the history and politics of the Merced Irrigation District's South Fork Merced project (a 70 megawatt output is proposed). He also discussed several arguments against the project such as the Yosemite deer herd, scenic values, and rare plants. Botti concentrated on the unique botany of the South Fork region and showed striking slides to support his case. Mendershausen referred to the project as a "ripoff" of Mariposa County. He stressed that the South Fork of the Merced is one of the State's few Wild Trout Streams and has potential Wild and Scenic River status nationally. Botti cited a 1980 Heritage Conservation and Recreation Service inventory that gave the South Fork the highest ratings in the Sierra Nevada for its many values: scenic, geologic, fish, wildlife, historic, cultural, and botanical.

Given the high value of this pristine area, those present constituted themselves the Citizens for the Merced River and will work to oppose this project and other hydro-projects on the South Fork and the main fork.

DIALOGUE #3: CONSERVATION AND ADVOCACY HISTORY
This presentation included archival photos documenting the history of grassroots work of local residents to organize, advocate for, and achieve river conservation victories, including securing Wild and Scenic River status.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MIDPINES OPEN HOUSE // JUNE 16, 2021

After being open for nearly 10 weeks and receiving 252 responses, the online survey to collect input on the project goals was closed so that the CWG could begin interpreting the results. Over the next four months, a subcommittee of CWG members met six times to analyze and synthesize responses and revise the project's goals accordingly. The subcommittee included Ralph Mendershausen, Michael Martin, Nick Ross-Rhudy, and Jeff Gabe.

First, comments were coded for whether they were actionable for a specific draft goal, more general and applicable to multiple draft goals, or not related to the draft project goals. The subcommittee then modified each draft goal—first individually, then collaboratively—in response to both the actionable specific and general comments in the survey responses. The result was a significantly different list of goals than the initial draft list, which was adopted by the CWG at the April 15, 2021 meeting.

The adopted project goals were the focus of the Midpines Open House. On June 15, California transitioned to beyond the blueprint framework, which made it possible for community members to come together in person for an event at the Midpines Community Hall. The event was structured as an open house to share the results and outcomes of the recent community survey on the project's goals. Members of the Merced River Trail Community Working Group and County staff were on hand to discuss how community feedback informed the adopted project goals, and provided updates on the next steps in the visioning process.

The event had approximately 15 participants. In addition to this open house presentation, the goals and a summary of the differences between them and the initial draft goals, were made available on the Mariposa County website and distributed via email and other online platforms. Based on the survey results, the CWG voted to adopt the following goals:

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**
2. **Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**
3. **Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**
4. **Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation.**
5. **Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**
6. **Integrate the Merced River Trail with existing and planned trails within Mariposa County.**
7. **Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**
8. **Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

PROJECT GOAL REVISIONS
Based on the input received through the online survey and during the discussions with the community in this phase of the project, the initial draft goals were modified in various ways prior to being adopted by the Community Working Group.

252 SURVEY RESPONSES

11 INITIAL DRAFT GOALS

2 DRAFT GOALS ELIMINATED

3 DRAFT GOALS INTEGRATED

2 NEW GOALS DEVELOPED

8 FINAL GOALS ADOPTED

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

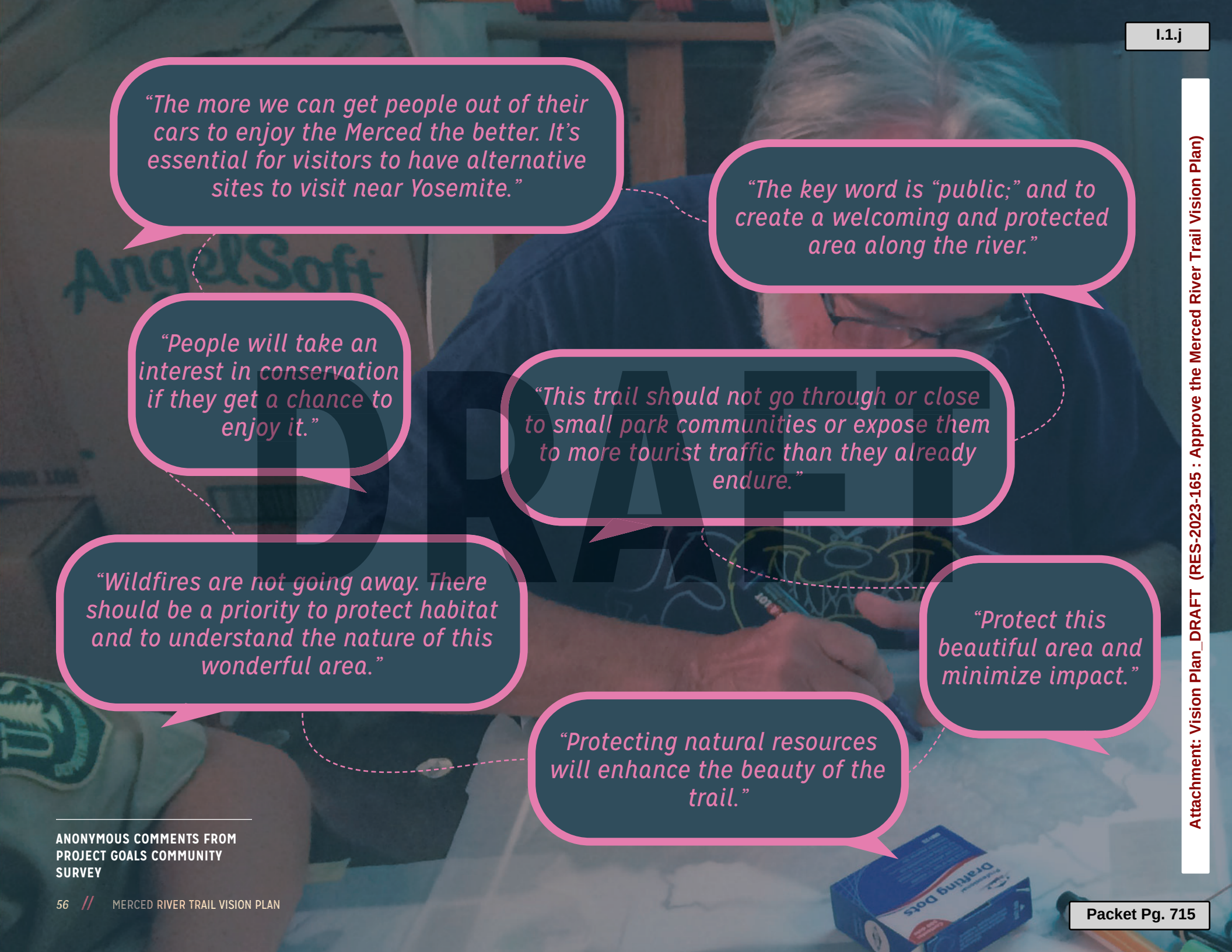
PROJECT GOALS

	INITIAL DRAFT GOAL	ADOPTED GOAL
1	*Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.*	**Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**
2	*Protect the natural, historic and cultural resources in the river canyon.*	**Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**
3	*Enhance watershed health, wildlife, and wildlife habitat as a principle of trail planning, implementation and use.*	**Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation.**
4	*Promote the Merced River Trail as an integral component of a broader California Regional and State-wide trail system.*	**Integrate the Merced River Trail with existing and planned trails within Mariposa County.**
5	*Support long term resource management objectives for public land along the Merced River.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #3
6	*Develop a trail that improves access to a wide range of appropriate outdoor experiences.*	**Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**
7	*Support education and research activities that increase knowledge about the importance of the river canyon as a cultural resource and wildlife corridor.*	**Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**
8	*Improve public health through increased access to nature-based recreation in the Merced River canyon.*	ELIMINATED; NOT A POPULAR GOAL
9	*Strengthen the community's connection to the natural ecosystems of the Wild and Scenic Merced River canyon.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #7
10	*Support the regional economy by stimulating businesses, support services, and other ventures geared towards outdoor recreation.*	ELIMINATED; NOT A POPULAR GOAL
11	*Prioritize projects for the benefit of wildlife, ecosystem health, and improvement of the current natural conditions.*	ELIMINATED; KEY TOPICS INTEGRATED INTO UPDATED GOAL #3
N1*	–	**Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**
N2*	–	**Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

* *NEW GOAL DRAFTED IN RESPONSE TO INPUT FROM THE COMMUNITY SURVEY*

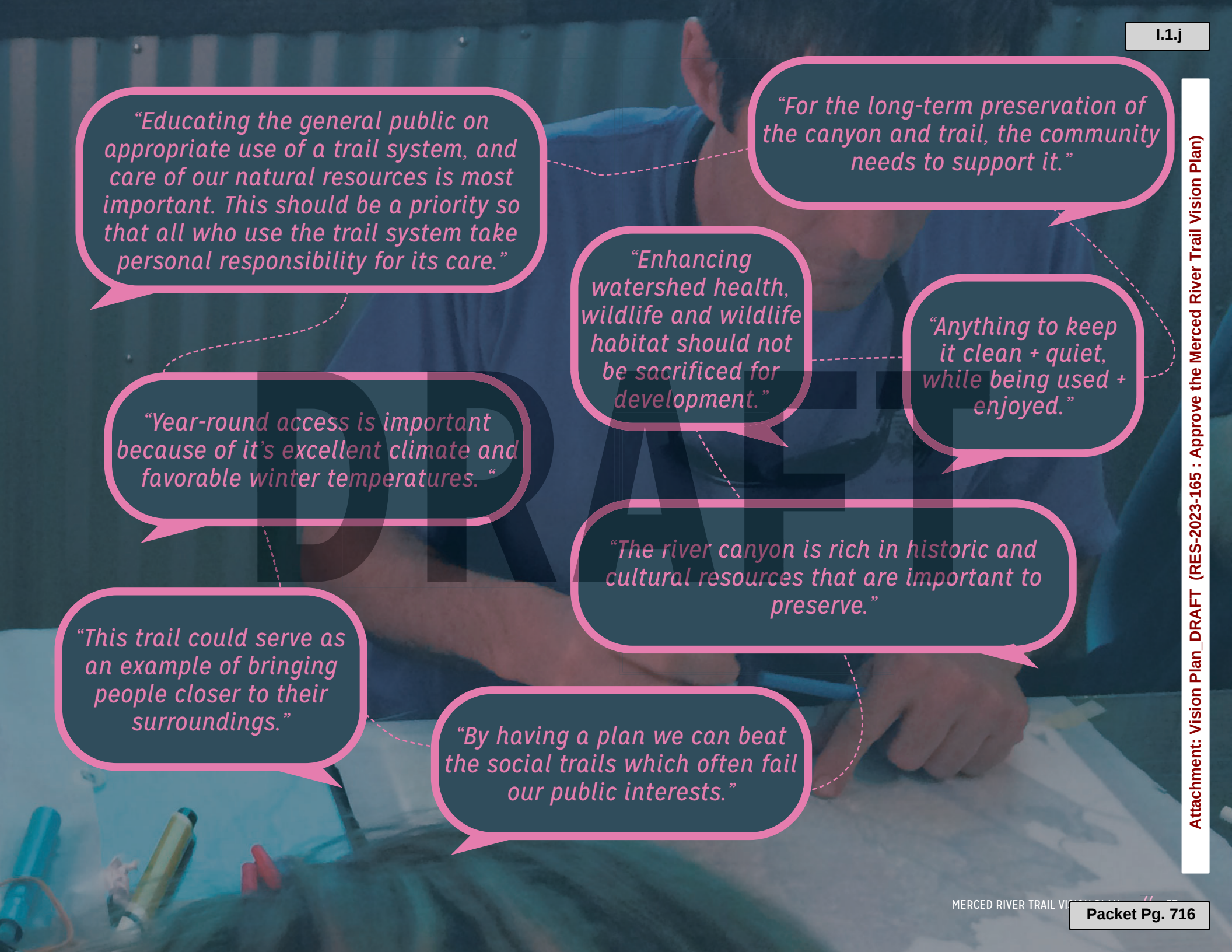
DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



ANONYMOUS COMMENTS FROM PROJECT GOALS COMMUNITY SURVEY

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

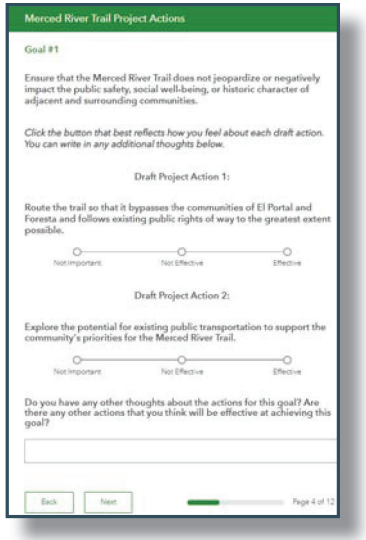
PROJECT ACTIONS SURVEY // SEPTEMBER 9, 2021

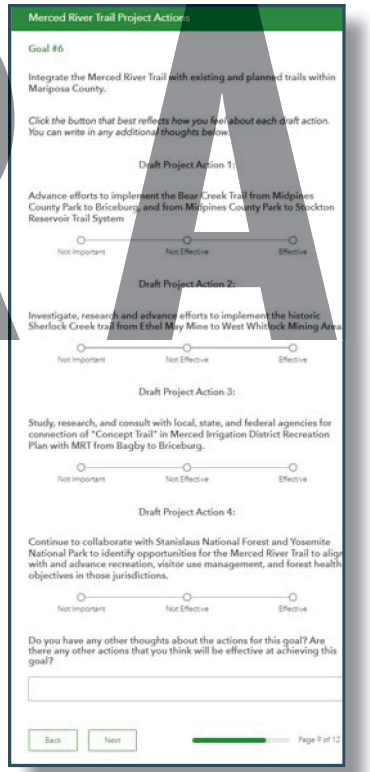
With the CWG having adopted the project's goals, their emphasis shifted to developing a series of draft actions to share with the community and on which to receive feedback and input. For the purposes of the trail visioning work, actions refer to potential steps that can be taken to achieve the adopted goals. Accordingly, the committee put forth actions that specifically align with each of the project's eight goals—in other words, each action was intended to correspond to a specific goal.

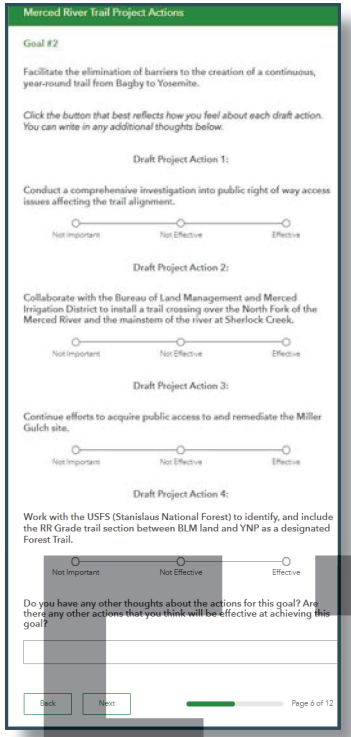
The CWG discussed and crafted draft actions for several meetings. While some draft actions were developed anew during this phase, many had emerged and been recorded during previous phases of the visioning process. For example, while the CWG was evaluating comments proposed in the project goals survey, many of the community's comments aligned more closely with project actions rather than goals. These were saved and revisited during the project actions, as were potential actions that arose during previous CWG deliberations over the draft vision statement and draft goals.

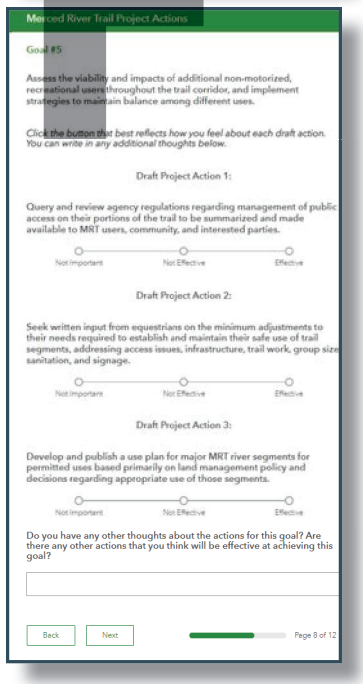
Ultimately, the CWG voted to put forth a list of 29 draft actions for the community to engage with and react to through an online survey that went live on September 9, 2021. For each goal, the CWG proposed at least two draft actions, and most goals had at least three associated draft actions. The initial draft actions and the goals with which they were associated are on pg. 49-50.

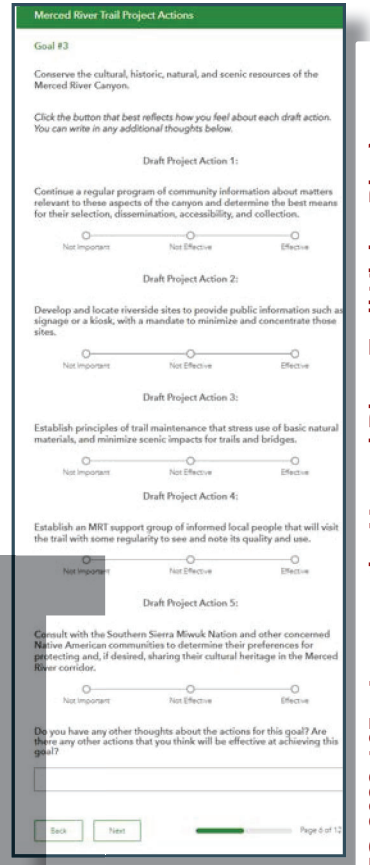
The survey was structured for participants to evaluate draft actions based on their perceived utility for achieving the goal to which they relate. For each draft action, survey respondents could indicate whether they thought it would be effective, not effective, or simply not important to the project. Each prompt also allowed participants to write in any additional comments or input on the CWG's draft actions.

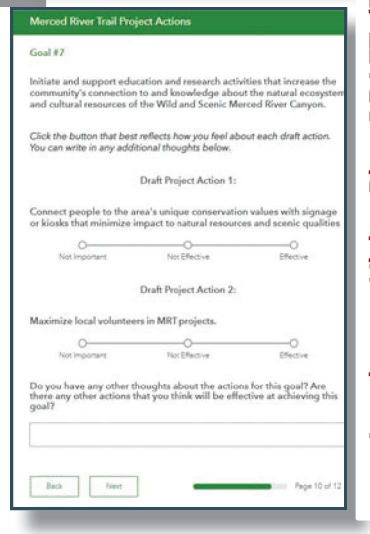






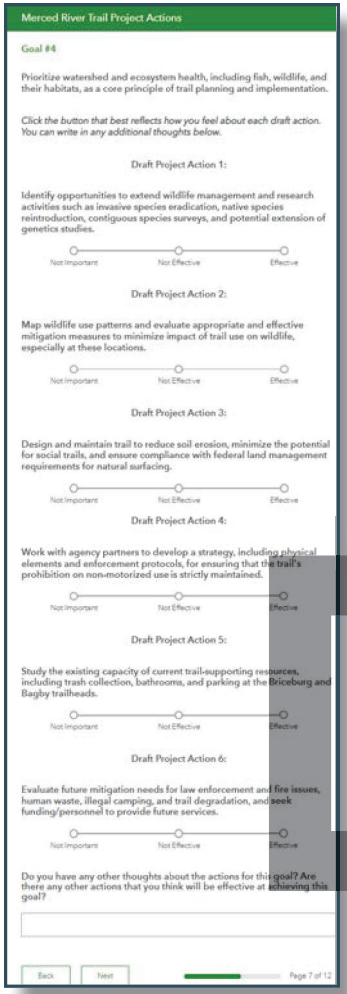






DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



PROJECT ACTIONS SURVEY
After the project goals survey was completed, the CWG sought community input on potential actions for advancing the adopted project goals.

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**

- *Route the trail so that it bypasses the communities of El Portal and Foresta and follows existing public rights of way to the greatest extent possible.*
- *Explore the potential for existing public transportation to support the community's priorities for the Merced River Trail.*

2. **Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.**

- *Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment.*
- *Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek.*
- *Continue efforts to acquire public access to and remediate the Miller Gulch site.*
- *Work with the USFS (Stanislaus National Forest) to identify, and include the RR Grade trail section between BLM land and YNP as a designated Forest Trail.*

3. **Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.**

- *Continue a regular program of community information about matters relevant to these aspects of the canyon and determine the best means for their selection, dissemination, accessibility, and collection.*
- *Develop and locate riverside sites to provide public information such as signage or a kiosk, with a mandate to minimize and concentrate those sites.*
- *Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges.*
- *Establish an MRT support group of informed local people that will visit the trail with some regularity to see and note its quality and use.*

4. **Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation**

- *Identify opportunities to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, contiguous species surveys, and potential extension of genetics studies.*
- *Map wildlife use patterns and evaluate appropriate and effective mitigation measures to minimize impact of trail use on wildlife, especially at these locations.*
- *Design and maintain trail to reduce soil erosion, minimize the potential for social trails, and ensure compliance with federal land management requirements for natural surfacing.*
- *Work with agency partners to develop a strategy, including physical elements and enforcement protocols, for ensuring that the trail's prohibition on non-motorized use is strictly maintained.*
- *Study the existing capacity of current trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads.*
- *Evaluate future mitigation needs for law enforcement and fire issues, human waste, illegal camping, and trail degradation, and seek funding/personnel to provide future services.*

5. **Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.**

- *Query and review agency regulations regarding management of public access on their portions of the trail to be summarized and made available to MRT users, community, and interested parties.*
- *Seek written input from equestrians on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage.*
- *Develop and publish a use plan for major MRT river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.*

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

6. **Integrate the Merced River Trail with existing and planned trails within Mariposa County.**

- *Advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Reservoir Trail System.*
- *Investigate, research and advance efforts to implement the historic Sherlock Creek trail from Ethel May Mine to West Whitlock Mining Area.*
- *Study, research, and consult with local, state, and federal agencies for connection of "Concept Trail" in MID Recreation Plan with MRT from Bagby to Briceburg.*
- *Continue to collaborate with Stanislaus National Forest and Yosemite National Park to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions.*

7. **Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.**

- *Connect people to the area's unique conservation values with signage or kiosks that minimize impact to natural resources and scenic qualities.*
- *Maximize local volunteers in MRT projects.*

8. **Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.**

- *Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the financial and technical resources necessary for the trail's long-term success.*
- *Construct trail support elements such as bathrooms, trash cans, and signage with durable, resilient materials and assemblies that minimize maintenance needs.*
- *Develop a funding strategy to support regular, routine maintenance of the trail and its support facilities as well as major repairs from high impact events such as floods and fires.*

DRAFT

The community survey on Project Actions received 114 responses, and was closed on November 18, 2021. Following the same model used to synthesize the input on the Vision Statement and Project Goals, an ad hoc subcommittee of Community Working Group members convened to analyze the survey responses and use the input to revise and improve the list of project actions prior to submitting them to the full Community Working Group for discussion and adoption.

The subcommittee, which consisted of Ralph Mendershausen, Michael Martin, and Art Baggett, met four times from November 2021–February 2022, following the same methodology for synthesizing community input, and using survey results as the basis for revising the draft project actions. Those recommended revisions then went from the subcommittee to the wider Commmunity Working Group to discuss, approve, and vote to approve, which they did at the February 9, 2022 meeting. Minor wordsmithing of Actions 4.2, 5.1, 6.3, and 8.1 took place during the development of Chapter 3: Action Plan.

Results are summarized below, and detailed in the next chapter.

1. **Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent and surrounding communities.**

The draft actions associated with this goal were the most difficult to revise based on the results of the community survey. On average, the draft actions were neither extremely popular or unpopular with the entire survey respondent pool. However, individual responses varied widely, with many respondents ranking these draft actions, especially "Route the trail so that it bypasses the communities of El Portal and Foresta and follows existing public rights of way to the greatest extent possible" as the single most important action in the entire survey, while many others indicated that they would be extremely frustrated were the trail not to pass through El Portal and Foresta.

114
SURVEY RESPONSES

29
INITIAL DRAFT ACTIONS

1
DRAFT ACTION ELIMINATED

4
DRAFT ACTIONS SIGNIFICANTLY REVISED

1
NEW ACTION DEVELOPED

29
ADOPTED PROJECT ACTIONS

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Those in the first camp were primarily residents of El Portal and Foresta, who expressed concerns about the trail's impact on safety and community character. These perspectives were frequently conveyed during public meetings by the El Portal residents on the CWG, who, in addition to sharing their own concerns, passed on shared concerns of their friends and neighbors. The CWG also received formal letters from community groups in El Portal and Foresta expressing similar opinions about the anticipated impact of increased trail usage on their neighborhoods.

The CWG conducted research and heard public comment from stakeholders who believe that these potential impacts can be mitigated by trail programming and design strategies related to signage, site planning, and other counter-measures. While this may prove to be true in the future, the planning process revealed—unequivocally—that the prevailing view of the El Portal and Foresta communities is that it would be extremely detrimental to their neighborhoods if the Merced River Trail were to pass through them.

The CWG decided to prioritize this clear direction from those most directly impacted by the trail's route. Therefore, the draft actions for this goal did not change based on the community's input.

2. Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite.

The draft actions associated with this goal were generally seen as desirable, appropriate, and effective. The survey suggested minor revisions to help clarify the intent of some of the actions.

3. Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon.

The draft actions were generally popular, with little to no recommended revisions. However, it was suggested that the draft project action •" Establish an MRT support group of informed local people that will visit the trail with some regularity to see and note its quality and use" be revised to provide more clarity and detail about this group's primary roles and responsibilities.

4. Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

These draft actions scored highly among survey respondents, and only minor revisions were recommended.

5. Assess the viability and impacts of additional non-motorized, recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses.

The survey suggested two substantive revisions to the draft actions associated with this goal. First, the draft project action "Query and review agency regulations regarding management of public access on their portions of the trail to be summarized and made available to MRT users, community, and interested parties" was re-written to be clearer and more comprehensible. Second, the draft project action "Seek written input from equestrians on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage" was revised to better reflect the variety of non-motorized uses that may become more popular and widespread along the Merced River Trail in the future.

6. Integrate the Merced River Trail with existing and planned trails within Mariposa County.

The survey indicated general support for the draft actions associated with this goal. However, the draft project action "Investigate, research and advance efforts to implement the historic Sherlock Creek trail from Ethel May Mine to West Whitlock Mining Area" did not score highly and was eliminated from the final action list.

7. Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon.

The survey suggested substantive revisions to both of this goal's draft actions. First, the draft action "Connect people to the area's unique conservation values with signage or kiosks that minimize impact to natural resources and scenic qualities" was revised to include additional objectives and design parameters for future trail furnishings. Second, the draft project action "Maximize local volunteers in MRT projects" was revised to be more detailed about the roles that local volunteers might play in specific types of trail project.

Additionally, a new project action was created to respond to stakeholders' input regarding expanded educational and stewardship activities and programs focused on the river, canyon, and trail.

8. Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities.

These draft actions rated among the highest priorities of any in the survey. The survey indicated that no revisions were needed to these actions.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PROJECT ACTIONS: GOALS 1-4

GOAL 1 Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

- **ACTION 1.1** Route the trail so that it bypasses the communities of El Portal and Foresta
- **ACTION 1.2** Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

GOAL 2 Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

- **ACTION 2.1** Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment
- **ACTION 2.2** Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek
- **ACTION 2.3** Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail
- **ACTION 2.4** Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

GOAL 3 Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

- **ACTION 3.1** Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon
- **ACTION 3.2** Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trailheads
- **ACTION 3.3** Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges
- **ACTION 3.4** Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives
- **ACTION 3.5** Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

GOAL 4 Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

- **ACTION 4.1** Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies
- **ACTION 4.2** Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife
- **ACTION 4.3** Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing
- **ACTION 4.4** Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses
- **ACTION 4.5** Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads
- **ACTION 4.6** Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

PROJECT ACTIONS: GOALS 5-8

GOAL 5 Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

- **ACTION 5.1** Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail
- **ACTION 5.2** Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage
- **ACTION 5.3** Develop and publish a use plan for major MRT river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.

GOAL 6 Integrate the Merced River Trail with existing and planned trails within Mariposa County

- **ACTION 6.1** Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System
- **ACTION 6.2** Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam
- **ACTION 6.3** Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

GOAL 7 Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

- **ACTION 7.1** Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail
- **ACTION 7.2** Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan
- **ACTION 7.3** Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

GOAL 8 Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

- **ACTION 8.1** Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success
- **ACTION 8.2** Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs
- **ACTION 8.3** Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

PROJECT ACTIONS REVISIONS

The online survey and conversations and input provided during previous phases in the vision planning process resulted in the Community Working Group revising the initial list of draft project actions into 29 goal-specific actions for realizing the project's overall vision.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



The Merced River Trail will manifest our community's appreciation of our county's ecological, scenic, and cultural resources along the Wild and Scenic Merced River.

It will address the growing needs for education, access to recreation, and regional economic development with the imperative for conserving the canyon's many remarkable resources.

The trail will serve as a central connective component of an existing and future network of trails.

ADOPTED PROJECT VISION STATEMENT

EXISTING RIVER TRAIL BELOW RAILROAD FLAT // BUREAU OF LAND MANAGEMENT JURISDICTION

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

3. ACTION PLAN

DRAFT

The visioning process described in the previous chapter outlined the process that project participants undertook to make increasingly specific statements and decisions about the Merced River Trail's role in advancing the community's aspirations for the river canyon, watershed, and county.

Beginning with a statement of the community's vision for the trail's intended recreational and ecological benefits, the process then identified eight overarching goals that add specificity to that vision. Finally, the vision planning effort revealed 29 discrete actions that could be taken to achieve the project's goals and realize the community's vision.

This chapter, the Action Plan, details each one of those 29 recommended actions with the intention of equipping trail advocates to move ahead with implementing them. For each action, the Action Plan provides an overview that describes the recommendation and its relationship to the overall vision, identifies immediate next steps and roles for advancing implementation efforts, and outlines a general timeline for taking those next steps in the short-term.

For nearly all actions, the Action Plan provides additional materials that can further support local and federal partners in implementing the recommendation, including precedent projects, guidance, or related and leverageable County initiatives. Where appropriate, the Action Plan also references the Appendices, which collects further materials that can be useful for carrying out the Action Plan and achieving the community's vision for the Merced River Trail.

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

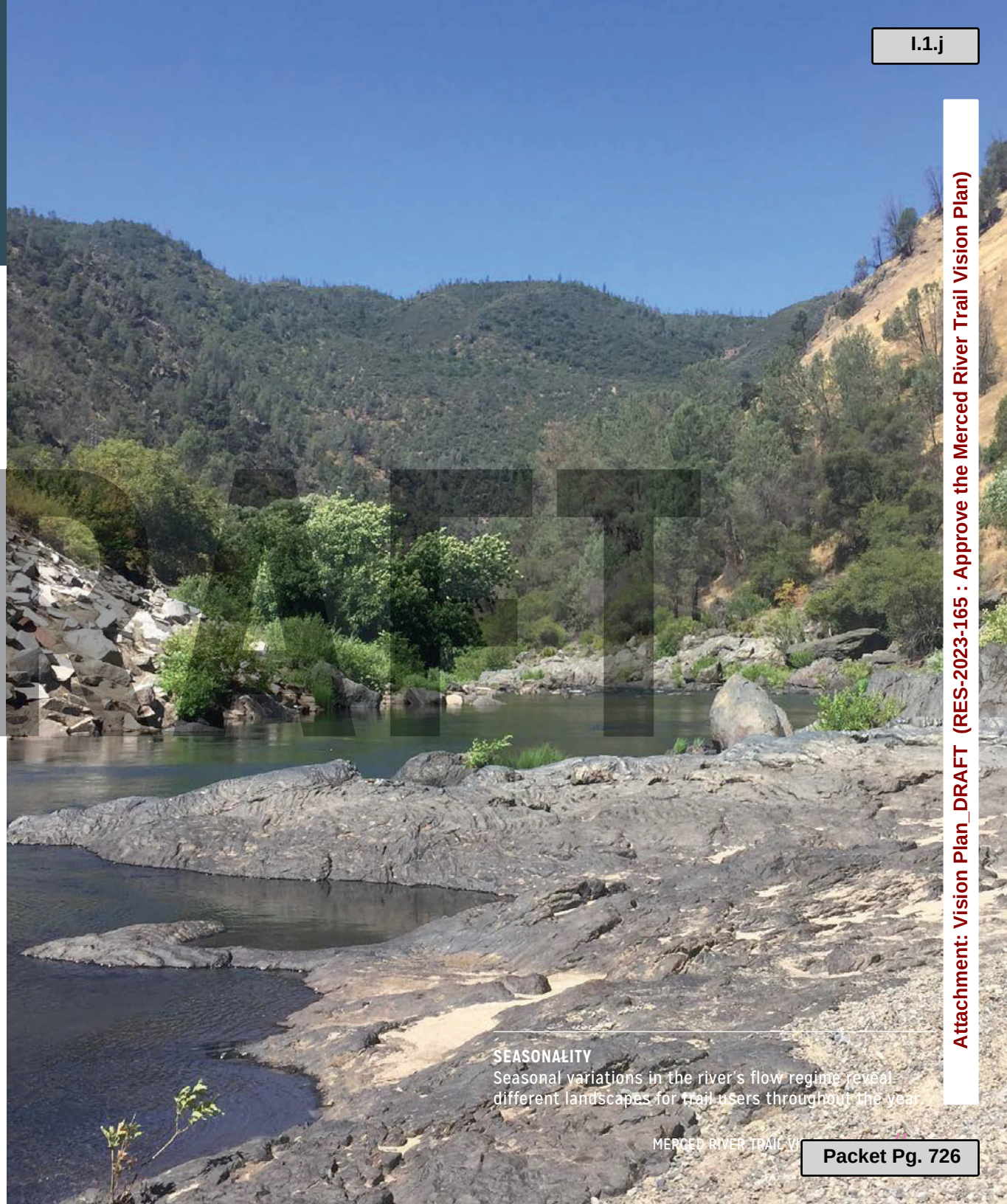
ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

DRAFT



SEASONALITY
Seasonal variations in the river's flow regime reveal different landscapes for trail users throughout the year.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments



CELEBRATED COMMUNITY RESOURCE
The existing segment of the Merced River Trail within Bureau of Land Management jurisdiction is well loved by both residents and visitors. Conserving the qualities that make this trail and landscape special are essential outcomes of each of the Action Plan's recommendations.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

DRAFT

A NOTE ABOUT THE ACTION PLAN

The following pages provide further specificity about each of the Vision Plan's recommendations.

Each recommendation includes an **Overview**, which details the recommendation's intent and meaning, suggested **Next Steps** for advancing the recommended action, and a conceptual **Timeline** for implementing those next steps. Most recommendations also include images to supporting resources, such as precedent projects, applicable technical assistance, and other materials that can aid in understanding and implementing the recommendation.

Finally, where appropriate, the narrative for each recommendation refers to additional supporting materials located in the **Vision Plan Appendices**. These supplementary materials provide further guidance and direction for achieving the Action Plan's recommendations.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

DRAFT

ACTION 1.1 //

Route the trail so that it bypasses the communities of El Portal and Foresta.

OVERVIEW

At the outset of the vision planning process, it was assumed that the Merced River Trail would follow the historic Yosemite Valley Railroad grade from Bagby to El Portal, then follow Old Foresta Road from El Portal through Foresta to Big Oak Flat Road in Yosemite. However, the visioning process revealed that this route was not popular with many residents of the El Portal and Foresta communities, who expressed concerns about potential impacts of the trail on their neighborhoods. Common concerns included impacts from traffic and unsafe driving, and the potential for these communities to serve as de facto trailheads for the Merced River Trail. While many El Portal and Foresta residents support the trail concept, there is near-universal agreement in these communities that the Merced River Trail should be routed and implemented in ways that avoid adverse impacts to these neighborhoods.

However, it is also important to note that the vision process also revealed a strong and unified perspective that, in order for the Merced River Trail to be successful, it has to follow the Merced River and the historic Yosemite Valley Railroad grade for the greatest extent possible. Not only does this enable the trail to achieve the project's historic and environmental interpretation benefits, but this is also the vision for the trail as established in Bureau of Land Management and US Forest Service Wild and Scenic river plans. The vision planning process revealed several potential routes to consider, all of which have strengths and weaknesses. Ultimately, the Community Working Group combined aspects of several of those potential routes to identify a preferred route that, along with a handful of other options, will be the subject of a more rigorous impact assessment at a later date.

NEXT STEPS

Identifying the preferred route(s) for the Merced River Trail, so that it balances all of the priorities and needs expressed in the Vision Plan—connecting with Yosemite, contributing to environmental and cultural resource conservation and education, and not jeopardizing adjacent neighborhoods—is of the highest priority. While the Vision Plan establishes the parameters of a successful trail project and identifies a recommended route, a dedicated, well-resourced study is needed to add detail and specificity to the Vision Plan's route investigation.

Such a study would rely on both extensive community engagement (with the public and federal land management leadership) and quantitative landscape suitabililty analysis to compare and contrast alternatives, evaluating multiple options to identify the optimal route for satisfying all of the community's aspirations for the Merced River Trail. This study could take place within the context of a federal NEPA process, or presage one. Regardless, NEPA will need to take place in order to formally select a route(s) to implement in federal jurisdiction.

TIMELINE

Effectively conducting this study will require capacity that exceeds that of current county staffing levels. Identifying and securing funds to hire a consultant could commence immediately, or could be funded by the Board so that route planning work can begin right away.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Foresta (CA)





El Portal (CA)

ANTICIPATED COMMUNITY IMPACTS

Throughout the visioning process, residents of the El Portal and Foresta communities frequently and unequivocally expressed their concerns over various impacts of a trail through their neighborhoods.

Among resident's chief concerns were inadequate resources to accommodate increased parking and waste from trail users, impacts of additional vehicular traffic on small streets, and safety concerns associated with illegal camping. While many of these respondents are in favor of a trail through the Merced River canyon, they are, at this time, nearly universally opposed to a trail through that would pass through El Portal and Foresta.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ROUTES DISCUSSED // LOWER CANYON



1 VIA BURMA GRADE

OVERVIEW

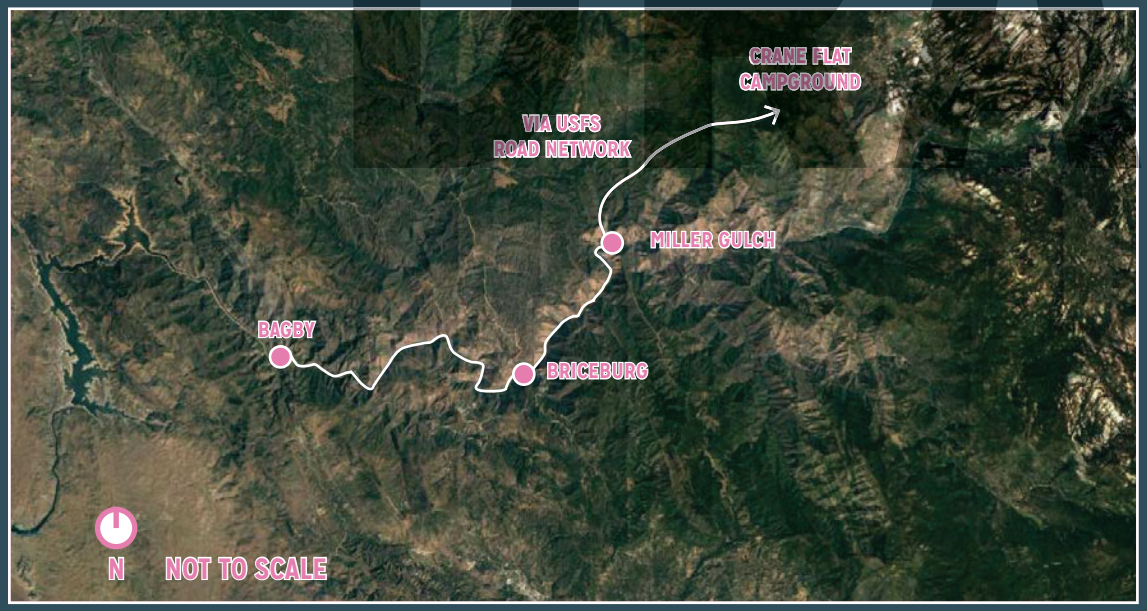
THIS ROUTE WOULD CLIMB OUT OF THE RIVER CANYON AT BRICEBURG VIA THE BURMA GRADE, AN EXISTING JEEP ROAD THAT PROVIDES ACCESS TO OTHER RUGGED ROADS THROUGH BLM AND USFS LAND TO YOSEMITE.

PROS

- FUNNELS TRAIL TRAFFIC ONTO AREAS THAT HAVE BEEN PREVIOUSLY IMPACTED

CONS

- HIGHER ROUTE IS MORE EXPOSED AND HAS LESS AVAILABLE WATER RESOURCES
- LARGELY BYPASSES RAIL GRADE, SCENIC BEAUTY AND CULTURAL INTEREST OF THE RIVER CANYON



2 VIA MILLER GULCH

OVERVIEW

THIS ROUTE WOULD CLIMB OUT OF THE RIVER CANYON AT MILLER GULCH (EMORY), AND ACCESS EXISTING USFS ROADS INTO YOSEMITE AT THE CRANE FLAT CAMPGROUND

PROS

- PROVIDES SIGNIFICANT ACCESS TO RIVER, WITHOUT INTERFERING WITH COMMUNITIES OF EL PORTAL AND FORESTA
- TERMINUS IN YOSEMITE PROVIDES CONTROLLED TRAILHEAD SERVICES AND IS ADJACENT TO TRANSIT

CONS

- TOPOGRAPHICALLY CHALLENGING ROUTE APPEARS TO BE FEASIBLE FOR HIKERS, BUT PERHAPS NOT OTHER USERS

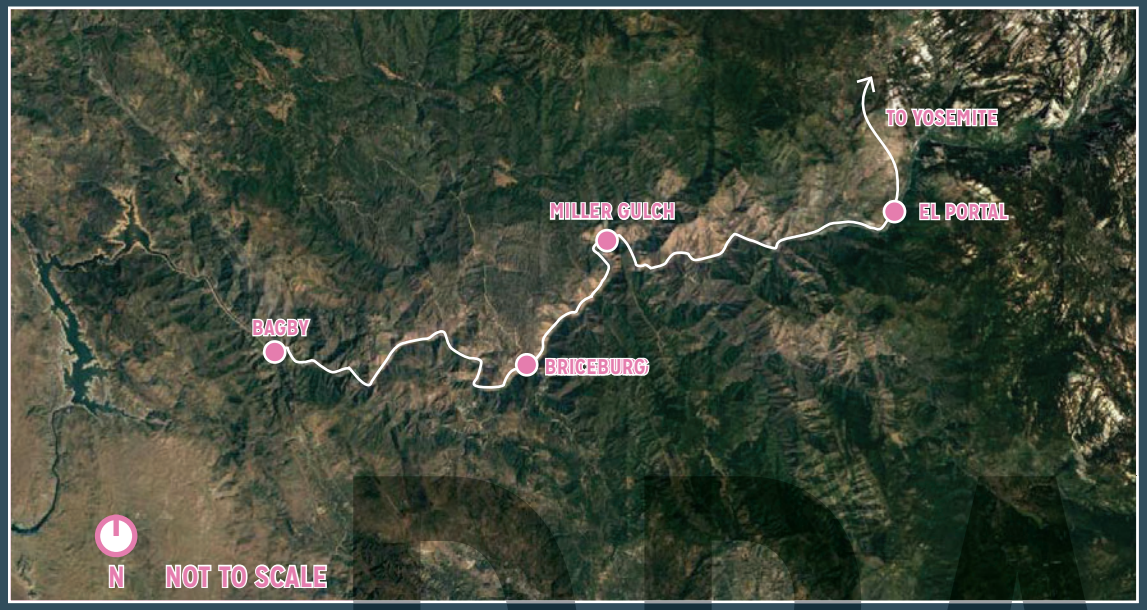
DRAFT

ROUTE OPPORTUNITIES // LOWER CANYON

The visioning process revealed two potential route alternatives between Briceburg and the Ferguson rock slide that could satisfy the objective of connecting Bagby to Yosemite.

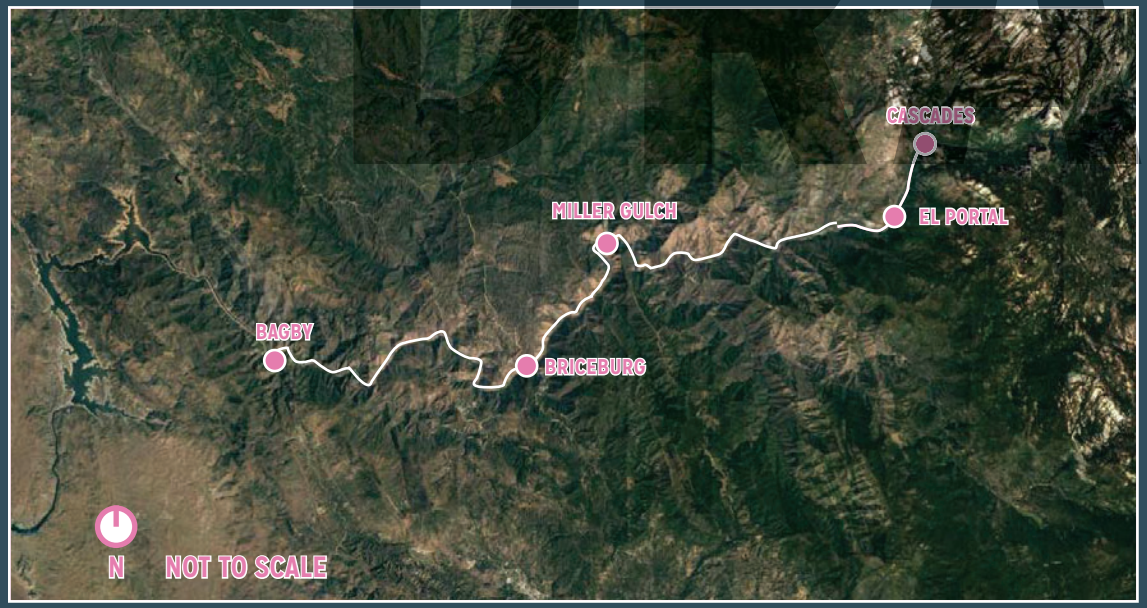
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

ROUTES DISCUSSED // UPPER CANYON



3 VIA OLD EL PORTAL

OVERVIEW	THIS ROUTE WOULD ADHERE TO THE ENTIRE HISTORIC YOSEMITE VALLEY RAILROAD RIGHT OF WAY INTO EL PORTAL, AND ACCESS YOSEMITE WEST OF PARKLINE SLAB
PROS	• MAXIMIZES ACCESS TO HISTORIC YVRR RAIL GRADE • LIKELY THE SHORTEST AND MOST DIRECT ROUTE FROM BAGBY TO YOSEMITE
CONS	• EXTREMELY UNPOPULAR WITH THE NEIGHBORHOODS THAT WOULD BE MOST AFFECTED BY THIS ROUTE. • OPPOSITION FROM THE LOCAL COMMUNITIES MAKES THIS ROUTE A NON-STARTER AT THIS POINT IN TIME.



4 VIA HISTORIC BOLTON ROUTE

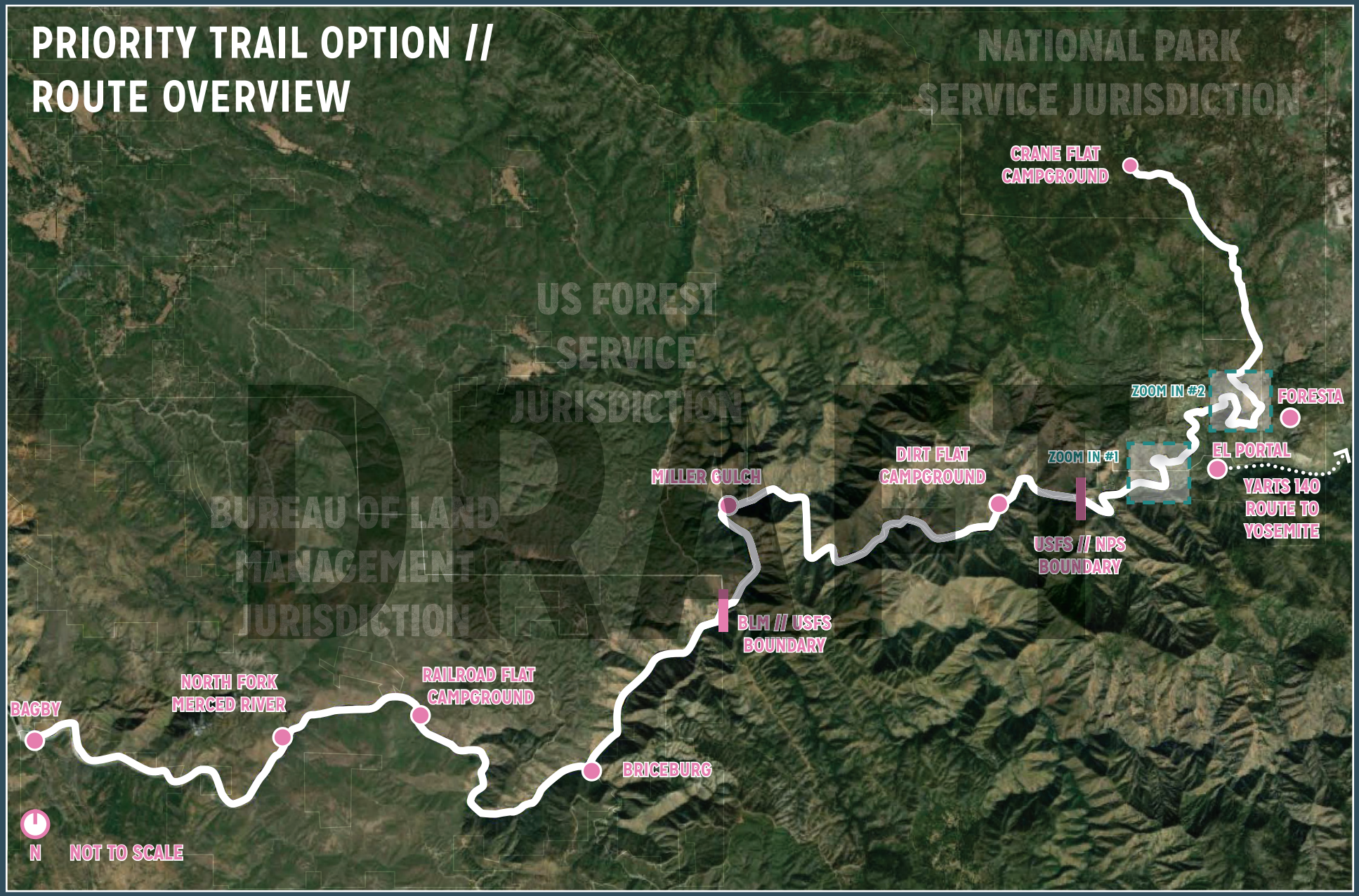
OVERVIEW	THIS ROUTE WOULD FOLLOW THE HISTORIC TRAIL DESIGNED AND BUILT BY A.W. BOLTON, WHICH FOLLOWED THE NORTH SIDE OF THE RIVER TO THE CASCADES IN YOSEMITE VALLEY.
PROS	• PROVIDES DIRECT ACCESS TO YOSEMITE VALLEY • ADHERES TO A HISTORIC AND CULTURALLY RELEVANT ROUTE
CONS	• MUST EITHER PASS THROUGH EL PORTAL OR REQUIRE TRAIL USERS TO TRAVEL ON HWY. 140 • REQUIRES SIGNIFICANT COLLABORATION WITH NPS AND AN EXTENSIVE, POTENTIALLY PROBLEMATIC ENVIRONMENTAL REVIEW.

DRAFT

ROUTE OPTIONS // UPPER CANYON

Above the Ferguson rock slide, participants identified two routes—neither of which is entirely acceptable with local communities—that could provide trail access into the park.

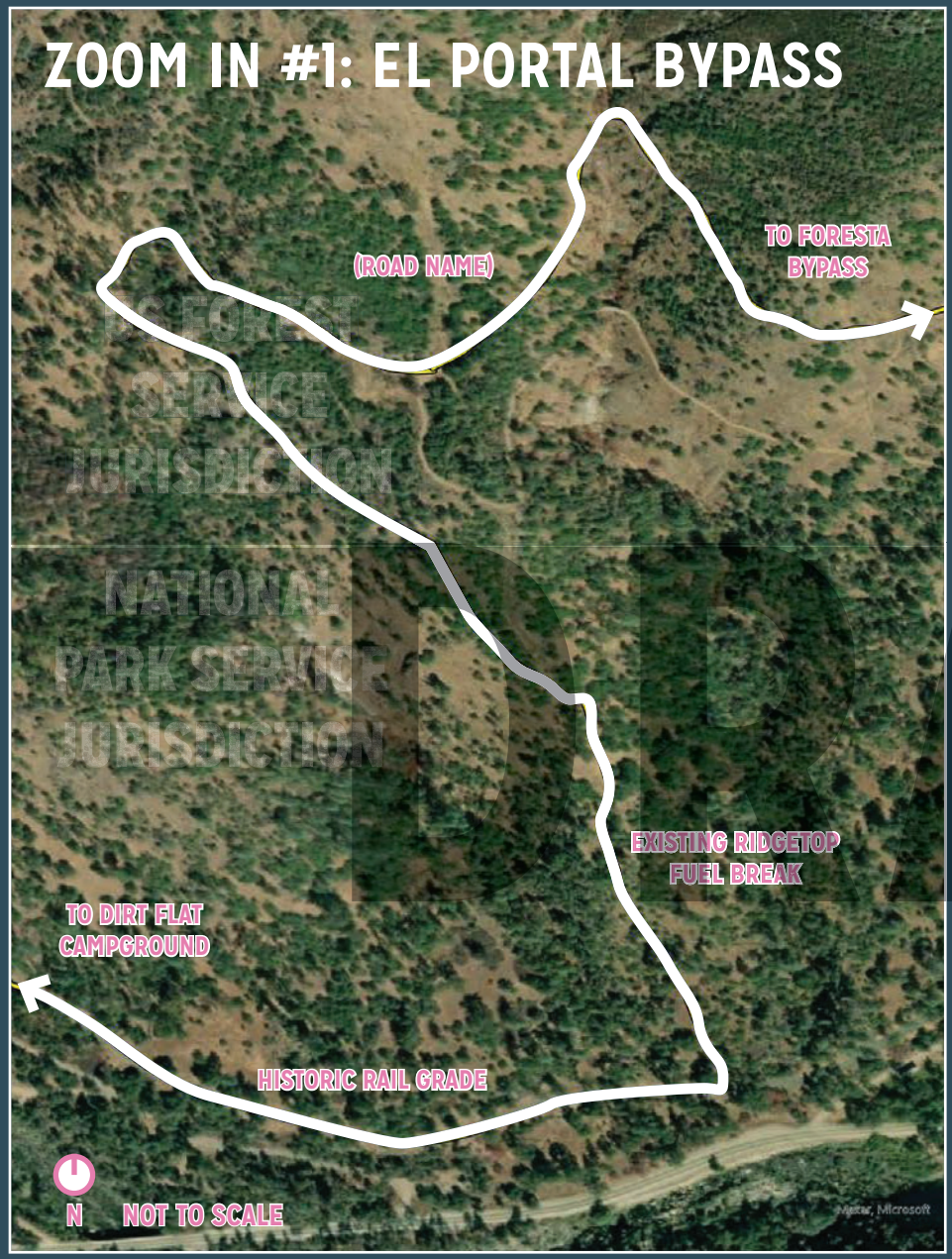
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

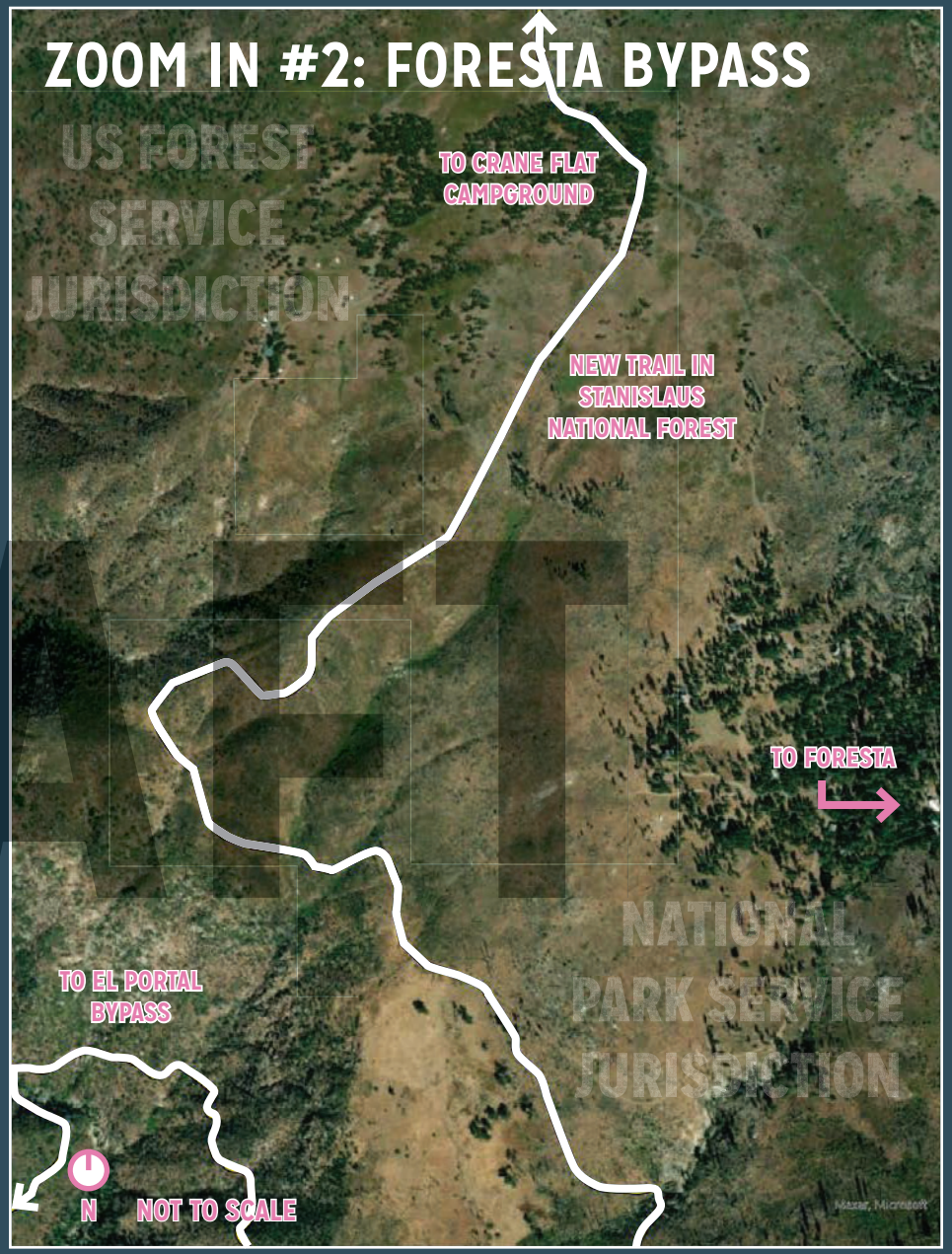


MULTIPLE INTERESTS, OPTIMAL ROUTE

The visioning process revealed community preferences for a trail route that connects to Yosemite National Park, maximizes the distance spent along the historic Yosemite Valley Railroad grade, and minimizes impacts to the communities of El Portal and Foresta. The priority trail option, which will need to be evaluated and compared to other alternatives through agency-appropriate processes, seeks to balance these perspectives on the trail and provide an optimal route that satisfies multiple interests.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





DRAFT

COMMUNITY BYPASSES WITH LOCAL SUPPORT

During the visioning process, the Community Working Group worked with members of the El Portal and Foresta communities to devise the above route modifications, which are intended to bypass those communities while still providing direct, continuous trail access between the rail grade along the river and Yosemite National Park above the river canyon. These bypasses have been initially reviewed by members of the El Portal and Foresta communities and are endorsed by the Community Working Group's residents of these areas.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 1

Ensure that the Merced River Trail does not jeopardize or negatively impact the public safety, social well-being, or historic character of adjacent surrounding communities

ACTION 1.1

Route the trail so that it bypasses the communities of El Portal and Foresta

ACTION 1.2

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail

ACTION 1.2 //

Explore adding and improving YARTS bus stops to maximize the use of public transit options connecting Mariposa and Yosemite National Park to the proposed trail.

OVERVIEW

Yosemite Area Regional Transportation Service (YARTS) currently provides transit connections to key destinations along the Highway 140 corridor, with multiple existing stops that could be beneficial to serving trail users. These include park and ride facilities in Mariposa and Midpines, and could potentially include a future transportation center in the Town of Mariposa, which has been explored by several recent community planning initiatives.

Expanded and enhanced service could reduce the need for trail users to drive to the trail, reducing the potential impact of increased visitation on the limited trailhead services currently in the canyon. It could also support Action 1.1 by allowing trail users to use non-motorized recreational modes to travel upstream along the river to a YARTS stop outside of El Portal, and take the bus into Yosemite—either to destinations in Yosemite Valley, or seasonally to existing stops along Old Big Oak Flat Road and the Highway 120 corridor. Other potential modifications to YARTS service that could serve the Merced River Trail include a new stop at or near the current Briceburg trailhead and at the existing Bagby developed recreational area on the south side of the river.

Regardless of whether new service is added, one important question to resolve is whether the current fleet of YARTS buses is adequate for additional bicycles on the Merced River Trail. While the current coach buses have storage for items under the bus, it isn't clear how many bicycles this area can accommodate, whether there are limitations to the type and size of under-bus bikes, and if bicycle users are comfortable storing their bikes in this fashion. Answering these questions will be important to determining next steps—if the current fleet is inadequate, bicycle advocates could seek to add tray-style bike racks often seen on urban buses onto the current fleet, Or, if YARTS is pursuing fleet upgrades, perhaps bike storage could be addressed in this process.

NEXT STEPS

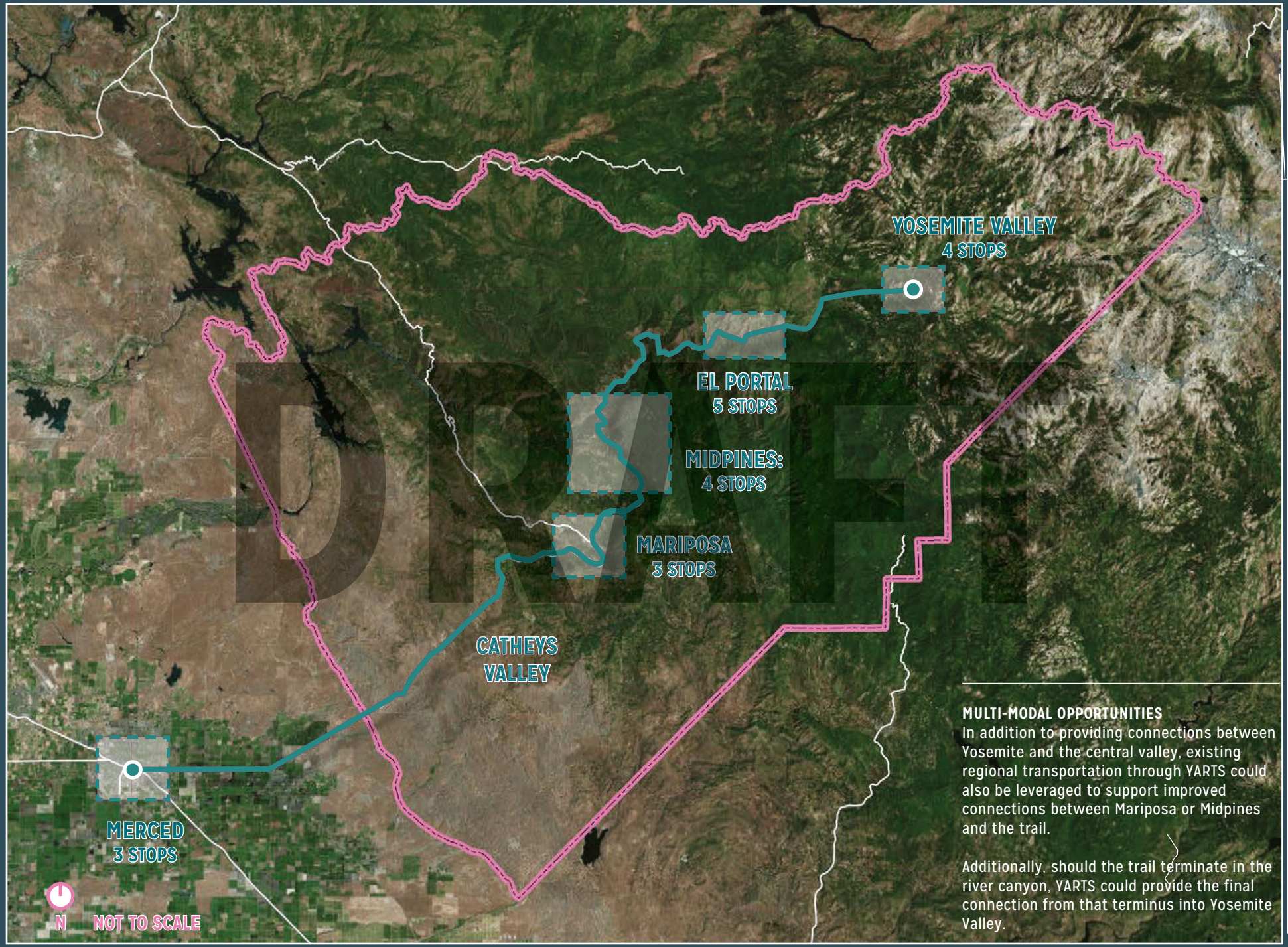
Unlike most recommendations in this chapter, this is one where the primary project partners—led by Mariposa County, and supported by relevant federal agencies—will likely have to rely on another agency to take the lead. In this case, the project partnership should engage with and ultimately support YARTS in identifying any updates or modifications that would be necessary to support trail use, and pursuing the resources needed to make them. With YARTS recently completing a five-year short-range transit plan that includes reduced service, it seems likely that additional resources for trail-supportive transit through the agency will be needed.

TIMELINE

The County and NPS both have strong working relationships with YARTS, and initial conversations could commence immediately after Board adoption of the Vision Plan.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MULTI-MODAL OPPORTUNITIES
In addition to providing connections between Yosemite and the central valley, existing regional transportation through YARTS could also be leveraged to support improved connections between Mariposa or Midpines and the trail.

Additionally, should the trail terminate in the river canyon, YARTS could provide the final connection from that terminus into Yosemite Valley.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1
Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2
Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3
Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4
Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.1 //

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment.

OVERVIEW

The Merced River canyon is almost exclusively public land managed by the Bureau of Land Management (BLM), US Forest Service (USFS), National Park Service (NPS), and Merced Irrigation District (MID). There are also known private lands within the river canyon (including Miller Gulch, discussed in Action 2.3). And there are a very small (not yet fully known) number of privately owned parcels that the Merced River Trail may traverse which could require right-of-way access, such as a public easement or fee title acquisition, in order to complete the trail.

In order to realize the community's vision for the Merced River Trail, these right of way access questions need to be addressed and, if necessary, resolved. Depending on the condition of the site and the position of its owners, this could involve purchasing easements for recreational access, fee title property acquisitions, or various forms of donated right of way access, depending on the situation, land owner, and need.

An initial right of way study would involve a close inspection of the proposed trail route(s) in relation to an assessor parcels map. Based on the outcome of this initial study, it may be necessary to perform targeted surveys in areas where potential trail is close to property boundaries. Importantly, the Record of Decision for the USFS 1991 Merced Wild and Scenic River Management Plan, which endorses the selection of River Management Alternative C, states that under this selected alternative, "scenic easements may be required."

NEXT STEPS

Ideally, this task could be completed by the federal agencies whose jurisdiction surrounds properties with potential right of way access questions. Agencies will need geospatial data for the trail right of way, which the County can provide. County staff can also conduct an initial right of way study to include the Planning and Public Works departments, Assessor and Recorder's Office, and County Counsel. A full study will likely require the support of a title company and/or real estate lawyer to interpret existing recorded easements. This action probably requires external funding, but perhaps agency budgets could be used.

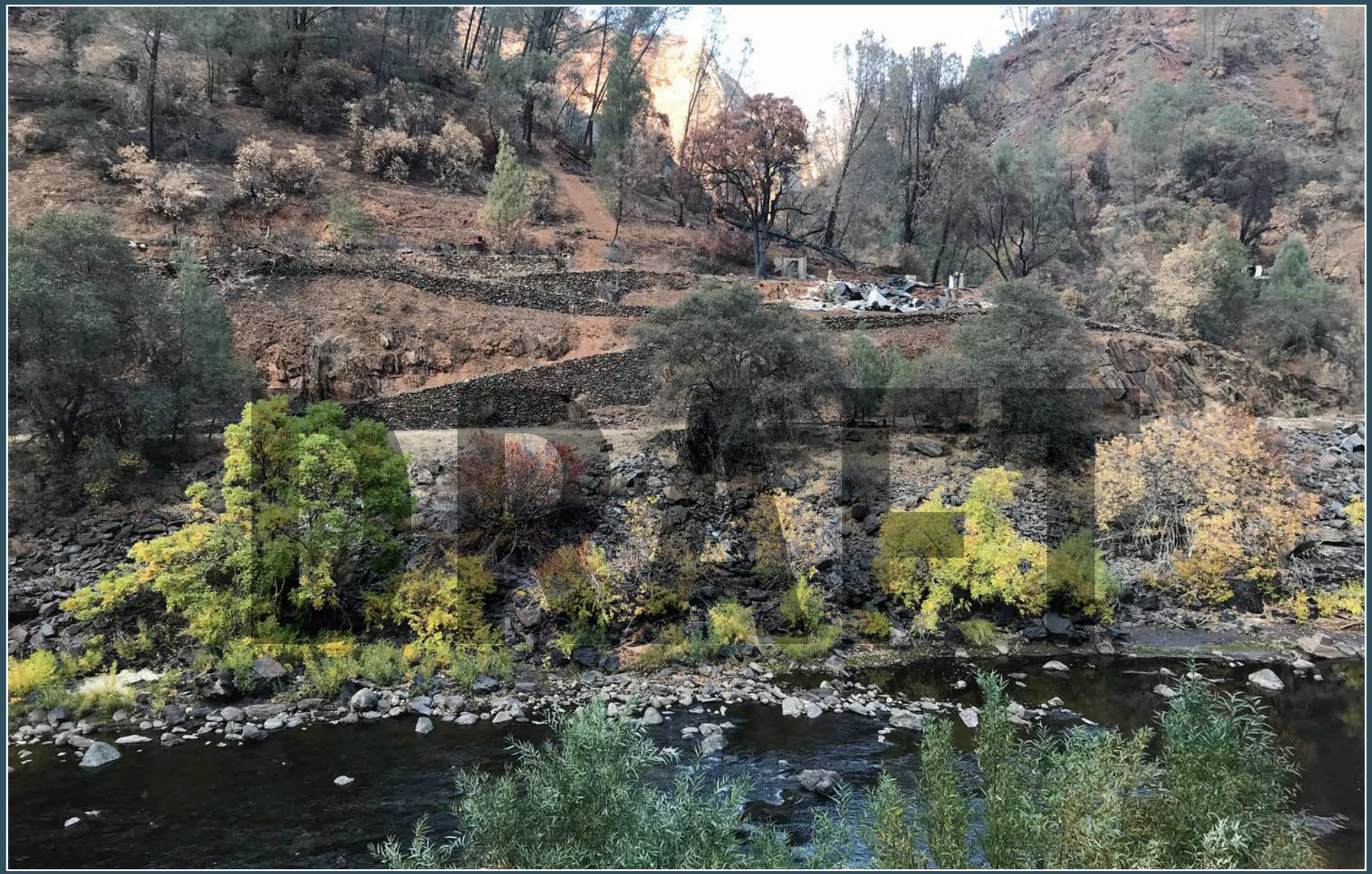
Ultimately, the completed study will result in at least some right of way acquisition, which will likely require external funding to conduct. Acquisition efforts, including pursuing funding, could be managed by a regional land trust, such as the Sierra Foothills Conservancy, or the potential trail conservancy identified in Action 8.1.

TIMELINE

The initial right of way study could kick-off immediately after Board adoption of the Vision Plan, and take from 3-6 months. The results of that initial study will determine the timeline for the more technical comprehensive study.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Former hotel building // Miller Gulch (Emory)

PRIVATE RIGHT OF WAY, PUBLIC BENEFIT

Access through the privately owned Miller Gulch (Emory) property is critical for Merced River Trail project to realize its recreational and ecological benefits. It is possible that there are additional right of way issues along the historic rail grade, which would need to be resolved for the trail to be successful.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.2 //

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek.

OVERVIEW

The Federal Energy Regulatory Commission (FERC) license for Merced Irrigation District's (MID) Merced River Hydroelectric Project includes a plan to develop an all-season hiking and biking trail between Bagby Recreation Area and Briceburg. In order to construct this section of the Merced River Trail, MID, BLM, other organizations with trail interests, and the public need to collaborate, develop a plan, secure funding, build and maintain a MID-sponsored bridge for cyclists and hikers that crosses the Merced River near the Sherlock Creek area, connecting the trail from the north side to the south side of the Merced River and build a south side trail to Bagby. License conditions are further summarized in Appendix I.

The plan includes two conditions: 1) within 3 years of the final license, BLM has to verify the existence of legal public access through ownership or easements along the Merced River between Bagby and the North Fork, and 2) BLM has to construct a bridge across the North Fork of the Merced River to allow safe public crossing during spring snow melt off and storm events. Project partners need regular updates on the status of this action, such as public meetings, notifications, and press releases, and to coordinate on project planning and implementation.

NEXT STEPS

Project partners should pursue a range of short- and long-term next steps, including monitoring the agreement's litigation status, contacting principals and interested parties for status reports on their project action activities, conducting public outreach when the FERC license is adopted, and seeking funding for pre-project planning and grant applications. These tasks can be delegated among local, federal, and non-profit partners as the partnership sees appropriate. In this case, the role for the County is comparatively small in implementing this action, whereas the role for local non-profits, including existing ones like the Merced River Conservation Committee and Upper Merced River Watershed Council, and a potential conservancy organization (identified in Action 8.1,) is high.

TIMELINE

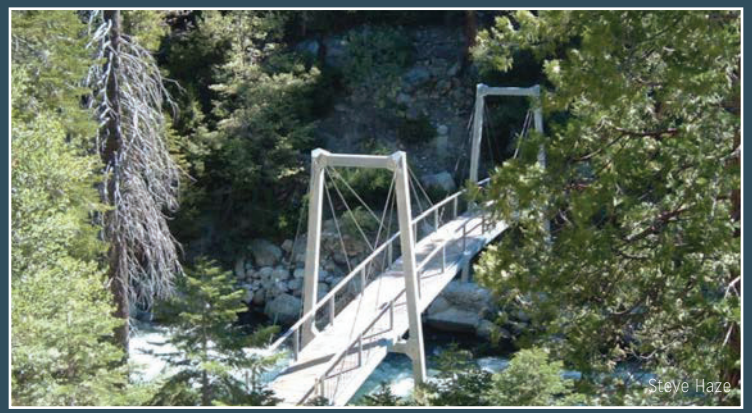
Implementing this recommendation is contingent upon FERC issuance of the License for the Merced River Hydroelectric Project, which is currently awaiting final FERC approval pending consideration of State Water Quality Certification conditions of the California State Water Control Board. There are several court cases pending related to water quality certification issues for this project. FERC is delaying the issuance of a final license until these court actions are completed. Once the license is issued, Merced ID and BLM have 3 years to implement and construct the project. Both trail crossings (North Fork and Merced River near Sherlock Creek) are required to complete the project under the FERC license conditions.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



San Joaquin River Gorge



North Fork San Joaquin River, Ansel Adams Wilderness



Big Sandy Creek

REGIONAL PRECEDENT

The San Joaquin River Trail will eventually extend from the Friant dam in Fresno County to Devil's Postpile National Monument in the Sierra Nevada. The current trail crosses several major creeks and drainages via bridges that are robust enough to withstand the elements and support traffic from non-motorized recreational users, without severely impacting the visual quality of the landscape.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.3 //

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

OVERVIEW

The community's stated vision for the Merced River Trail describes it as more than a resource for appropriate and agency-endorsed recreation, but also an opportunity for improved ecological outcomes in the Merced River canyon and watershed. Much of this potential lies in the trail's ability to foster connections to the landscape and promote a sense of environmental stewardship among trail users. However, participants in the Vision Planning process also identified the trail's relationship to river-adjacent industrial sites, including former mining sites, as an innovative opportunity to both promote recreational access through the river canyon and address the environmental impacts of its rail, mining, and timbering history.

One such opportunity exists at the Miller Gulch site, a former cement quarry and plant on private land surrounded on three sides by Stanislaus National Forest. The site includes approximately 2000 linear feet of historic rail grade which is of the highest value for providing continuous non-motorized recreational access through the river canyon. Beyond providing a critical connection along the river, the site presents other opportunities that align with the community's vision for the trail, including potential for historic preservation/interpretation and ecological restoration of the gulch. This could address potential impacts of past industrial uses and the Ferguson Fire (2018), which caused significant damage to the site's historic buildings and upland areas. On this site, the trail partnership could develop a strategy for acquiring public access while enabling future improvements of the site's environmental conditions, resulting in both a better trail experience and a healthier watershed.

It is important to note that the Miller Gulch site is just one of many historic industrial sites in the Merced River canyon, many of which could have their own issues related to public access, ecological restoration, or some combination of both. A comprehensive right-of-way study (Action 2.1) could be paired with an assessment of sites where historic environmental impacts are likely to have occurred to identify additional opportunities for aligning right of way acquisition with ecological enhancements.

NEXT STEPS

The County should continue pursuing resources to understand and, where needed, resolve right-of-way questions and opportunities for environmental enhancement on historic industrial sites adjacent to the Merced River Trail. This requires collaboration with federal and state partners, including land managers and environmental heath agencies, to secure appropriate public access, and implement effective ecological enhancements on these sites.

TIMELINE

This is both an innovative strategy and a priority action for achieving the community's vision for the trail. It should be among the first tasks implemented upon adoption of the Vision Plan.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



RESTORATION, RECLAMATION, AND MINIMAL RECREATION IMPROVEMENTS

Through the EPA's Land Revitalization Technical Assistance program, Mariposa County facilitated several workshops with community members and agency partners to frame out an approach for improving the Miller Gulch site in ways that align with the Merced River Trail Vision Plan. This includes restoring native species on site, addressing potential contamination from past industrial uses, and implementing minor recreation improvements to provide non-motorized access to and through the site.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 2

Facilitate the elimination of barriers to the creation of a continuous, year-round trail from Bagby to Yosemite

ACTION 2.1

Conduct a comprehensive investigation into public right of way access issues affecting the trail alignment

ACTION 2.2

Collaborate with the Bureau of Land Management and Merced Irrigation District to install a trail crossing over the North Fork of the Merced River and the mainstem of the river at Sherlock Creek

ACTION 2.3

Seek opportunities to leverage the Merced River Trail for restoring, enhancing, and, where necessary, acquiring public access to and through historic industrial sites that are adjacent to the river and trail.

ACTION 2.4

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan

ACTION 2.4 //

Work with the US Forest Service to formally designate the historic railroad grade within Stanislaus National Forest jurisdiction as a trail with design parameters that align with the natural character recommended in the Merced River Trail Vision Plan.

OVERVIEW

Depending on final route(s) recommendations, the Merced River Trail will either exclusively or primarily follow the historic Yosemite Valley Railroad grade on the northern banks of the river through the canyon. In Bureau of Land Management (BLM) jurisdiction, this area is a designated trail, with agency-approved parameters for trail design, use, and management. However, though technically accessible by the public, the historic rail grade in US Forest Service jurisdiction is not formally designated as a trail. This means that no "trail work"—brushing, clearing, or other minor modifications to support non-motorized recreational access—are authorized at this time.

USFS will have to designate the trail in order for these activities, as well as long-term maintenance and management tasks, to occur. Designation involves a significant NEPA compliance effort, including trail specifications and studies to evaluate the potential impacts of the intended trail on cultural and ecological resources. While this work could be the responsibility of USFS staff, the reality is that designating the trail will happen more quickly if the County and its partners lead the endeavor, in partnership with Stanislaus National Forest and other agency staff as appropriate. However, its worth noting that the Record of Decision for the agency's 1991 Merced Wild and Scenic River Management Plan, which endorses the selection of River Management Alternative C, states that under this selected alternative, "(t)he potential multi-agency Merced River Trail would be allowed to be built," indicating that the agency should support this action once it is determined through NEPA and NHPA consultation processes that the project will cause no significant impacts or adverse effects

DRAFT

NEXT STEPS

The County has a preliminary scope of work for the trail designation activities, including the NEPA compliance and USFS coordination necessary for comprehensive designation (Appendix C). Initially, the Mariposa County Planning Department could lead the designation process, in partnership with Stanislaus National Forest and Sierra National Forest. Importantly, the scale and technical complexity of the NEPA work will require the services of an environmental planning consultant. This action will need funding, so adequate fundraising organizations (especially the organization referred to in Action 8.1) will also play a role.

TIMELINE

With sufficient funding, the consultant-assisted trail designation scope could begin within months of adoption of the Vision Plan. Once initiated, it could be completed in 30-36 months.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Trail Class Matrix (FSH 2353, Section 14.2, Exhibit 01)

Trail Classes are general categories reflecting trail development scale, arranged along a continuum. The Trail Class identified for a National Forest System (NFS) trail prescribes its development scale, representing its intended design and management standards.[1] Local deviations from any Trail Class descriptor may be established based on trail-specific conditions, topography, or other factors, provided that the deviations do not undermine the general intent of the applicable Trail Class.

Identify the appropriate Trail Class for each National Forest System trail or trail segment based on the management intent in the applicable land management plan, travel management direction, trail-specific decisions, and other related direction. Apply the Trail Class that most closely matches the management intent for the trail or trail segment, which may or may not reflect the current condition of the trail.

Trail Attributes	Trail Class 1 Minimally Developed	Trail Class 2 Moderately Developed	Trail Class 3 Developed	Trail Class 4 Highly Developed	Trail Class 5 Fully Developed
Tread & Traffic Flow	• Tread intermittent and often indistinct • May require route finding • Single lane with no allowances constructed for passing • Predominantly native materials	• Tread continuous and discernible, but narrow and rough • Single lane with minor allowances constructed for passing • Typically native materials	• Tread continuous and obvious • Single lane, with allowances constructed for passing where required by traffic volumes in areas with no reasonable passing opportunities available • Native or imported materials	• Tread wide and relatively smooth with few irregularities • Single lane, with allowances constructed for passing where required by traffic volumes in areas with no reasonable passing opportunities available • Double lane where traffic volumes are high and passing is frequent • Native or imported materials • May be hardened	• Tread wide, firm, stable, and generally uniform • Single lane, with frequent turnouts where traffic volumes are low to moderate • Double lane where traffic volumes are moderate to high • Commonly hardened with asphalt or other imported material
Obstacles	• Obstacles common, naturally occurring, often substantial and intended to provide increased challenge • Narrow passages; brush, steep grades, rocks and logs present	• Obstacles may be common, substantial, and intended to provide increased challenge • Blockages cleared to define route and protect resources • Vegetation may encroach into trailway	• Obstacles may be common, but not substantial or intended to provide challenge • Vegetation cleared outside of trailway	• Obstacles infrequent and insubstantial • Vegetation cleared outside of trailway	• Obstacles not present • Grades typically < 8%
Constructed Features & Trail Elements	• Structures minimal to non-existent • Drainage typically accomplished without structures • Natural fords • Typically no bridges	• Structures of limited size, scale, and quantity; typically constructed of native materials • Structures adequate to protect trail infrastructure and resources • Natural fords • Bridges as needed for resource protection and appropriate access	• Structures may be common and substantial; constructed of imported or native materials • Natural or constructed fords • Bridges as needed for resource protection and appropriate access	• Structures frequent and substantial; typically constructed of imported materials • Constructed or natural fords • Bridges as needed for resource protection and user convenience • Trailside amenities may be present	• Structures frequent or continuous; typically constructed of imported materials • May include bridges, boardwalks, curbs, handrails, trailside amenities, and similar features
Signs[2]	• Route identification signing limited to junctions • Route markers present when trail location is not evident • Regulatory and resource protection signing infrequent • Destination signing, unless required, generally not present • Information and interpretive signing generally not present	• Route identification signing limited to junctions • Route markers present when trail location is not evident • Regulatory and resource protection signing infrequent • Destination signing typically infrequent outside of wilderness; generally not present in wilderness • Information and interpretive signing not common	• Route identification signing at junctions and as needed for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing may be common • Destination signing likely outside of wilderness; generally not present in wilderness • Information and interpretive signs may be present outside of wilderness	• Route identification signing at junctions and as needed for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing common • Destination signing common outside of wilderness; generally not present in wilderness • Information and interpretive signs may be common outside of wilderness • Accessibility information likely displayed at trailhead	• Route identification signing at junctions and for user reassurance • Route markers as needed for user reassurance • Regulatory and resource protection signing common • Destination signing common • Information and interpretive signs common • Accessibility information likely displayed at trailhead
Typical Recreation Environs & Experience[3]	• Natural, unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Primitive to Semi-Primitive	• Natural, essentially unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Primitive to Semi-Primitive	• Natural, primarily unmodified • ROS: Typically Primitive to Roaded Natural • WROS: Typically Semi-Primitive to Transition	• May be modified • ROS: Typically Semi-Primitive to Rural • WROS: Typically Portal or Transition	• May be highly modified • Commonly associated with visitor centers or high-use recreation sites • ROS: Typically Roaded Natural to Urban • Generally not present in wilderness

[1] For National Quality Standards for Trails, Potential Appropriateness of Trail Classes for Managed Uses, Design Parameters, and other related guidance, refer to FSM 2353, FSH 2309.18, and other applicable agency references.

DRAFT



FOREST SERVICE REFERENCE MATERIALS

The Forest Service has many established reference documents and standards that can be readily applied to support collaboration on any trail segment designation, development, and management for the Merced River Trail, including specific trail classification and management objectives standards.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1
Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2
Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3
Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4
Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5
Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.1 //

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon.

OVERVIEW

As part of the vision planning process, the Merced River Trail Community Working Group (CWG), with support from Planning Department staff coordinated the Merced River Trail Community Speaker + Engagement Series. Imagined as an opportunity to both bring stakeholders together to provide input on the trail project, and to learn from local experts about the various topics of interest that concern the trail, the program was successful in both regards, contributing to the longstanding sense of connection to and stewardship for the river and canyon that many Mariposans share. Continuing and expanding this program would further deepen that connection, maintain enthusiasm for trail implementation efforts, and provide a place to share information about the resource.

This could include research findings, specialized reports, new concerns, and could be similar to the Merced River Trail Community Speaker + Engagement Series. Topics could include reports on cultural and historic uses of the canyon by people with recognized expertise in those areas. Additionally, materials relevant to the history and natural history of the Merced River watershed, including scientific research and reports, could be collected and archived in appropriate physical and digital spaces, such as at the County Library and under the auspices of the potential conservancy oranization identified in Action 8.1.

NEXT STEPS

The CWG and Planning Department staff implemented the Community Speaker + Engagement series, and would be well positioned to assume responsibilities for coordinating Action 3.1. Eventually, at least some of this programmatic activity would likely fall to the organization identified in Action 8.1

Importantly, this recommendation aligns well with a similar recommendation in the Mariposa County Creative Placemaking Strategy (CPS; 2021), which recommends establishing an Art + Environment Lecture Series with many similarities to the Merced River Trail Community Speaker + Engagement Series. This offers a compelling synergy, and an opportunity to collaborate with the Mariposa County Arts Council, the County's collaborator in the developing the CPS.

TIMELINE

This action is an impactful, relatively low-barrier next step that can be implemented by existing project partners. While there may be a short lag to line up additional presenters and coordinate additional events, this action can and should take place soon after Vision Plan adoption.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MERCED RIVER TRAIL

COMMUNITY SPEAKER + ENGAGEMENT SERIES

// share // learn // discover // discuss //

POSTPONED

IRENE A. VASQUEZ // Secretary, American Indian Council of Mariposa County (Southern Sierra Miwuk Nation)

Irene A. Vasquez is the secretary for the American Indian Council of Mariposa County (Southern Sierra Miwuk Nation) and an expert in eco-cultural uses of native plants. Learn about the river canyon's place in generations of indigenous history, while shaping the Merced River Trail Vision Plan's guiding vision and aspirations.

El Portal Community Hall
February 26 // 6:30 PM

LOCAL BOTANY EXPERTS // several residents with ranging expertise in local botanical topics

With so many botanical experts in our community, it was too hard to pick just one. Instead, join one of many local botany experts on a guided walk along the existing Merced River Trail to enjoy and learn about the spring wildflower bloom, and share your thoughts on the vision plan's primary goals.

Briceburg Visitor Center
April 19 // 9:00 AM

ROB GRASSO // aquatic ecologist, Yosemite National Park

Rob Grasso will share his expertise in the river corridor's unique habitat for aquatic and terrestrial wildlife, as well as considerations to be made in the trail planning process for ensuring its protection. Then, we will discuss your thoughts on the vision plan's primary goals.

Online Meeting
December 14// 4:30 PM

RALPH MENDERSHAUSEN // cmmunity activist

Speaking from his wealth of personal experience, Ralph Mendershausen will share his knowledge of the river canyon's history of locally organized conservation action, and its legacy and implications for the Merced River Trail and the vision plan effort. An open house discussion will follow

Online Meeting
March 29th// 4:30 PM

The Merced River Trail Community Speaker + Engagement Series is produced by the Mariposa County Planning Department, with assistance from the Upper Merced River Watershed Coalition and National Park Service Rivers, Trails, and Conservation Assistance program.



6 ART + ENVIRONMENT LECTURE SERIES

Artists' lectures invite the public to learn about an artists' inspirations, practice, process and messaging which in turn expands the community's understanding and appreciation of an artist, their work, and how their work is situated in the larger canon.

For audience participants, hearing directly from an artist can be a profound experience and can radically shift opinions of an artist's work, inspire creativity and instill a deep respect for the power of art in society.

Artists and designers have always been inspired to respond to and interact with nature through their art, thus the canon of environmental art is vast and varied. Considering the importance the community of Mariposa places on the region's natural landscape and the clear desire to leverage art to explore new ideas, increase exposure to a wide spectrum of artistic expression, and utilize art for community engagement voiced in the online survey, an Art + Environment Lecture series aligns well with community feedback. Additionally, it would also expand the public's imagination regarding the potential for future creative placemaking projects connected to the natural environment.

DRAFT

LOCAL PRECEDENT AND ASPIRATIONS

The community has expressed a desire for environmental engagement and education programs in other recent community planning efforts, including the development of the Creative Placemaking Strategy (right).

The Merced River Trail Community Speaker + Engagement Series (left) provides a strong foundation on which to build a presentation program.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.2 //

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads.

OVERVIEW

Concentrating trailhead functions like navigational, interpretive, and advisory signage in areas that have already been impacted is an obvious way to ensure that trail users have the information needed to enjoy the trail without degrading the landscape. Locations could include sites such as Briceburg and Railroad Flat in Bureau of Land Management (BLM) jurisdiction, and Dry Gulch and Dirt Flat campgrounds in US Forest Service (USFS) jurisdiction.

Additionally, the messaging on these signage features can equip trail users to recreate responsibly and act as stewards for the landscape, by practicing Leave No Trace principles of outdoor recreation, knowing how to identify hazardous plants and animals, and being prepared for potentially difficult conditions—especially in the warmer and drier months. Content could also relate to trail etiquette, safety and sanitation, and where appropriate, topics of interest in the river canyon, such as history and natural resources. Signage/kiosks could also include comment boxes and dog waste bags dispensers, and could be used to support the enforcement objectives identified in Action 4.4.

Finally, as detailed in Action 7.1, these elements have the ability to contribute to (or detract from) the river canyon and trail's aesthetic qualities and interpretive story. Both physically (in terms of scale and materiality) and conceptually (in terms of their storytelling content), public information elements must be consistent with the community's values established through the vision process and articulated throughout the Vision Plan.

DRAFT

NEXT STEPS

Coordinating with the relevant federal land manager for each signage location is critical for this step. Agencies have their own standards for signage and informational elements, so coordination is important to provide a shared vision that maintains uniformity and consistency throughout the corridor. Collaboration between local trail advocates, including the Merced River Trail Community Working Group, and federal partners is a logical next step for advancing this action in the short-term. Its important to note that in May 2022, the California Wilderness Coalition produced a report on recommended strategies for improving signage through the Highway 140 corridor, with an emphasis on the US Forest Service day use and campground areas in this corridor (Appendix L). This report could be a valuable tool for local and federal partners working to implement this action.

TIMELINE

According to the Cal Wild report, "by leveraging and improving upon the existing infrastructure, durable, accurate, and welcoming signage could be installed without any additional permits...(a)streamlined approach (that) has the potential to positively impact visitor experience within 1-2 years."

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Tualatin River National Wildlife Refuge (OR)

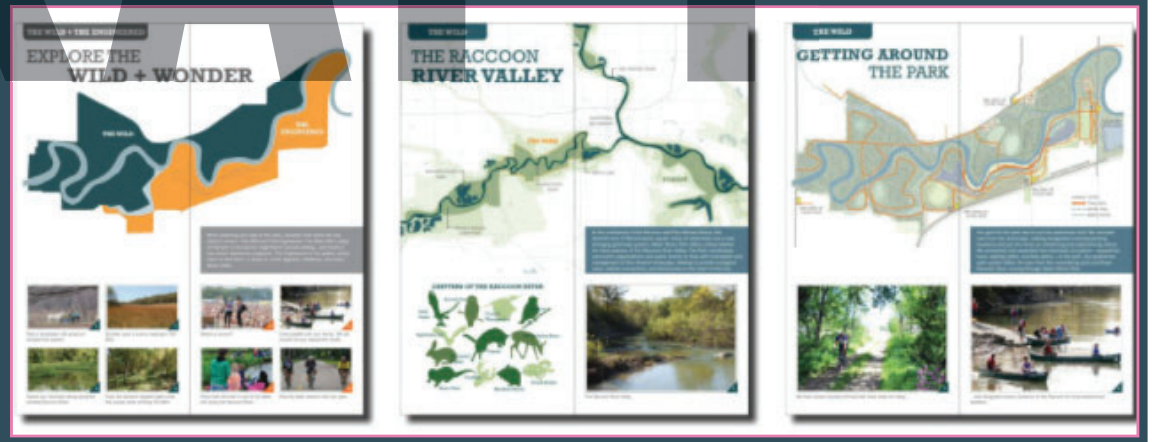


Community of Tehaleh (WA)

SITE-APPROPRIATE SIGNAGE FORMATS
Public information elements can take on a variety of scales and mediums, from prominent trailhead signage to smaller trailside exhibits to online and print brochures.



City of El Cerrito (CA)



Water Works Park (IA)

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.3 //

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges.

OVERVIEW

Designing, building, and maintaining the trail are all foundational components of its potential impact on the many resources in the river canyon. Care must be taken to ensure that the trail is designed and installed in ways that resist adverse impacts from regular use, promote sustainable recreation (e.g. discourage social trails and protect sensitive areas), and align with the preferred aesthetic character. Establishing these principles is likely best achieved through a dedicated planning effort that intentionally links trail maintenance and construction to other recommendations in the Action Plan. In particular, it would be essential to connect trail work with Action 7.2, which specifies trail maintenance as a target area for maximizing the role of volunteers and local trail stewards.

Such a plan could include special design and implementation considerations that have emerged through the visioning effort. For example, trail design and maintenance should acknowledge that unique rules or considerations may apply to materials used for potential bridges, where more permanent materials such as steel and concrete may be appropriate. In all cases, minimizing scenic impact will be paramount, as will ensuring alignment with established agency policies and guidance for trail specifications.

The plan could also capture the recommendation that Mariposa County establish new positions, likely within the Parks and Recreation Department, dedicated to trail work and maintenance. These positions, which would be seasonal and only open during the cooler months, would mirror the seasonal trail work schedule in Yosemite (which is during the warmer months), allowing expert trail builders in the area to piece together year-round employment by working seasonally in the higher and lower elevations of the watershed.

NEXT STEPS

Advancing Action 3.3 could be one area where the Merced River Trail Community Working Group (CWG) immediately contributes to implementing the Vision Plan. Because the trail takes place entirely in federal land, trail design parameters must comply with applicable federal guidelines, such as USFS Standard Trail Plans and Specifications, 2016, the BLM Handbook 9114-1, Trails, and NPS Trail Guidelines. The CWG could begin synthesizing and mastering these materials prior to consulting and collaborating with the respective agencies to ensure that the community's preferred MRT trail design standards align with the existing federal guidance and requirements.

TIMELINE

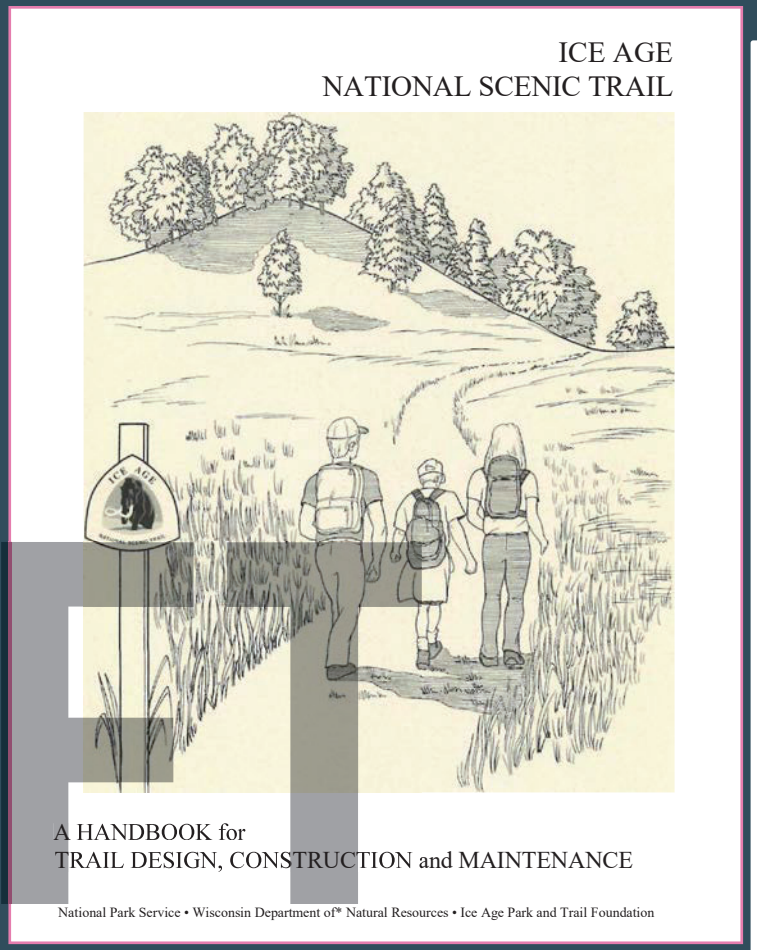
With the completion of the Vision Plan, the CWG's responsibilities will shift from facilitating the development of the plan to facilitating the plan's implementation. Assigning this action to the group or a sub-committee of the group could occur immediately after adoption of the Vision Plan, with production time varying depending on level of rigor and number of members involved in the activity.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

STANDARDS (DESIRED)	ROS CLASS		
	URBAN	RURAL + ROADED NATURAL	SEMIPRIMITIVE
TREAD WIDTH	48”	24”	18”
CLEARING WIDTH	24”	12”	12”
CLEARING HEIGHT	10’	8’	8’
SLOPE (MAX. SUSTAINED)	10%	10%	15%
SLOPE (MAX.)	15% FOR 100’	20% FOR 100’	30% FOR 100’
CROSS SLOPE (MAX.)	3%	5%	8%
SURFACES	ASPHALT, CONCRETE, STABILIZED AGGREGATE, SCREENING, WOOD CHIP, SOD	NATIVE, WOOD CHIP STABILIZED AGGREGATE, SCREENING	NATIVE, STABILIZED AGGREGATE

DRAFT



TRAIL DESIGN PRECEDENT AND RESOURCES

Though highly unique in many respects, the Merced River Trail can benefit from models established by comparable trail design initiatives, and their outcomes. For example, the guidance for the Ice Age National Scenic Trail offers dimensions and design guidelines for two classes of trail type that are relevant for the Merced River Trail.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.4 //

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives.

OVERVIEW

The vision planning process has indicated a deep concern among Mariposans that current and anticipated increases in non-motorized recreational use of the Merced River Trail could jeopardize the human and non-human resources that make the trail and canyon special. Although there are presently efforts to help protect these resources (especially those supported by the Bureau of Land Management in the lower areas of the canyon), Vision Plan participants identified a need for organizing, directing, and expanding upon these efforts—both to be effective in the context of current trail use patterns, and to anticipate a future with more intensive trail use.

At least initially, these trail stewards would primarily be docent-like volunteers, who could conduct monitoring activities like documenting and removing litter, recording any conflicts with wildlife, and observing any sensitive habitat areas to ensure temporary or long-term protection of these trail locations. Eventually, however, it would be valuable to either have paid staff that perform rigorous routine monitoring activities, and/or to contract out professional monitoring and research activities to ensure that resource protection activities are of a quality commensurate with the resources that are being protected. In the event that professional monitoring services are contracted, volunteers could maintain associated devices like remote sensing hardware.

NEXT STEPS

In the short-term, local non-profits—many of which, like the Upper Merced River Watershed Council, Mariposa Trails, and Mariposa Resource Conservation District (which is not a non-profit but has a similar governance model), are or have in the past carried out these kinds of monitoring activities ad hoc—can continue performing them, with an emphasis on collecting and sharing information.

However, as with many recommendations associated with Goal 3, this action would best be implemented through the kind of dedicated, staffed conservancy agency imagined and described in Action 8.1. Such an organization would be instrumental in facilitating implementation of trail monitoring tasks, especially in coordinating monitoring activities that cross boundaries between NPS, BLM, and USFS jurisdictions. This organization could effectively train and mobilize volunteers to conduct resource management activities, and pursue funding to hire and manage professionals if appropriate.

TIMELINE

Progress on the short-term next steps identified above could be implemented immediately after Board adoption of the Vision Plan. However, the long-term next steps should be under the auspices of a potential conservancy organization that does not yet exist, and would need to be established to have long-term success.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Respect Other Trail Users and Adjacent Landowners

#1. Know and Follow the Rules

- Dogs on leash
- E-bikes in accordance with BC Motor Assisted Cycle Regulation

- Unauthorized vehicles
- Overnight camping
- Open fires

#2. Stay Right - Pass Left

Use single file when passing.

Call out or ring bike bell before passing from behind.

#3. Mind your Pets

Keep dogs on short leash and pick up after them.

#4. Standing Still? Step Aside

#5. Use Safe Speeds

Slow down in congested areas

#6. Be Alert

Watch for the unexpected.

Respect private property and farmlands. Please do not trespass.

Respect and Care for the Trail Environment

Every trail user can help protect the trailside environment. The native vegetation and shoreline areas are part of the natural beauty and particularly sensitive.



Stay on Trail
Keep off steep banks to prevent erosion. Keep dogs on a leash, and on-trail to avoid spreading weed seeds.

Use Waste Receptacles
(find locations on interactive map)

Watch ahead and leave space for nature.

Consider joining the Friends of Okanagan Rail Trail Trail Stewards in caring for this greenway.

Volunteer for the Trail

If you are passionate about the trail, consider volunteering with the Friends of Okanagan Rail Trail and help with:
- Welcoming users
- Caring for the trailside environment
- Fundraising for amenities and improvements
- Keeping our communities engaged with this treasured corridor.

Email volunteer@okanaganrailtrail.ca to learn more.

FORT volunteers work on the trail as Trail Ambassadors or Trail Stewards.



Meeting, Greeting, Providing Direction, Modelling Etiquette, Listening

Planning and Training, Pulling weeds, Caretaking the corridor



FORT volunteers also work behind the scenes for:

Project Fundraising:
Fundraising Campaigns, Grant Writing, Donor Relations

Trail Improvements:
Planning and Project Management

FORT Communications:
Spreading the word and sharing the stories using website, social media, media, newsletter, presentations

Donate to Make Your Trail even Better!

The Okanagan Rail Trail would not have been possible without public donations. While the trailbase is now fully funded, there are many desirable improvements in the long term plan.

All it takes is two 'clicks' to make trail improvements happen:

https://okanaganrailtrail.ca/donate/

Tax receipt provided for donations over $25.



DRAFT

Okanagan Rail Trail (BC)

SUPPORTING TRAIL STEWARDSHIP

Supporting and collaborating with a local non-profit friends group can help support a variety of volunteer trail stewardship services and programs, including opportunities for trail maintenance, funding, consistent messaging around trail etiquette and safety, and resource protection.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 3

Conserve the cultural, historic, natural, and scenic resources of the Merced River canyon

ACTION 3.1

Continue a program of producing and disseminating information, such as studies, films, and public presentations, so that the public has ongoing access to research on these resources of the Merced River canyon

ACTION 3.2

Develop and locate riverside sites to provide public information such as a brochure, signage, or a kiosk, with a mandate to minimize and concentrate them at existing trail heads

ACTION 3.3

Establish principles of trail maintenance that stress use of basic natural materials, and minimize scenic impacts for trails and bridges

ACTION 3.4

Establish permanent coordination of trail stewardship resources to collect, organize, and facilitate trail monitoring tasks related to litter, wildlife impacts, and other resource protection objectives

ACTION 3.5

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor

ACTION 3.5 //

Consult with the Southern Sierra Miwuk Nation and other concerned Native American communities to determine their preferences for protecting and, if desired, sharing their cultural heritage in the Merced River corridor.

OVERVIEW

Native American Tribes are vibrant current and relevant cultural communities with ancient integral bonds with the lands on which they live. The opportunity to consult with those that have this deep localism presents an opportunity to enrich the outcomes of projects like the Merced River Trail.

It also requires great respect. The destruction of Native lifeways during the Colonial, Manifest Destiny, and racial inequality eras are painfully recent, and trauma from disease, violence and systematic cultural erasure continue to complicate relations between Indigenous and predominantly non-Indigenous communities. To respect and preserve sacred sites and cultural resources, federal and state governments have, in partnership with Native Americans, established legal requirements for tribal consultation which should guide tribal efforts related to the Merced River Trail. The most important of these in the context of the Merced River and Southern Sierra Miwuk are SB 18 and AB 52 administered by the California Native American Heritage Committee and related to the California Environmental Quality Act. The local lead agencies will be familiar with the process and will require project location and accurate detailed project description.

Many sacred tribal sites and cultural resource locations are privately known only to the local tribe and trusted subject matter experts. Consultation between the lead agency and Tribal Historic Preservation Officers can bring those sites to light for the project applicant. If cultural resources are found, consultation between project proponent, lead agency and tribal entity can ensue until mitigating measures and mutual agreements can be made. However, at times, mitigation and agreement are difficult or impossible. This is a reality that project proponents must acknowledge, and understand that tribal communities must protect their sacred sites and ancestorial burials. Cultural sensitivity to complex tribal communities can help move through potential impasses.

NEXT STEPS

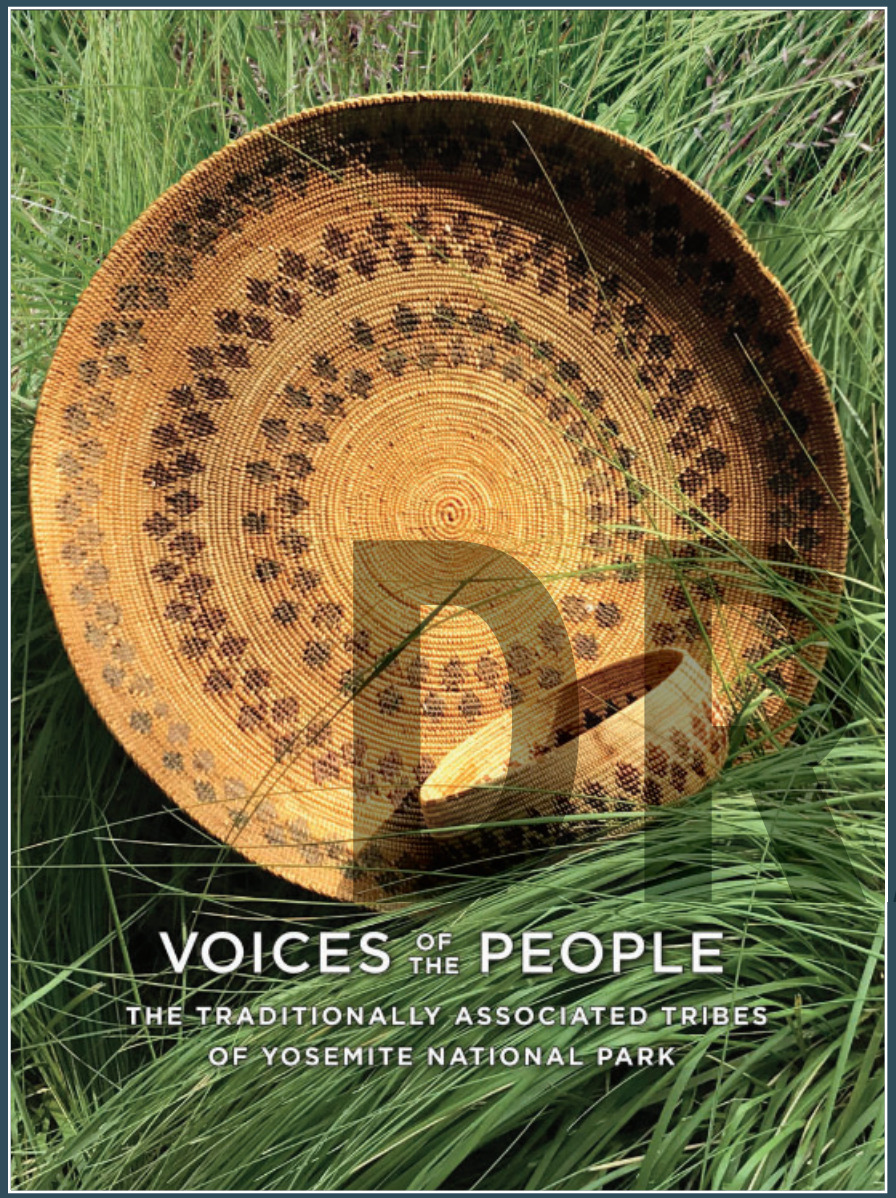
Preliminary research and relationship building are initial best practices when overlaying a community vison on a long-established landscape. The Southern Sierra Miwuk would like to be consulted early and often, then continually involved in any effort along the Merced River Trail. If any discoveries of artifacts or human remains are made, those involved in the trail project should contact the Southern Sierra Miwuk immediately. The Tribe supports design recommendations that evoke an attitude of contemplation, reverence, spirituality and respect. The Miwuk are willing to share their cultural heritage under these premises and pending tribal staff approval.

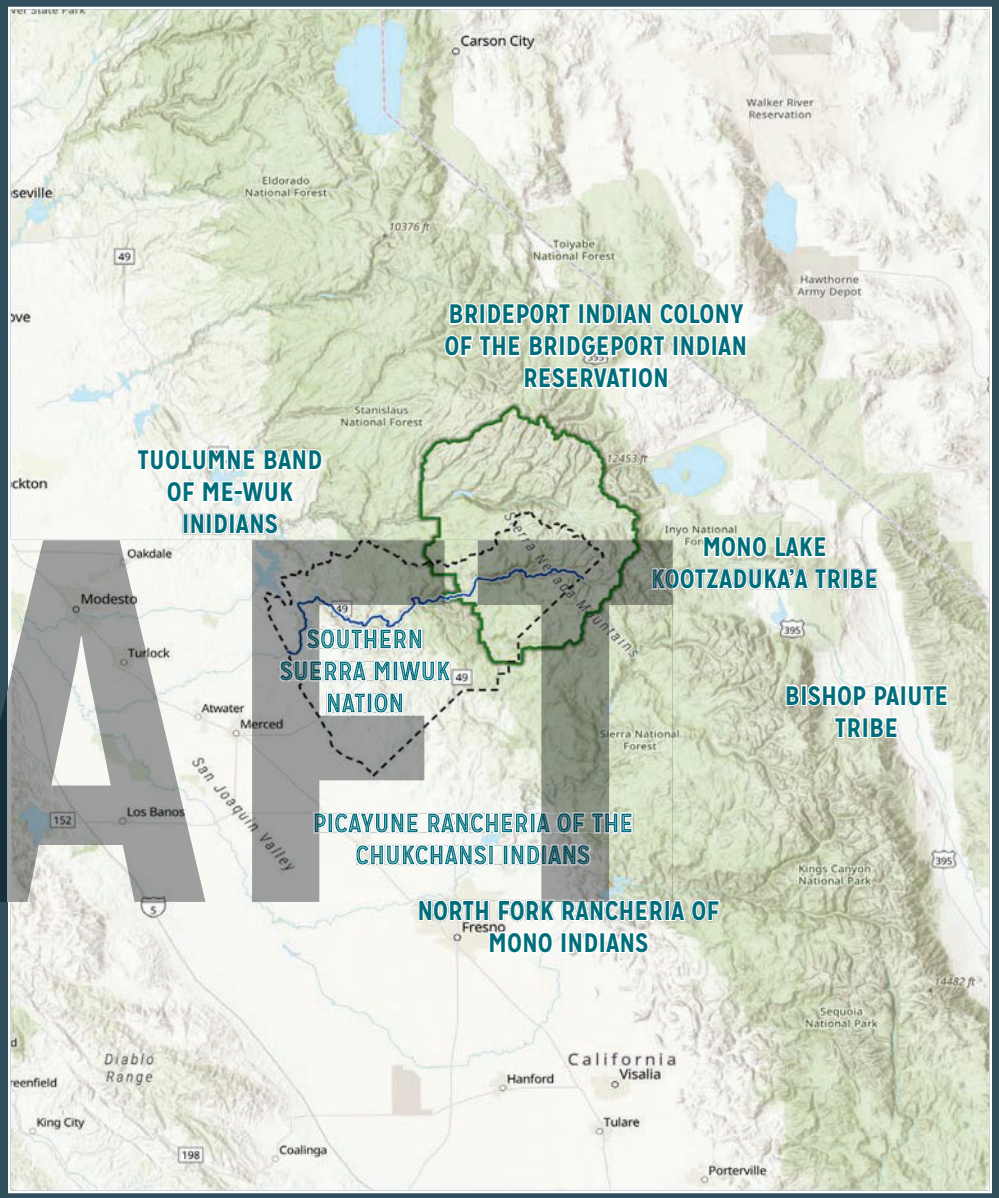
TIMELINE

Informal tribal consultation has taken place in the development of the Vision Plan, and should be formalized prior to implementing the Action Plan's recommendations.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





DRAFT

VOICES OF THE PEOPLE

Published in 2021, "Voices of the People: the Traditionally Associated Tribes of Yosemite National Park" presents a compelling precedent for a predominantly non-Indigenous community/government—in this case Yosemite National Park—collaborating with and centering Indigenous perspectives, insights, and voices in the Greater Yosemite region. The content of this book, and in particular, the process that created it, is instructive for future and ongoing engagement between the Southern Sierra Miwuk Nation and other concerned Native American communities, Mariposa County, its non-Indigenous community, and affected federal agencies with regard to the Merced River Trail.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1
Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2
Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3
Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4
Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5
Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6
Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.1 //

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies.

OVERVIEW

In addition to partnerships with federal land managers who are undertaking related conservation and restoration work in the river canyon and adjacent areas (identified in Action 6.3), non-governmental agencies, including local/regional universities and non-profits, could serve as strong collaborators for helping achieve the Merced River Trail's ecosystem health objectives. In particular, non-profits like the Sierra Foothill Conservancy, which has a track record of organizing volunteers for restoration activities, and universities like UC Merced, where research units like the Sierra Nevada Research Institute conduct similar work throughout the San Joaquin Valley and Sierra Nevada regions, stand out as potential high-capacity partners for studying, monitoring, and implementing projects that support federal and local ecosystem health aspirations.

While additional planning and collaborative decision making will be necessary to identify consensus priority projects, initial work might include: controlling/eradicating yellow star-thistle and Italian thistle from the river canyon; American bullfrog removal; and ranging efforts to reintroduce anadromous fish to the Merced River watershed. With federal land managers engaging with these issues to varying extents, it is critical to consult with BLM, USFS, and NPS partners to understand the gaps and opportunities for the trail project to contribute to these and other restoration efforts.

NEXT STEPS

Trail advocates, initially spearheaded by the Merced River Trail Community Working Group, should first identify priority university and non-profit partners, and develop a strategy for engaging with them to advance this action. Once university and non-profit partnerships are established, trail advocates—perhaps led by the potential conservancy organization identified in Action 8.1—can facilitate further collaboration among non-governmental partners and the federal agencies to prioritize ecosystem health needs, and determine a strategy for addressing them among the partnership.

TIMELINE

Initial university and non-profit partner identification and engagement can begin shortly after the Vision Plan is adopted.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

INTERAGENCY
VISITOR USE MANAGEMENT
COUNCIL

Impacts to Wildlife: Managing Visitors and Resources to Protect Wildlife

CONTRIBUTING PAPER

Prepared for the Interagency Visitor Use Management Council
March 2019, Edition One

JEFFREY L. MARION
RECREATION ECOLOGIST, U.S. GEOLOGICAL SURVEY

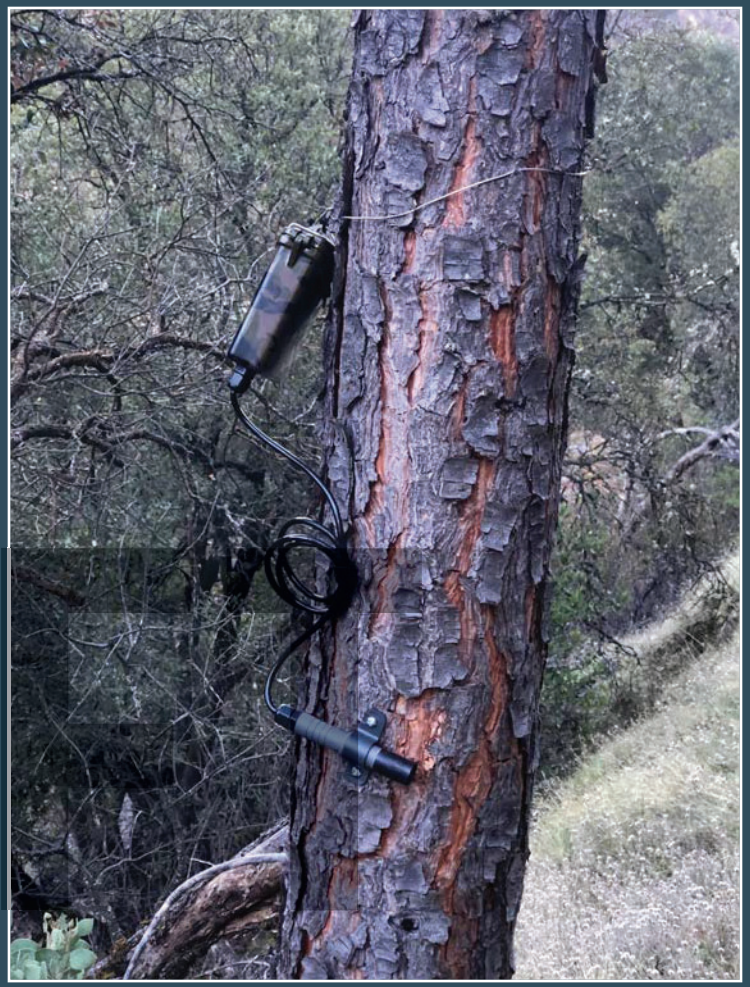
DRA

Introduction.

Recreational visitation and associated economic contributions made to local and state economies provide a powerful catalyst for conserving public lands. Recreation enhances societal conservation and stewardship values. However, most protected natural areas, including parks, forests, rangelands, and wildlife refuges, are managed under a dual mandate to preserve predominantly natural settings and processes while also accommodating recreational visitation. Visitor activities can have deleterious impacts to protected area vegetation, soil, water, wildlife, and cultural resources (Hammitt et al. 2015; Marion et al. 2016).

The term impact denotes undesirable visitor-related effects to natural resources and/or wildlife. While managers seek to eliminate avoidable impacts, such as cutting trees for firewood or feeding wildlife, they must also minimize unavoidable impacts, such as trampling plants on trails and recreation sites (Marion 2016). Professional land and recreation managers and planners increasingly seek to identify unacceptable types and levels of visitor-related impacts by defining standards or "thresholds of change," which, when exceeded, prompt corrective management actions.

This paper reviews the management of recreation impacts to wildlife, including discussions of influential factors, impact indicators, and the range of management responses. This information is provided to assist recreation and land managers in avoiding or minimizing visitor impact to wildlife, particularly related to decisionmaking within the "Visitor Use Management Framework" (IVUMC 2016b). Such decisionmaking requires a thorough understanding of the different types of wildlife impact and the use-related, environmental, and managerial factors that influence them. Recreation access and management decisionmaking related to wildlife conservation require assessments of costs and benefits, generally on unit and regional scales.



Merced River Recreation Management Area (CA)

BEST PRACTICES AND FIELD STUDY
University and institutional partners can contribute to the long-term planning and implementation of the trail by disseminating research to shape decisions around trail management, and conducting empirical site specific research on crucial topics like visitor use, ecological conditions, and cultural resources.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.2 //

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife.

OVERVIEW

Understanding past and present distributions of wildlife that intersect existing and candidate trail routes is critical for identifying, avoiding, and mitigating trail impacts. Wildlife occurrence and use data informs appropriate trail routing, mitigation, and enhancement measures. Geospatial data for wildlife species can be obtained from: research and professional contemporary surveys (occurrence, telemetry, remote sensing), species observational data repositories (like California Natural Diversity Database for rare plants and animals), historic records (like university databases), community science applications (like iNaturalist) and compilation databases of multiple data types (like CalFlora). When combined with visitor use data, such as surveys, trail cameras, trail counters, or data obtained from applicable federal agencies, this information provides critical insights about impacts of trail use on wildlife behavior or species distribution over time and key adaptive management information.

Of note, each federal agency with jurisdiction in the river canyon is mandated to comply with all current laws, regulations, and federal agency guidelines relating to widllife protection/managment. This includes required monitoring and mitigation measures. Accordingly, wildlife evaulation and the development of mitigation measures should take place in close consultation with BLM, USFS, and NPS to collaboratively implement this action.

NEXT STEPS

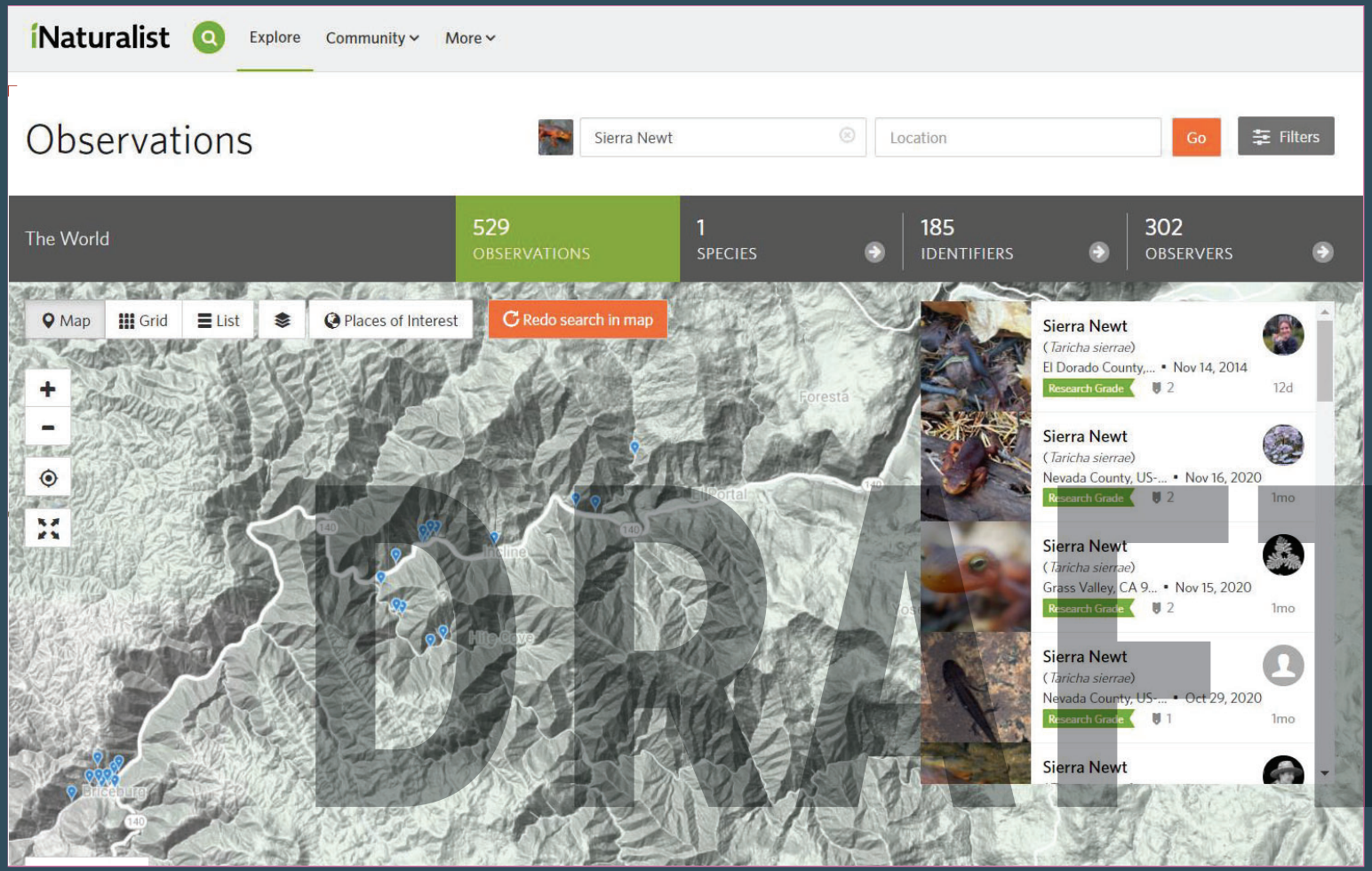
Working with federal partners, trail advocates should commission an initial study of key wildlife (Threatened or Endangered species, Species of Concern, or any other key species and Outstandingly Remarkable Values) intersecting existing and candidate trails. The initial study should map wildlife hotspots of diversity and activity, enumerate potential trail impacts to wildlife, and prioritize opportunities to enhance species connectivity and habitat. Trail advocates should also collate relevant examples of innovative trail design and mitigation measures, such as: elevated trail segments for amphibians; seasonal closures, re-routing, or signage for sensitive locations/habitats; and trail routing that maximizes connectivity and minimizes disruption of identified key wildlife. Finally, project partners should develop a strategy to fill information gaps. This could be coordinated data collection by local non-profit community science groups, but professional data collection, analysis, and mapping, perhaps from lead federal agency partners, should also be prioritized. All data collection requires funding and resource support, so adequate fundraising organizations (e.g. the organization described in Action 8.1) will also play a role.

TIMELINE

With sufficient funding, a consultant-assisted recreation ecology report, compiling existing available data, identifiable conflicts/impacts, key data and study needs, potential mitigation options, and species/habitat enhancement opportunities could begin within months of adoption of the Vision Plan. Once initiated, it could be completed in 12-18 months.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



OBSERVATION + MITIGATION
Crowd-sourced citizen science tools like iNaturalist can economically provide high-quality data about wildlife use patterns, and allow project partners to target appropriate countermeasures, from signage to trail design to trail location, for limiting trail users' impact on key species.



Town of Whistler (BC)



Sierra National Forest CA)



Yosemite National Park (CA)

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.3 //

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing.

OVERVIEW

Other than 3.5 miles of Incline Road, which are paved to provide access to existing USFS recreation amenities and the community of Incline, the rest of the historic rail grade below the Foresta Road bridge (nearly 24 miles, including .3 temporarily paved miles around the Ferguson Rock Slide) is composed of a natural surface. As reflected in Action 3.3, the vision planning process revealed a near-universal belief among project participants that any new or enhanced trail along the historic rail grade be naturally surfaced (unpaved). This both aligns with the community's preferred rugged aesthetic, and can help moderate trail use and ensure that recreation activities have a limited impact on the river canyon's natural resources.

Mariposa County boasts many strong precedents for successful implementation and maintenance of this trail typology, including the existing segment of the Merced River Trail below Sweetwater Creek in BLM jurisdiction. There are also numerous examples of durable, naturally surfaced trails that are heavily used in Yosemite National Park. In both of these instances, trail design and maintenance activities adhere to agency guidelines, and sitework is carried out by both federal employees and qualified trail crews from organizations like the California Conservation Corps (CCC). These precedents provide compelling and inspiring case studies to shape the design and implementation of the Merced River Trail in ways that support the project's vision and goals.

NEXT STEPS

Since the Merced River Trail already exists in BLM jurisdiction, any new trail in the corridor would be located in Stanislaus National Forest, making their partnership in new trail design essential to ensuring that agency standards and requirements are met. This element of Action 4.3 has significant overlap with Action 2.4. Locally, the trail partnership can work to confirm with USFS the dimensions, material selections, and other technical trail considerations that would be required (or recommended) by the agency prior to designing new trail in the future.

Maintenance activities require the collaboration of BLM and USFS, and any local groups or contractors/partners who may implement the sitework. Short-term next steps include developing and strengthening partnerships with potential partners such as the CCC, and identifying a strategy for funding current and future trail maintenance.

TIMELINE

While the maintenance component of this action is ongoing and indefinite, the trail design aspects are a high-priority item which should commence upon adoption of the Vision Plan.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)







Merced River Recreation Management Area (CA)

QUALITY TRAIL CONSTRUCTION
Professional and semi-professional trail crews like those operated by the California Conservation Corps can be a high-quality supplement to agency trail crews for both constructing and maintaining the existing and future Merced River Trail in ways that align with federal requirements and local aesthetic priorities.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.4 //

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses.

OVERVIEW

Ensuring that the trail is not degraded by unauthorized users, especially off-highway vehicles like dirt bikes, is a major current responsibility of BLM in the existing Merced River Trail corridor. Doing so requires a combination of physical elements, signage and education, and diligent trail planning to prevent inadvertently establishing connections between the Merced River Trail and adjacent public lands where these uses are permitted.

As the trail becomes increasingly popular, this important management task becomes both more important and more difficult, requiring more resources for and effective coordination among the federal agency partners who have jurisdiction over the trail's right of way. Depending on the agency's preferences and policies, they could either partner with local trail advocates to help devise, fund, and implement appropriate unauthorized use countermeasures, or simply delegate those responsibilities to a qualified local organization. In either case, the potential conservancy identified in Action 8.1 would be ideally suited to implement this action in partnership with the relevant federal agencies.

Regardless of the implementation pathway, it is important that these countermeasures align with existing agency approaches to managing recreational impacts in their jurisdiction. For example, Yosemite requires a permit to stay overnight in a campground or when camping in wilderness, enabling them to track trail usage and ensure that visitors return safely to their destination. Should the recommended route be pursued further, NPS would have to set up a system that permits trail users that begin their journey outside of the park, allows trail visitors to camp at Crane Flat Campground, and perhaps designate a special backpacking camp.

NEXT STEPS

In order to enforce policies that pertain to unauthorized uses, the project partnership first needs to clearly define what use types are authorized—by federal law and policy—on the Merced River Trail. This is an explicit outcome of Actions 5.1 and 5.3, which are necessary precursors of full implementation for Action 4.4. However, in the short term, partners can begin inventorying current best practices in enforcement from relevant regional and national precedents. These could include physical measures (like gates), informational measures (like signage), and other practices, all with an emphasis on aesthetic appropriateness for the Merced River canyon. This effort could be led by the Merced River Trail Community Working Group with support from county staff.

TIMELINE

While the timeline for full implementation is contingent on completing Actions 5.1 and 5.3, short-term next steps can begin immediately upon adoption of the Vision Plan, and could take as little as six months to complete.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Merced River Recreation Management Area (CA)



Caprock Canyons State Park and Trailway (TX)

MEASURES FOR USE RESTRICTION

Land managers can apply a range of measures to ensure appropriate usage of the Merced River Trail, including various gate and fence-types that permit certain uses while discouraging others, and simple signage that clearly establishes use prohibitions.



Sam Houston National Forest (TX)



Coconino National Forest (AZ)

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.5 //

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads.

OVERVIEW

Quantifying the capacity of existing trail support elements is among the biggest gaps in the Merced River Trail partnership's understanding of the relationship between visitor use and the limits of the landscape. It is generally accepted that current infrastructure, including parking, comfort stations, trash collection, and other basic services, are extremely limited and restricted by physical and logistical constraints. However, though the river canyon's current use patterns are the subject of a year-long study by researchers at UC Merced (Appendix J), the limits of this infrastructure and the amount of use that they can support has not yet been determined.

DRAFT

Understanding current limits are important for protecting the river canyon's resources from visitor overuse. This understanding is also essential for forecasting the relationship between anticipated future use of the trail, and developing a strategy to mitigate future impacts from increased non-motorized multi-use recreation. A detailed and comprehensive grasp of the built and natural landscape's limits, in the context of reasonable and credible estimates for future visitation, is critical to effectively safeguard the trail's natural resources from visitor use.

For this study to be effective, it is imperative that federal and regional partners are closely involved with scoping and implementation. In particular, as operators of the trail's two primary trailheads, both BLM (Briceburg) and Merced Irrigation District (Bagby) should have prominent roles in sharing data, forecasting agency capacity, and other critical aspects of the study.

NEXT STEPS

In the absence of funding to support this study, initial efforts could take place as a project for a student(s) with relevant education, such as a landscape architecture studio course or a masters project for a student in environmental planning or resource conservation. This path would align with Action 4.1.

Long-term, this action requires a formal and comprehensive study that would require funding and qualified professional expertise. This could be funded and managed by the Mariposa County Planning Department and CWG, an appropriate conservancy organization (such as the one identified in Action 8.1), or a partnership between the County and such an organization.

TIMELINE

This is a high-priority action, implementation of which should commence immediately upon Vision Plan adoption.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

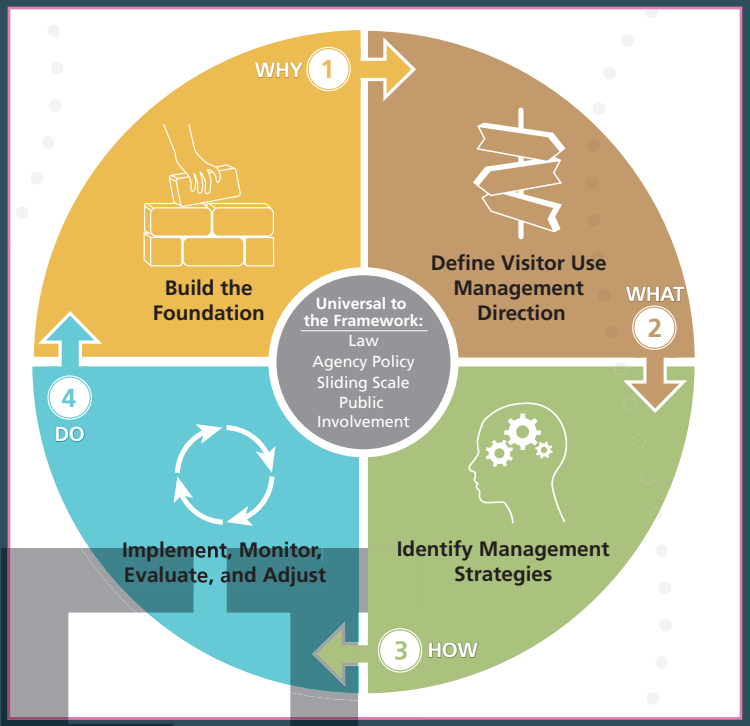
INTERAGENCY
VISITOR USE MANAGEMENT
COUNCIL

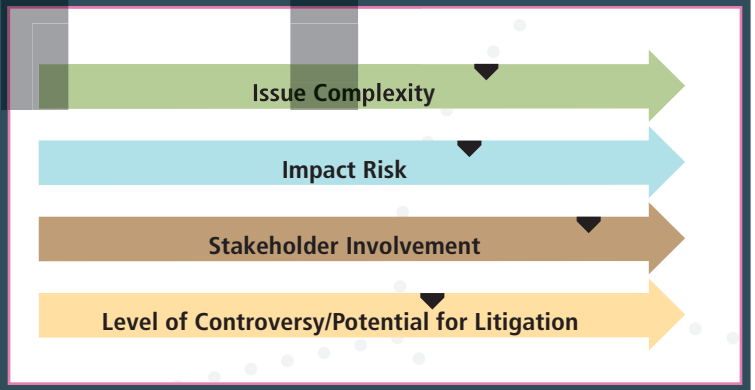
Visitor Use Management Framework

A Guide to Providing Sustainable Outdoor Recreation

Edition One | July 2016

DRAFT





INTERAGENCY VISITOR USE MANAGEMENT
A council of agency partners have been working to develop a universal framework to guide land managers seeking to address issues stemming from increased visitation and subsequent impacts to natural, cultural, and recreational resources on public lands.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 4

Prioritize watershed and ecosystem health, including fish, wildlife, and their habitats, as a core principle of trail planning and implementation

ACTION 4.1

Identify opportunities through universities and non-profits to extend wildlife management and research activities such as invasive species eradication, native species reintroduction, wildlife species surveys, and potential extension of genetics studies

ACTION 4.2

Identify and map wildlife use patterns, and evaluate appropriate and effective mitigation measures to avoid impacts of trail use on wildlife

ACTION 4.3

Ensure that the trail is designed and maintained by agency-appropriate standard trail plans and specifications to reduce soil erosion, minimize the potential for social trails, and ensure compliance with agency requirements for natural surfacing

ACTION 4.4

Work with agency partners to develop effective physical and enforcement measures protecting the resource from unauthorized trail uses

ACTION 4.5

Collaborate with agency partners to study, evaluate, and recommend mitigation measures for existing capacity, and limitations of current and future trail-supporting resources, including trash collection, bathrooms, and parking at the Briceburg and Bagby trailheads

ACTION 4.6

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use

ACTION 4.6 //

Support agency partners in the study, evaluation, and future mitigation needs for issues of law enforcement, fire issues, human waste and trash, illegal camping, and trail degradation, and seek funding/personnel to provide future services, commensurate with future use.

OVERVIEW

As catastrophic wildfire becomes increasingly common and destructive, communities and land managers must integrate wildfire risk reduction into all aspects of civic life, including outdoor recreation planning. In the context of the Merced River Trail, reducing wildfire risk requires educating visitors about responsible recreation behaviors, designing recreation elements to reduce the risk and impact of future events should they occur, and enforcing use restrictions that exist to keep visitors and the landscape safe from disasters.

Not only should the future Merced River Trail avoid increasing the risk of wildfire in the river canyon, but it also provides the public with several opportunities to promote resiliency and adaptation objectives that help reduce wildfire risk elsewhere in the county. This includes potential benefits like new funding streams for vegetation management activities in the trail corridor and the potential for new trail segments to double as (or be located on) shaded fuel breaks and other fire control lines,

Additionally, the same principles for promoting safe and disaster-resilient recreation—education, mitigative design, and enforcement—pertain to minimizing other visitor use impacts, such as litter control and trail conservation. As land managers and other members of the trail partnership work to reduce wildfire risk in the trail corridor, they can simultaneously be working to resolve current (and anticipated) visitor use impacts, including longstanding issues like illegal camping and human waste.

NEXT STEPS

Studying these impacts could be folded into the visitor use study described in Action 4.5. However, much of the on-the-ground implementation work for recommended mitigation measures, especially those related to law enforcement, will require new funding allocations from the budgets of affected federal agencies (BLM and USFS in particular), and/or through supplementary funds raised by other trail partners. At present, no services can be provided by federal land managers under current staffing levels, so this latter task is an ideal and important opportunity for the potential conservancy organization identified in Action 8.1. In the absence of additional resources for enforcement, mitigation efforts can focus on education related to Leave No Trace principles.

TIMELINE

If incorporated into the implementation of Action 4.5, the study of these impacts and detailing the overlap between wildfire risk reduction and other visitor use impact mitigations could commence immediately after Vision Plan adoption. The timeline for implementing the study will depend on its specific recommendations.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Detwiler Fire (2017)



Ferguson Fire (2018)

WILDFIRE RISK REDUCTION
The Merced River Trail can be an additional avenue through which federal, state, and local partners can pursue funding and resources to implement vegetation management and fuels reduction projects needed to mitigate the likelihood and impact of future catastrophic wildfire in the Merced watershed.

DRAFT

VISITOR USE IMPACTS
Mariposa County, Yosemite National Park, and the California Highway Patrol often struggle to address the impacts of out of bounds camping on areas along Highway 140 in the river canyon. While the river trail could exacerbate these and other related issues, the project also provides an opportunity to develop a collaborative approach for ensuring that additional users do not result in additional impacts.

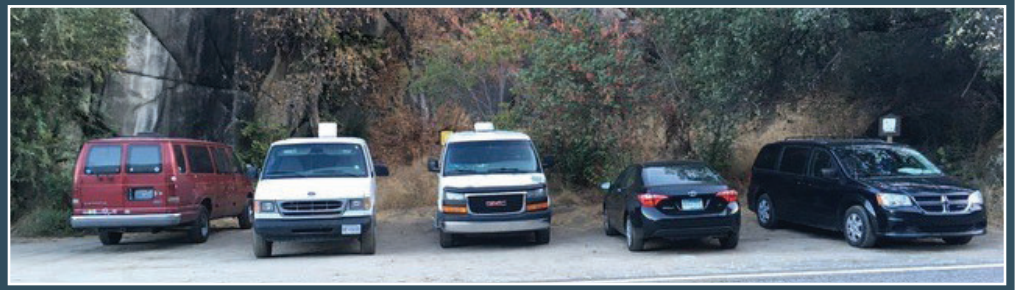


Regulatory signage along Incline Road





Remnants of an illegal fire and soiled toilet paper litter at the Caltrans sand pit



Illegal camping at Parkline Slab at the entrance to Yosemite

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

ACTION 5.1 //

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail.

OVERVIEW

The Merced River Trail will promote access along the trail corridor for a range of recreational opportunities, though specific allowances and restrictions per mode of travel may potentially differ by land agencies due to differences in policy, permitted use, or seasonal restrictions. Trail users need to have access to up-to-date, reliable, and official information about allowable public access, organized by travel mode, for the BLM and USFS units along the route (and potentially for the upstream route terminus in Yosemite National Park), including definitions of allowable use by type. This includes both current user types and potential future user types, such as group of overnight thru-hikers, day use beach goers, non-motorized bicycle technology (e-bikes), and equestrian users. Information also needs to be provided for vehicular travel on segments of the trail corridor shared with non-motorized users.

Initially, summary information for allowable public access along the trail corridor by each agency unit (Stanislaus National Forest, BLM Merced River Recreation Management Area); areas within units along the trail (BLM Wilderness Study Area); and trail access use guidelines across agencies pursuant to the river's Wild and Scenic designation would need to be collected, and confirmed for accuracy with the appropriate agency. Key documents to review include Wild and Scenic River managment plans, resource management plans, and various applicable best management practices for each agency. Then, this information would need to be shared publicly to review and discuss as needed. Long-term, this information would need to be kept current through close monitoring and collaboration with the pertinent agencies.

NEXT STEPS

Initial information collection and summary could be led by citizen groups, including the Merced River Trail Community Working Group (CWG). The organization identified in Action 8.1 would be a logical candidate for leading the online distribution of this information, and ensuring that it is maintained and current.

TIMELINE

Upon Board adoption of the Vision Plan, the CWG's role will then shift to supporting the plan's implementation. At that point, the group could immediately pivot to working on the initial components of this action.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Stanislaus National Forest (CA)



Merced River Recreation Management Area (CA)



City of Spokane (WA)



Yosemite National Park (CA)

CURRENT AND FUTURE NON-MOTORIZED USES

Though primarily used by hikers and trail runners, the existing Merced River Trail currently receives moderate traffic from cyclists, and the river is a seasonal destination for whitewater paddlers. Current and future planning efforts will need to understand the needs of additional non-motorized uses, such as e-bikes and stock use, which are prevalent in other public lands in the region.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

ACTION 5.2 //

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage.

OVERVIEW

A common refrain throughout the vision planning process was that some user groups would use the trail more frequently if many of the basic enhancements addressed elsewhere in the Action Plan were implemented. More clarity is needed on what those detailed enhancements are for specific user groups, especially equestrians and bikers. Once this input has been provided, land managers can evaluate the extent to which serving those needs is permissible, attainable, and desirable within existing trail and public governance.

While those determinations will likely involve various federal policy considerations that are outside the scope of the Merced River Trail Vision Plan, its worth reiterating important parameters for the trail that have been clearly established through this process:

- there is a local consensus and clear legal basis for an unpaved trail that is intended strictly for non-motorized recreational uses; and
- conservation and enhancement of the river canyon's ecological character is of the utmost importance for community members, and is enshrined in the Wild and Scenic River designations for the river in BLM and USFS jurisdiction

NEXT STEPS

Soliciting, organizing, and disseminating the input from new user groups could be implemented by citizen groups, including the Merced River Trail CWG. Whomever is ultimately responsible for this action should consider reaching out to credible recreation advocacy organizations, such as the International Mountain Biking Association, Backcountry Horsemen of America, Trout Unlimited, and American Whitewater.

TIMELINE

Implementation of this community-driven action can commence shortly after the Vision Plan is adopted, and could be completed fairly quickly depending on the responsiveness of recreation user groups.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 5

Assess the viability and impacts of additional non-motorized recreational users throughout the trail corridor, and implement strategies to maintain balance among different uses

ACTION 5.1

Review, summarize, and make publicly available current land management agency decisions determining public access on BLM, USFS, and NPS portions of the Merced River Trail

ACTION 5.2

Seek written input from new user groups on the minimum adjustments to their needs required to establish and maintain their safe use of trail segments, addressing access issues, infrastructure, trail work, group size, sanitation, and signage

ACTION 5.3

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments

DRAFT

ACTION 5.3 //

Develop and publish a use plan for major Merced River Trail river segments for permitted uses based primarily on land management policy and decisions regarding appropriate use of those segments.

OVERVIEW

A comprehensive use plan for the Merced River Trail would aggregate segments of similar policies and permitted uses by recreational use, designation, and trail class. In addition to including and synthesizing agency policies (as discussed in Action 5.1), the use plan should also align with the outcomes—including the vision statement, goals, and recommended actions—described in the Merced River Trail Vision Plan. This might entail seasonal prohibitions of certain uses in areas with high habitat value (Action 4.2) or cultural importance (Action 3.5). Regardless of content, an effective messaging approach for the use plan will be crucial—studies have shown that simple, direct, proscriptive messaging can have a greater impact on user compliance.

This use plan could take the form of a Memorandum of Agreement or Understanding with each federal agency that outlines appropriate/permitted uses within the trail area. This would require extensive consultation with the three federal agencies in the river canyon, especially the USFS, where key segments of the trail do not yet exist. Importantly, this agreement would be tiered from existing federal land managment plans and regulations.

In order to simplify messaging on allowable uses, provide opportunities for trip planning and coordination, and increase the likelihood of compliance, trail segment use regulations should be presented in the context of the overall trail network. For instance, a map of the overall trail network might show color-coded segments that indicate trail class and uses, or the extent of the segment from a particular trailhead might be enlarged for detail about more specific uses or seasonal restrictions but remain linked to a reference map of all trail segments for an individual's planning purposes.

NEXT STEPS

This action likely requires an expansive study, for which a qualified consultant team would be beneficial. It may be efficient to include other relevant recommendations, such as Actions 4.2 and 4.6, in the scope of this project. In the short-term, funding could be pursued by the County and the project could be led by the Planning Department with the support of the CWG and the partnership of BLM and USFS. Long-term, this effort could be driven and conducted by the potential conservancy organization identified in Action 8.1.

TIMELINE

Once funded, conducting this planning project could take 12-24 months, depending on if the scope of the proposed planning process includes implementation of additional Action Plan recommendations.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

ACTION 6.1 //

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System.

OVERVIEW

From its headwaters near Yosemite Oaks and Triangle Roads, Bear Creek flows through the community of Midpines and meeting the Merced River at Briceburg. Along the way, it roughly follows Highway 140 past Midpines County Park, several areas for camping and lodging, and four YARTS stops. The creek experiences several precipitous drops, creates popular swimming areas, and passes through breathtaking foothills landscapes.

For many years, Mariposans have imagined a trail along this route. In 2012, Friends of Bear Creek, Midpines (FBCM) formed to explore and advance the trail concept, pursuing support from the National Park Service Rivers, Trails, and Conservation Assistance (RTCA) program to develop a feasibility study. The study (included as Appendix D) makes several recommendations to progress trail planning and implementation.

Since that time, the trail has been identified as a priority in the Mariposa County Recreation and Resiliency Plan. Additionally, Midpines County Park, likely a major trailhead and potentially terminus of Bear Creek Trail, has been identified as a priority project in the Mariposa County Creative Placemaking Strategy. Now, the Merced River Trail Vision Plan has identified the Bear Creek Trail as a rare and impactful opportunity to achieve the community's vision for the MRT as the basis for a network of recreational trails throughout the county and watershed.

NEXT STEPS

The Mariposa County Planning Department could lead this effort, with support from the county's Parks and Recreation Department, who currently operate and maintain Midpines County Park. Though FBCM no longer exists, other local organizations, such as the Upper Merced River Watershed Council or Midpines Planning Advisory Committee, could fill many of that organization's former roles with respect to the Bear Creek Trail.

Local advocates seeking to advance this recommendation could approach it incrementally, pursuing additional RTCA support to revisit, build upon, and advance the recommendations from the previous study, and using the outcomes of that effort to begin trail implementation. Or, they could opt to pursue larger grants for planning and designing the trail, perhaps while also enhancing Midpines County Park as its primary trailhead.

TIMELINE

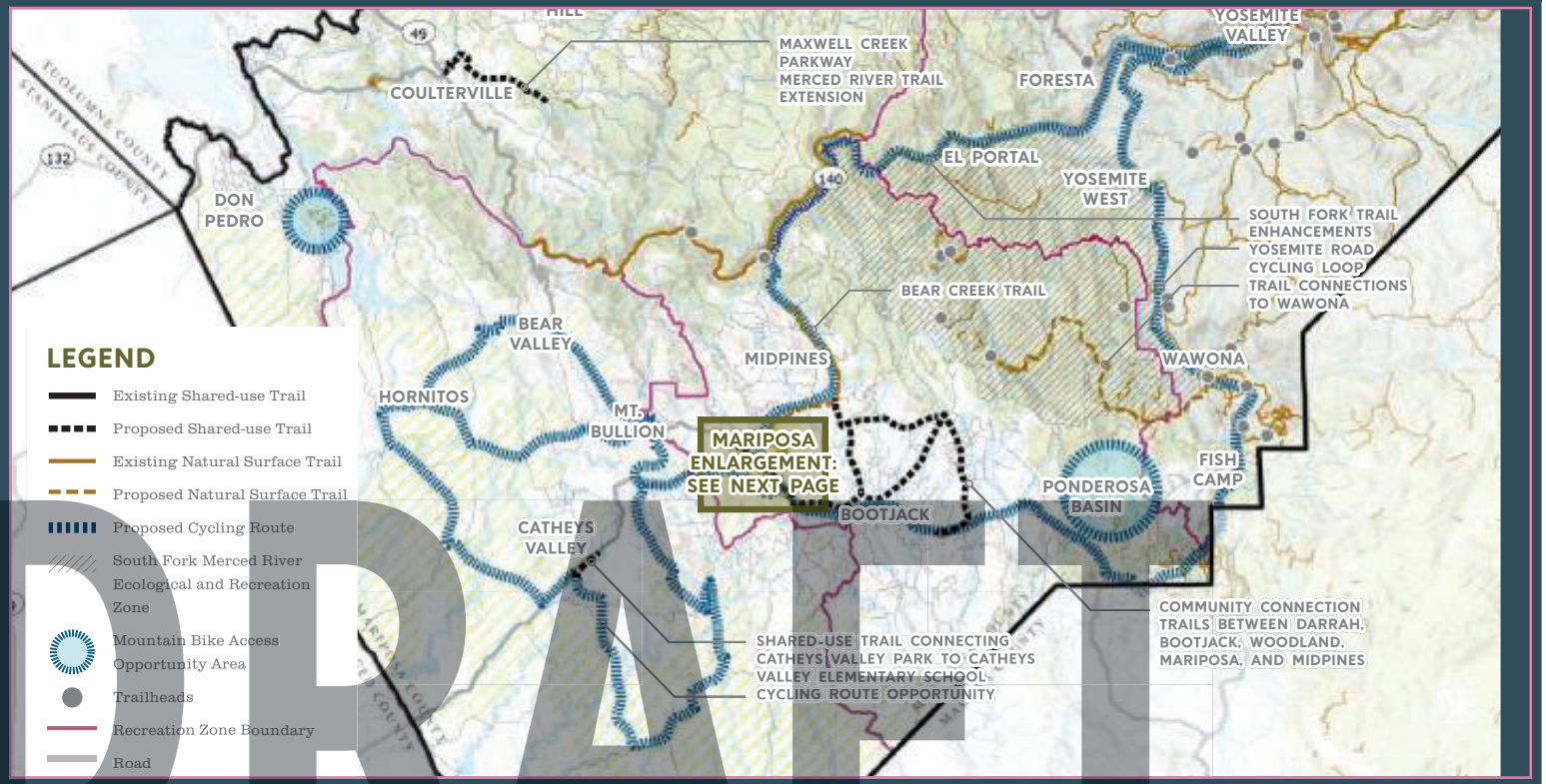
Applications for RTCA support are due annually on March 1. If pursued, this option could likely result in a substantive deliverable within a year. Larger trail and trailhead planning efforts could take 24-36 months.

DRAFT

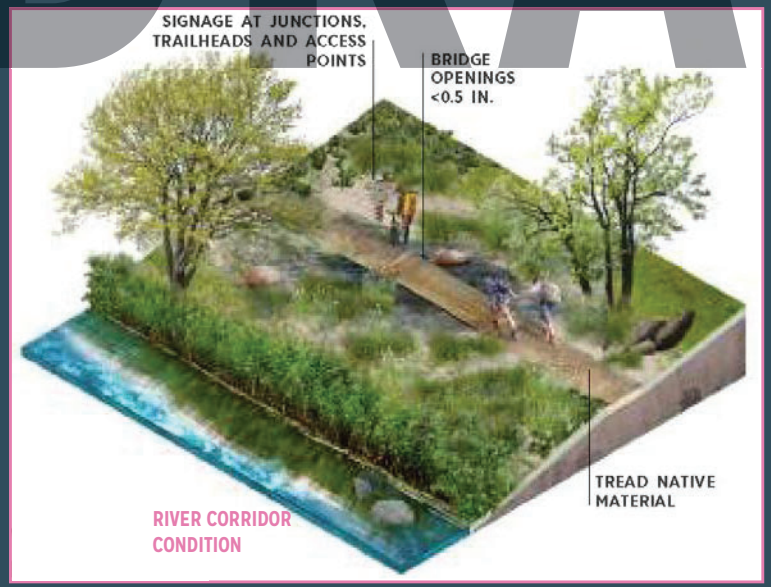
Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

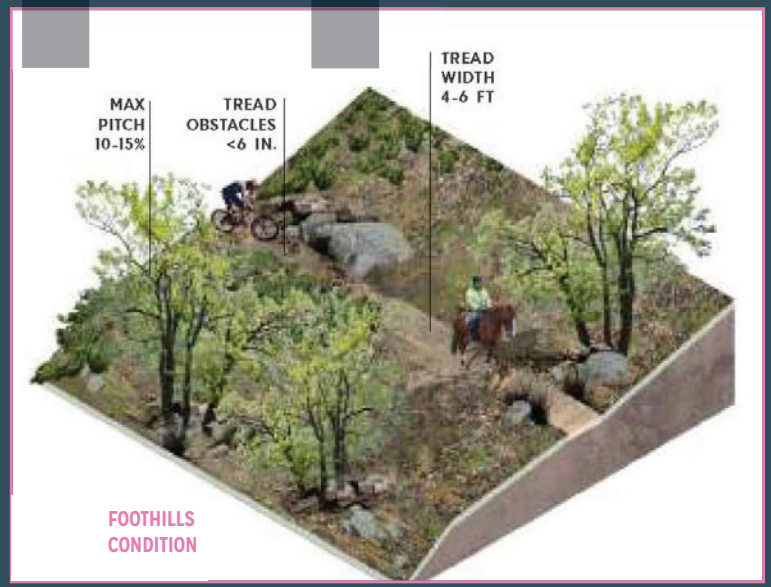
PROPOSED TRAIL SYSTEM EXPANSION

MULTI-BENEFICIAL VISION
In March 2021, the Mariposa County Board of Supervisors adopted the Mariposa Recreation and Resiliency Plan, which helps align the County's investments in parks, open space, and trails with climate change adaptation objectives like wildfire risk reduction. One of the core projects recommended in the plan is the development of a network of trails that could serve as destinations and conduits for the future users of the Merced River Trail.



TAILORED TRAIL TYPOLOGIES
The Recreation and Resiliency Plan identifies four trail types for different typical conditions found within the County's proposed trail system expansion. Two of them—the river corridor condition and foothills condition—provide instructive case studies for the Merced River Trail's scale, dimensions, and physical characteristics.





DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

ACTION 6.2 //

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam.

OVERVIEW

The Federal Energy Regulatory Commission (FERC) license for Merced Irrigation District's (MID) Merced River Hydroelectric Project includes conditions to develop a plan to align the project's existing Merced River Trail with a new trail segment that would follow the shoreline of Lake McClure and McSwain Reservoir. License conditions are in Appendix I, but significantly, the FERC plan includes conditions that MID:

"...shall, within 18 months of license issuance and in conjunction with BLM, develop and file with the Commission an agreed upon Conceptual Plan for the Merced River Trail from McSwain Dam to Bagby Recreation Area. The overall planning goal will be to align the Merced River Trail to follow the shoreline of Lake McClure and McSwain reservoirs where it is possible to do so. The Merced River Trail Conceptual Plan shall include the following: Table of Tables/Figures (Photos and maps), Executive Summary, Vision Statement, Purpose and Need, Setting, Discussion by Trail Alternative, Implementation-Merced ID's Merced River Trail Conceptual Plan."

Achieving this ambitious vision involves leadership from local and federal trail advocates, who are positioned to make recommendations to FERC, secure funding to implement the trail, and oversee it long-term. Historically and during the Vision Plan process, local trail advocates have expressed a desire for the trail to continue downstream from McSwain dam into Merced, perhaps to Lake Yosemite at the UC Merced campus.

NEXT STEPS

Both the Mariposa County Planning Department (trail planning and implementation) and the Merced River Trail CWG (advocacy and monitoring of the licensing process) have significant roles to play in this action. Interestingly, the Rails to Trails Conservancy has expressed interest in helping the project partners facilitate a potential connection to UC Merced and elsewhere in the City and County of Merced, and could be a strategic collaborator.

TIMELINE

Action is contingent upon FERC issuance of the License for the Merced River Hydroelectric Project. Once the License is issued, MID and BLM have 18 months to research and develop the Conceptual Plan and present it to FERC for inclusion in the MID operating license. Prior to that, the Merced River Trail project partners can begin mobilizing to find resources and build partnerships needed to collaboratively plan the trail below Bagby. Though a visionary and potentially transformative extension of the Merced River Trail, its important to note that the Vision Plan participants identified this action as less of a priority than other recommendations in this chapter.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



DRAFT





Lake McSwain Recreation Area (CA)

DOWNSTREAM RECREATION
The developed recreation amenities at Lake McSwain, which include fishing, boating, a Splash-n-Dash in the lake, and camping/glamping sites around the lake, provide a vastly different recreation experience than the more rugged, minimally improved conditions above the dam in the river canyon,

GOAL 6

Integrate the Merced River Trail with existing and planned trails within Mariposa County

ACTION 6.1

Expand and advance efforts to implement the Bear Creek Trail from Midpines County Park to Briceburg, and from Midpines County Park to Stockton Creek Preserve Trail System

ACTION 6.2

Study, research, and consult with local, state, and federal land-owner agencies for design and feasibility of a "proposed Trail" in Merced Irrigation District's FERC Recreation Plan connecting the Merced River Trail from Bagby to McSwain Dam

ACTION 6.3

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions

ACTION 6.3 //

Continue to collaborate with BLM, USFS, and NPS to identify opportunities for the Merced River Trail to align with and advance recreation, visitor use management, and forest health objectives in those jurisdictions.

OVERVIEW

The Merced River Trail provides benefits beyond recreational use; namely the corridor can serve to bolster resilience of forest management through its dual use as a fire break, or by utilizing sections of already-existing fire break as connecting trail. Ensuring access to these routes as fire breaks can backstop existing but strained resources and bolster inter-agency response and mitigation efforts to wildland fire that protect communities and the regional economy.

The trail can also be used as an opportunity to educate users about environmental hazards occurrence and management by informing them of the dual utility of fire breaks, and other hazards exacerbated by climate change, such as major floods events and rockslides that in addition to large-scale tree mortality contribute to erosion throughout the Merced River canyon. Additionally, non-motorized routes can help reduce motorized use and overall emissions coming into Yosemite National Park. As such, the trail is vital for transitioning beyond carbon, and can help the Park and region reduce overall carbon emissions as part of broader County climate change mitigation objectives.

Further, ongoing, and close collaboration between advocates for the Merced River Trail and federal agency partners will help identify strategic opportunities for trail implementation and maintenance to support specific USFS and NPS objectives, resulting in additional resources needed to support implementation of this action.

NEXT STEPS

The development of the Vision Plan has helped initiate a collaborative partnership between Mariposa County, Stanislaus National Forest, and Yosemite National Park on these topics. Next steps in expanding and further formalizing that partnership could involve adopting Memorandums of Understanding or other similar agreements between forest/park leadership and the Mariposa County Board of Supervisors that are specific to the trail, its role in achieving shared objectives, and its relationship to other existing regional agreements.

TIMELINE

Growing and formalizing regional interagency partnerships through the trail project could begin immediately after the Vision Plan is adopted.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Ackerson Meadow Restoration, Yosemite National Park/Stanislaus National Forest



Yellow Star Thistle Removal, Merced River in Yosemite National Park



Merced Grove Wildland Fire Fuel Treatment, Yosemite National Park

COORDINATED WATERSHED APPROACH
Federal agencies in the Merced River corridor conduct a range of land management activities, including ecological monitoring and restoration, that the Merced River Trail could and should support.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

ACTION 7.1 //

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail.

OVERVIEW

Public information elements are essential for equipping trail users with the information they need to safely and responsibly recreate. In addition to providing important wayfinding and directional information, they also serve to prepare trail users, especially inexperienced ones, for the potential risks and hazards of a natural environment, and equip them with the knowledge needed to use a landscape without degrading it. These outcomes are all critical in the Merced River canyon, and specifically align with the community's vision for the Merced River Trail.

However, in addition to these important trail management and administrative functions, public information elements like signs, brochures, and websites can facilitate deeper connections to the river canyon. By interpreting the landscape's human and non-human sense of place, these features can enrich users' experience of the Merced River Trail. Public information elements that compellingly engage with relevant themes such as Indigenous narratives, native plant and wildlife species, and modern industrial history can promote a sense of attachment to and stewardship for the canyon's resource among visitors.

Indeed, the design of the elements themselves can contribute to this larger placemaking/placekeeping approach, reflecting the themes of the interpretive content through judicious use of materials, form, and other factors. However, the opposite is also true—excessive, illegible, inconsistent, or aesthetically inappropriate public information elements can degrade the canyon and trail's visual character, and hamper the visitor's experience. Care and deliberation must be taken to ensure that public information elements add to, and certainly do not detract from, the experience of enjoying the trail.

NEXT STEPS

The development of a signage and wayfinding master plan could be an impactful opportunity to articulate key issues and opportunities, and flesh out the details of the placement, design, and content of public information elements on the trail. Mariposa County could apply for funding, though it is critical to have support and collaboration from federal agency partners. In addition to having mandatory policies concerning these elements, including Sign and Poster Guidelines for the Forest Service • EM 7100-15, NPS-Sign System Specificatons and UniGuide Standards, and BLM National Sign Handbook H-9130-1, agencies may have resources to support implementation of this action.

TIMELINE

This is a medium-priority action. Once funded, the development of a signage and wayfinding master plan could take as little as 12 months.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



Tonto National Forest (AZ)



East Point Park Bird Sanctuary (ON)



Williamette National Forest (OR)



Santa Rosa Plateau Ecological Preserve (CA)

SIGNAGE AS OPPORTUNITY

Interpretive, wayfinding, and warning/safety-related signage both provide important and enriching information for trail users, and can serve as appropriate opportunities to add to the river canyon and Merced River Trail's sense of place. Through both content, design, and materiality, signage can enhance the trail experience.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

ACTION 7.2 //

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan.

OVERVIEW

Vision Plan participants frequently identified citizen science as a compelling opportunity to combine the trail's potential to promote community stewardship for the river and canyon, and catalyze tangible environmental benefits for the landscape and watershed. Historically, there is significnat precedent for these kinds of initiatives in the Merced River corridor, from the grassroots effort to secure WIld and Scenic designation in the 1970s to the Upper Merced River Watershed Council's long-running water quality monitoring project at Briceburg.

This recommended action leverages and builds upon this heritage, identifying additional volunteer-driven priorities along (and supported by) the trail. Among others, this includes invasive species removal (Action 4.1), mapping wildlife use patterns (Action 4.2), and contributing to trail building and maintenance activities (Action 4.3). The Vision Plan also identifies the need for an organization to spearhead and coordinate these and other volunteer activities (Action 8.1), both ensuring the long-term sustainability of volunteer programs and deepening their impact for the community and landscape.

NEXT STEPS

Short-term, existing volunteer activiites such as the Great Sierra River Cleanup should continue, perhaps with new and expanded partnerships that broaden the program's reach to organziations and communities that historically have not been engaged in the river or other environmental stewardship initiatives.

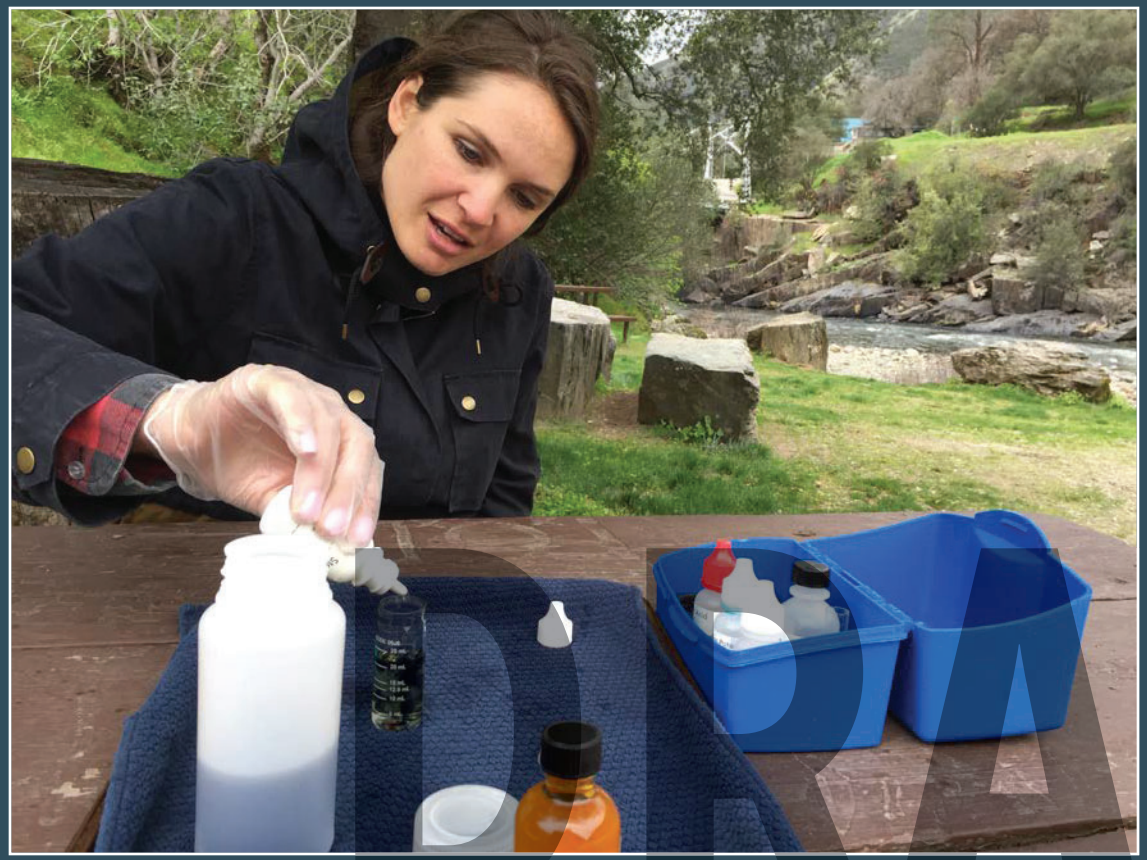
Long-term, it will require increased organizational capacity to coordinate and conduct the additional opportunities for volunteer engagement identified in the Action Plan. Additionally, coordination with the federal agencies is both beneficial, and in some cases, necessary for successful long-term implementation of this action. For example, by aligning citizen science initiatives with stated BLM, USFS, and NPS priorities, local engagement activities can efficiently contribute to ongoing federal efforts in the canyon. And in the case of trail maintenance/ construction, this work will need to take place under a formal agreement with relevant agencies, such as a non-cost share agreement, and activities would need to be determined and noticed in compliance with existing agency policies and requirements. The potential conservancy organization identified in Action 8.1 is ideally suited to serve these functions, and implementing this action should be part of its mandate.

TIMELINE

Short-term implementation is ongoing, while the timeline for long-term implementation will depend on the willingness and capacity of the coordinating organization.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

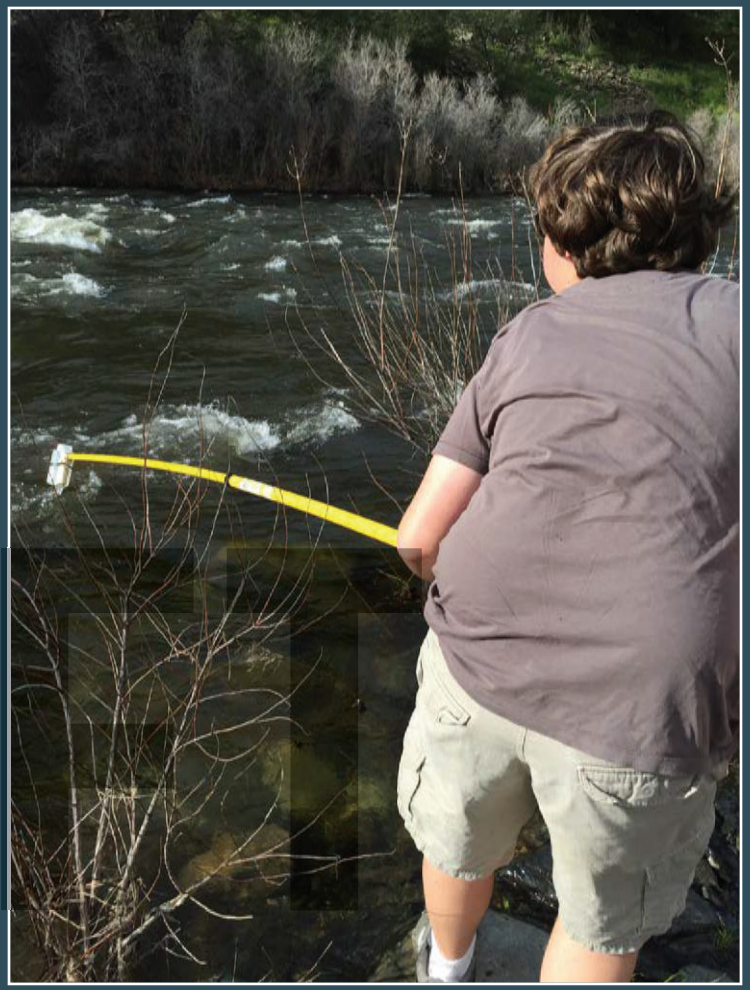


Water quality testing (Briceburg, CA)



Great Sierra River Cleanup (Briceburg, CA)





Water sampling (Briceburg, CA)

CITIZEN SCIENCE AND COMMUNITY STEWARDSHIP
Existing local organizations like the Upper Merced River Watershed Council (UMRWC) have a history of coordinating volunteer monitoring and conservation activities in the river canyon and along the existing Merced River Trail.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 7

Initiate and support education and research activities that increase the community's connection to and knowledge about the natural ecosystem and cultural resources of the Wild and Scenic Merced River canyon

ACTION 7.1

Install aesthetically appropriate public information elements that educate trail users about the river canyon's natural and cultural resources, and promote safe, responsible, and low-impact use of the trail

ACTION 7.2

Maximize local volunteers in Merced River Trail projects, including trail maintenance, monitoring, and citizen science activities that contribute to other objectives in the Vision Plan

ACTION 7.3

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail

ACTION 7.3 //

Support a program of community education and engagement activities, including guided field trips, presentations, and other events that build connections to the river and trail.

OVERVIEW

The Merced River watershed provides countless opportunities to engage with topics that have local, regional, and national importance, including human history, botany, and contemporary climate resiliency issues like catastrophic wildfire and flooding. The trail provides access to educational experiences where students of all ages can learn about these topics by experiencing them in the canyon—perhaps a more effective educational pathway than reading about them in a book or in a classroom. And in addition to place-based educational opportunities, these larger issues can also be explored in other ways outside of the river canyon, like through art in a gallery space, stories displayed in an interactive online map, public presentations, or even films (Action 3.1).

Regardless of the medium, the vision planning process underscored that Mariposans value community education and engagement on topics related to the Merced River watershed. Not only does a fuller awareness of the river equip Mariposans to serve as better stewards for its natural and cultural resources, but it also adds depth to local understanding of place.

Local trail advocates can continue to expand the delivery of education and engagement programs, including guided hikes, trail runs, and the development of trail- and river-specific curriculum that can be disseminated to educators throughout the county and elsewhere. Where appropriate, any onsite education programs can reference existing and future signage. These would be in addition to the significant educational benefits likely to stem from the boots-on-the-ground volunteer activities identified in Action 7.2.

NEXT STEPS

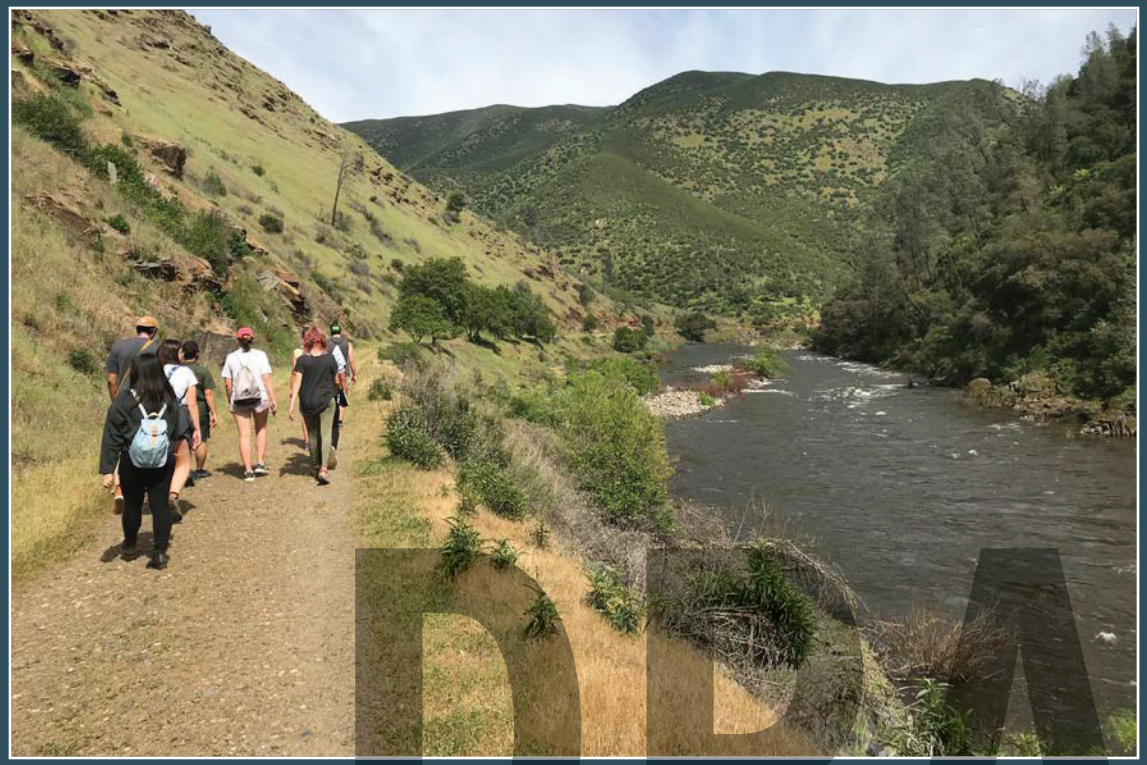
Because this recommended action relies on the expertise and leadership of local organizations and agencies, an impactful next step would be to engage with those organizations to identify their specific interest areas, ideas for expanded programming, and needs or resource gaps in delivering their educational and engagement programs. Example organizations include education entities like NatureBridge and potential event organizers like the Upper Merced River Watershed Council and Yosemite Composite Mountain Bike Team. The Merced River Trail Community Working Group (CWG) could initially spearhead this effort. Once needs are identified, the CWG could help develop a more specific and targeted plan for supporting local organizations.

TIMELINE

Initial outreach to help refine the CWG's role in supporting expanded engagement and education activities through the trail can get under way immediately upon plan adoption.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)





Guided walks with Cal Poly SLO students (Merced River Recreation Management Area)



Wild and Scenic Film Festival, El Portal (CA)

OUTDOOR LEARNING ENVIRONMENT

The existing Merced River Trail provides a compelling environment for hands-on outdoor learning, with opportunities for place-based curriculums in ecology, cultural history, and other topics important to local and regional audiences of all ages.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1
Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2
Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3
Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.1 //

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success.

OVERVIEW

While some of the recommendations in this Action Plan can be implemented by existing organizations operating within their mandates and with resources already in hand, many actions are outside the scope and capacity of local project partners. Furthermore, all of the actions identified here, as well as other actions that will surely be recommended by future Vision Planning efforts, demand long-term funding, oversight, and stewardship of a dedicated organization for whom the Merced River Trail is a primary focus.

Technically, such an organization does not currently exist in Mariposa County, though there are several candidate organizations that could expand their mandate to serve this critical role for the community and watershed. This will require paid full-time staff whose responsibilities include implementing the Action Plan, including the monitoring tasks identified in Actions 3.4, 7.2, and many related tasks in Goal 4. This organization would also have an important role in facilitating and coordinating between Mariposa County, its residents, and federal agencies active in the Merced River canyon, and could serve as the primary point of contact for members of the public seeking information about the trail, river, and watershed. It would also serve as a central location for materials, including scientific research and reports, as identified in Action 3.1.

NEXT STEPS

The visioning process identified the Upper Merced River Watershed Council (UMRWC) as a logical candidate to potentially serve this role, pending the availability of resources for staffing. Incidentally, the UMRWC is currently engaged in a capacity building and strategic planning effort funded through a grant from the Bureau of Reclamation, which perhaps could provide further detail and specificity to this recommendation. Conversely, a new organization could be formed whose explicit purpose is to serve as the Merced River (Trail) conservancy.

Regardless of the path forward, in order to be effective, any future conservancy will need support to get started with the personnel to both advance the recommendations in the Action Plan, and develop a self-sustaining organization. Funds could come from capacity building grants like the aforementioned BRM WaterSmart grant that the UMWRC successfully pursued, as well as from philanthropic support. Eventually, the Mariposa County Board of Supervisors may decide to allocate funding to this organization, as has been done with groups like the Mariposa County Arts Council, Yosemite/Mariposa County Tourism Bureau, and Mariposa County Firesafe Council.

TIMELINE

This is one of the highest-priority recommendations in the Action Plan. However, the timing will depend on the availability of funding, and the capacity for local leadership to identify and empower an organization to pursue it.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

DIVERSE RESPONSIBILITIES + OPPORTUNITIES

An organization responsible for the long-term management, oversight, and stewardship of the river and trail is critical to the success of the Merced River Trail Vision Plan. Nearly all of the recommended actions would greatly benefit from such an organization to catalyze, fund, and/or direct their implementation.

The table to the right depicts the envisioned conservancy's potential role in advancing each of the Vision Plan's recommended actions.

ACTION	POTENTIAL CONSERVANCY ROLE
1.1	If the route issue remains unresolved, this group could support this collaborative decision.
1.2	Minimal role
2.1	This group could help fund this study, though primary responsibility would likely lie with Mariposa County.
2.2	This group could drive implementation of this action, and ensuring general compliance with the MID settlement.
2.3	Identifying strategic sites and implementing restoration activities could be both be a tasks, especially the former.
2.4	This group would be the driving force in achieving this trail implementation milestone.
3.1	Developing and expanding this program would be a major task.
3.2	This group could pursue funding to support implementation of this action.
3.3	Rather than establishing principles, the focus would be on installing/maintaining the trail in accordance with them.
3.4	This would be a primary responsibility and function of this group.
3.5	This group's actions would be governed by the recommendations and spirit of this action.
4.1	Collaborating with universities and non-profits would be an opportunity, though not an obligation
4.2	This group could either lead this action, or support it through fundraising and volunteer organization.
4.3	This group would support this action through fundraising and volunteer coordination.
4.4	This group would be a key collaborator and local point of contact for BLM, USFS, and NPS partners.
4.5	This group could fund this study, and/or provide other resources for existing conditions monitoring.
4.6	This group could fund this study, and/or provide other resources for existing conditions monitoring.
5.1	This action, especially the publicizing aspects, would be a major responsibility of this group.
5.2	This would primarily be a Mariposa County action, which this group could support.
5.3	This group could help fund and be a central stakeholder in implementing this recommendation.
6.1	Minimal role
6.2	This group would likely have a minimal role, depending on their geographic area of emphasis.
6.3	This could be a major long-term focus of this group.
7.1	This group could raise funding to design, install, and maintain these elements.
7.2	This would be a primary responsibility of this group.
7.3	This would be a primary responsibility of this group.
8.1	-
8.2	This group could raise funding to design, install, and maintain these elements.
8.3	This would be a primary responsibility of this group.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

POTENTIAL CONSERVANCY PRINCIPLES

1 BE A NON-PROFIT

IN ORDER TO EFFECTIVELY FUNDRAISE, IT IS ALMOST ESSENTIAL FOR THE ORGANIZATION TO BE A 501(C)(3) NON-PROFIT. THOUGH THIS DESIGNATION WOULD LIMIT THE ENVISIONED CONSERVANCY'S ABILITY TO LOBBY, IT WOULD PROVIDE TAX-EXEMPT STATUS AND REQUIRE THE ESTABLISHMENT OF A BOARD OF DIRECTORS TO ENSURE THE ORGANIZATION STAYS FOCUSED ON ITS PURPOSE.

2 BE AUTHORIZED

GIVEN THE CLOSE PARTNERSHIP THAT MUST EXIST BETWEEN THE ENVISIONED CONSERVANCY AND THE FEDERAL AGENCIES WITH JURISDICTION OVER THE TRAIL, IT IS ESSENTIAL THAT THE ENVISIONED CONSERVANCY ORGANIZATION BE RECOGNIZED AND AUTHORIZED, LIKELY THROUGH A MEMORANDUM OF UNDERSTANDING/ AGREEMENT OR NON-COST SHARE AGREEMENT, TO WORK ON TRAIL ISSUES

3 BE INDEPENDENT

WHILE THE ENVISIONED CONSERVANCY WILL BE A CLOSE COLLABORATOR AND STAKEHOLDER FOR THE FEDERAL AGENCIES THAT MANAGE THE LAND IN THE RIVER CANYON, THEY MUST ALSO BE IN A POSITION TO ENSURE THAT THOSE AGENCIES COMPLY WITH THEIR STATUTORY AND LEGAL OBLIGATIONS, ESPECIALLY WITH REGARD TO TRAIL ESTABLISHMENT AND MAINTENANCE.

4 BE FULLY STAFFED

THOUGH THE ORGANIZATION WILL BE CHARGED WITH ASSEMBLING AND DEPLOYING COMMUNITY VOLUNTEERS FOR A RANGE OF ACTITIVIES, CAPABLE, QUALIFIED EMPLOYEES ARE NECESSARY FOR THE ENVISIONED CONSERVANCY TO SUCCESSFULLY IMPLEMENT THE MERCED RIVER TRAIL VISION PLAN. NECESSARY POSITIONS INCLUDE AN EXECUTIVE DIRECTOR, A FINANCIAL MANAGER, AND A COMMUNITY ENGAGEMENT DIRECTOR.

5 BE MULTI-DISCIPLINARY

THE PLANNING EFFORT REVEALED A SHARED COMMUNITY VISION FOR THE MERCED RIVER TRAIL AS MORE THAN JUST A RECREATIONAL AMENITY—IT IS A CATALYST FOR EDUCATION, STEWARDSHIP, AND CONNECTIONS TO THE WATERSHED, AND AN ARENA FOR ENVIRONMENTAL RESTORATION AND CONSERVATION. THE ENVISIONED CONSERVANCY NEEDS TO BE ABLE TO PURSUE ALL OF THE FACETS OF THIS VISION.

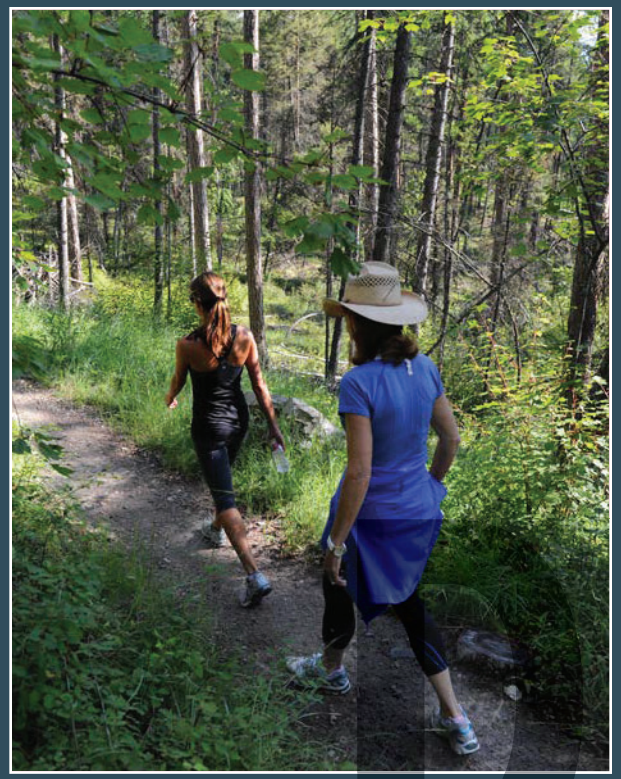
6 BE ACCOUNTABLE

THE ENVISIONED CONSERVANCY WOULD BE ACCOUNTABLE TO ITS BOARD MEMBERS, BUT ALSO MUST BE ACCOUNTABLE TO AREA STAKEHOLDERS. FOR THIS REASON, IT IS CRITICAL THAT THE ORGANIZATION BE BASED IN MARIPOSA COUNTY, COMPRISED PRIMARILY (IF NOT EXCLUSIVELY) OF MARIPOSA COUNTY RESIDENTS, AND MAINTAIN A STRONG PRESENCE IN THE LOCAL COMMUNITY.

DRAFT

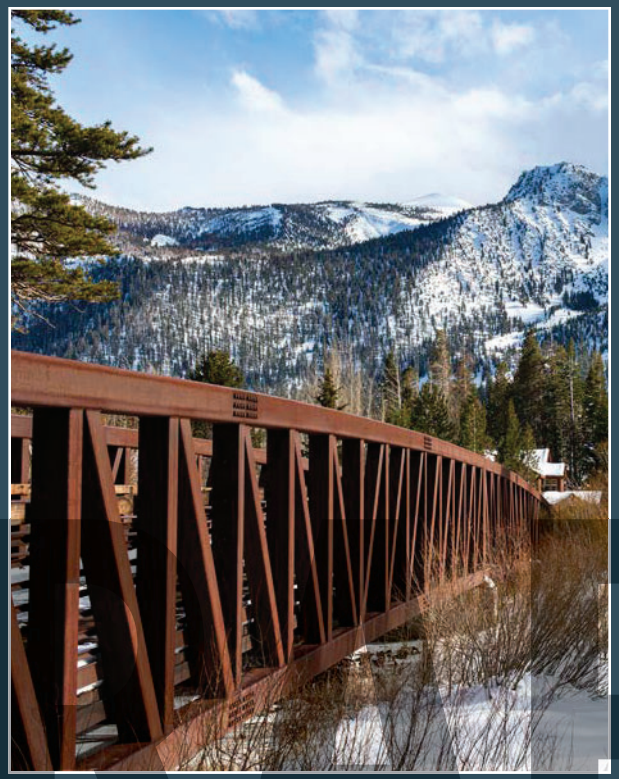
KEY ORGANIZATIONAL TENETS
The Vision Plan provides a roadmap for the future conservancy to follow in implementing a community-supported vision for the Merced River Trail. Ultimately, that organization will have the authority to set its course, but the planning effort has identified six key tenets to help guide the group's formation.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



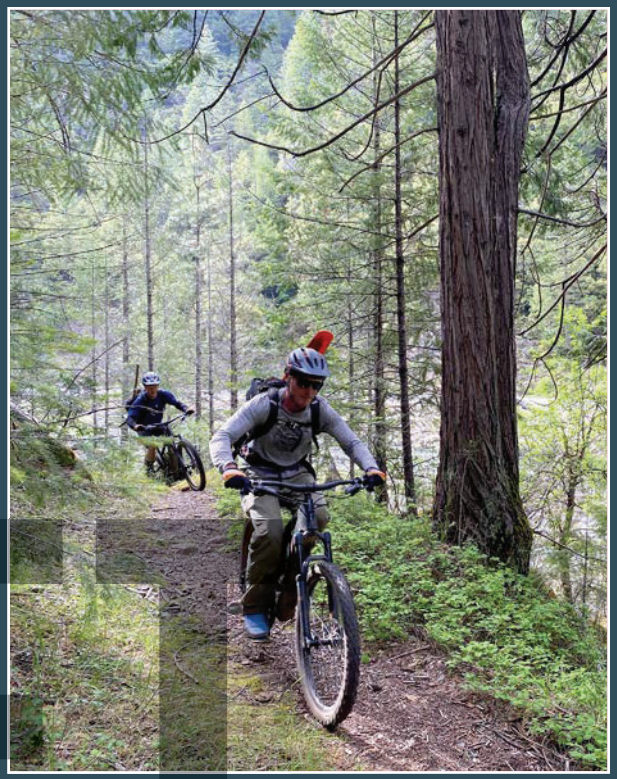
Mammoth Lakes Trail System includes more than 300 miles of trails improved and stewarded by a partnership between the Town of Mammoth Lakes, California, Inyo National Forest, and the nonprofit Mammoth Lakes Recreation.

The long-term vision is supported by a collaborative master plan and interagency governance. A local special tax initiative helps fund the trail work. Mammoth Lakes is also working to integrate trail and open space planning into wildfire risk reduction efforts.



Sierra Buttes Trail Stewardship is a nonprofit organization that builds and maintains trails around the Sierra Buttes, Tahoe, Plumas, and Lassen National Forests of California.

Trail work is accomplished through professional trail builders, coordinated volunteers, and contracts with the U.S. Forest Service. Businesses and residents support work through volunteer work events and programs like Adopt-a-Trail and $1 for Trails. Community events bring families and user groups together.



Whitefish Legacy Partners is a nonprofit organization that helps expand, develop, manage, and maintain a network of trails around the Glacier National Park gateway community of Whitefish, Montana.

They acquire land and easements to expand access. Trails are designed, constructed, and maintained with professional and volunteer crews. The organization also leads educational programming for youth and adults.

REGIONAL AND NATIONAL PRECEDENT

Public lands, trails, and trails systems throughout the Sierra and elsewhere in the US are supported by a range of high-capacity non-profits whose models, successes, and lessons learned can be enormously instructive in developing and operating a future Merced River Trail conservancy and advocacy organization.

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.2 //

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs.

OVERVIEW

Established and clearly marked trails help to funnel overall use and reduce collective impacts. For instance, trailheads and connections between trail classes (e.g., from shared gravel road to single track) need to be identified in the context of a larger trail network of bathrooms, trash cans, and signage. Reference maps and linked signage showing the trail network can help users to pre-plan, coordinate with others, and adjust their activities across a broad array of decisions from safety considerations to personal activity preferences and changing weather conditions.

To both limit the trail's impact on the landscape and ensure that trail elements are in working order with minimal maintenance, amenities such as bathrooms, trash cans and signage should be concentrated at hubs of high visitor use where impacts can be disproportionately greater. The 2022 UC Merced trail use and vehicle count study is valuable for determining use levels to inform trail support. Hub locations shall be determined based on use levels, with the highest use areas receiving needed infrastructural improvements to minimize maintenance needs and support access at a capacity commensurate with use levels and seasonal visitor's needs across the recreational spectrum.

At these locations, it is critical that trail support elements are designed and constructed to be durable, and aligned with the rugged, intentional aesthetic that the community has strongly endorsed (and which is reflected in Actions 3.3 and 7.1). This would entail emphasing natural materials, especially stone, and avoiding prefabricated, off-the-shelf furnishings. It should be noted that co-locating features at front country hubs can help to limit the amount of support elements throughout the Wild and Scenic segments of the trail, limiting the visual impact of these elements throughout the trail corridor. Trail support elements that involve new structures and maintenance obligations in the less accessible, far-flung areas of the trail corridor should be avoided, and the trail experience should remain primitive in these locations.

NEXT STEPS

Expanding and detailing this action could be part of the trail design guidelines described in Action 3.3, and combined into the scope for a future planning project that could be managed by the Planning Department and Merced River Trail CWG. Additional items in that larger planning project could include Actions 2.1, 4.2, and 5.3.

TIMELINE

The 2022 trail use and vehicle count study will be completed in January 2023, at which point the trail hub planning and design work can begin in earnest.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

GOAL 8

Ensure adequate resources for the long-term maintenance and repair of the Merced River Trail and its necessary facilities

ACTION 8.1

Support the establishment of an organization to serve as a Merced River Trail conservancy which can acquire, allocate, and manage the resources necessary for the trail's long-term success

ACTION 8.2

Locate, design, and construct trail support elements such as bathrooms, trash cans, and signage to minimize maintenance needs

ACTION 8.3

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities

ACTION 8.3 //

Develop a funding strategy to support construction, regular maintenance, and major repairs of the trail and its support facilities.

OVERVIEW

Since the existing segments of the Merced River Trail are within BLM jurisdiction, that federal agency has historically been solely responsible for supporting trail building and maintenance activities. In recent years, Mariposa County has been able to assist BLM staff to identify and secure external funding to augment this work, but the vision planning effort indicated that focused and dedicated work is needed to both sustainably execute these activities, and to coordinate them across federal agencies and throughout the river canyon,

The potential conservancy organization identified in Action 8.1 would be perfectly suited to carry out this action, which is likely to entail a combination of traditional non-profit development activities (like grant writing and philanthropy) and other funding mechanisms as appropriate. Complementary income could come from programmatic revenue, like tickets to special events and Merced River Trail merchandise, or allocations from federal and local agencies who benefit from a future conservancy's stewardship of the trail and river canyon.

The Mariposa County Recreation and Resiliency Plan identifies several particularly potent opportunities for the future conservancy to consider. In particular, the plan recommends raising the county's transient occupancy tax (TOT) to align more closely with other communities in the region, and allocating the incremental increase to recreation and resiliency initiatives. If the TOT is increased, the future conservancy could potentially secure some of these recreation and resiliency funds. This conservancy could also work to enshrine the seasonal trail worker positions mentioned in Action 3.3.

NEXT STEPS

Since this action is primarily the purview of the potential conservancy organization identified in Action 8.1, it is crucial for that organization to be established before fully implementing Action 8.3. However, with sufficient public support, implementation of the TOT adjustment that is called for in the Recreation and Resiliency Plan could be an appropriate next step. For approval, this issue would need to be put before voters in the form of a ballot initiative, which can be accomplished through action of the Board of Supervisors (requiring a supermajority to pass) or by citizens initiative (requiring a simple majority).

TIMELINE

While the timeline for fully implementing this action depends on implementation of Action 8.1, progress on the TOT-related ballot measure could move forward within the year.

DRAFT

Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)



MERCED RIVER TRAIL

VISION PLAN //



Attachment: Vision Plan_DRAFT (RES-2023-165 : Approve the Merced River Trail Vision Plan)

From: Rosemarie Smallcombe
To: Danielle Bondshu; Tracy Gauthier; Katherine Slenders
Subject: Fwd: The Vision Plan for the Merced River Trail
Date: Monday, March 13, 2023 8:53:53 AM

Good morning!

Please forward this to all Board members and anyone else you deem appropriate, per Ralph's request this morning.

Thanks!!

Rosemarie Smallcombe
Mariposa County District 1 Supervisor
5100 Bullion St.
Mariposa, CA 95338
209-966-3222
rsmallcombe@mariposacounty.org

Begin forwarded message:

From: Ralph Mendershausen [redacted]
Subject: The Vision Plan for the Merced River Trail
Date: March 11, 2023 at 12:06:05 PM PST
To: Miles Menetrey <mmenetrey@mariposacounty.org>
Cc: Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>

Dear Members of the Board,

I have to write you this because i have a prior commitment preventing me from being with you on March 21. I regret greatly not being there for the presentation of the Vision Plan.

I am very happy that this Plan is now before the Mariposa Supervisors. I believe it represents a new beginning in the connection between our county government and the Merced River Canyon. This is a look ahead at a valuable resource that the county will help to preserve and protect even as it draws attention to its remarkable qualities. I hope you too are pleased with our results and will commit to move us forward with this vision. Please do adopt this plan. For my part, i hope to continue to work for the ideas and the values represented in the Vision Plan. They represent to me what is most exciting about our county's future.

Attachment: Ralph M - The Vision Plan for the Merced River Trail - REDACTED (RES-2023-165 : Approve the Merced River Trail Vision Plan)

It has been a pleasure to serve the county as a member of the Community Working Group on the Merced River Trail. I have done so since the inception of the group, almost four years ago. I have sought to serve the trail concept and the river canyon as best I could. I am very happy to say that the results and their adoption have been approved unanimously despite the considerable diversity of our CWG. At no point did we have winners and losers in this process; no one was every voted down or out. We worked with consensus as our guide.
In the process we brought out much new material on the Merced River Canyon, and our process going forward will hopefully continue to bring forth new information about all aspects of our canyon and our river trail. I am proud that this plan is not just a bureaucratic exercise but endeavors to inject insight, energy, and creativity into future actions in the canyon. I think we strove to do it well and stuck to that intention.

I do feel that the Merced River Canyon and the MRT will need a permanent and local organization that will have eyes on the resource and provide a key link to relevant action and communication. Good intentions and a plan are not sufficient; it takes organization as well.

Without a doubt we had some difficult discussions and divisive moments.
The most serious issue facing us was that of the route. We sought input from the public and got an earful. We took those heartfelt values seriously and strove to address the issues raised. We did so in good faith.
It has been a pleasure to work with county staff on this project over a long time. I am glad i volunteered to be part of the effort so as to give what i could to making the canyon experience the best possible. Like so many others, i see the river canyon as a great stand out among our several spectacular landscapes.

Sincerely Yours,

Ralph R. Mendershausen

Sent

Attachment: Ralph M - The Vision Plan for the Merced River Trail - REDACTED (RES-2023-165 : Approve the Merced River Trail Vision Plan)

MARIPOSA COUNTY

Planning · 209-966-5151

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Engfer, Planner

RE: Mariposa Terracount Tool Presentation

TITLE OF PRESENTATION:

Receive a Presentation on the Mariposa County TerraCount Tool Project.

Item is presented to update the Board and public regarding the project.

BACKGROUND AND HISTORY:

The TerraCount project is funded by the Working Lands and Riparian Corridors Act, also known as Prop. 68 which was approved by California voters in June 2018. In September 2019, the Board of Supervisors approved a resolution for the Planning Department to apply for this grant which was awarded to the Planning Department in March 2020. (There was a delay in project implementation primarily due to COVID and also severe wildfire events that stretched the capacities of the TerraCount team.) Tukman Geospatial is the lead county partner on the project for the development of the Mariposa County TerraCount tool.

The primary goal of the TerraCount project is to acquire an accounting protocol and tool to estimate and monitor carbon stocks, greenhouse gas (GHG) reductions and other related co-benefits associated with changes in land use, land management and conservation.

The data generated by the TerraCount tool provides a baseline for County GHG and carbon stock outputs. This helps to advance the county's efforts to quantify available carbon stocks and greenhouse gas emissions and provide needed data to implement the following General Plan Strategic Implementation year 2, 3, and 4 tasks:

- Task 2.4: Environmental Conservation Program
- Task 3.1: Greenhouse Gas Reduction (GHG) Program
- Task 4.5 Agricultural Best Practices Program

Another outcome is to gain data that will also assist the County in meeting the State's efforts to be carbon neutral by the year 2030. The quantification of the carbon stocks, especially on agricultural, forest and working landscapes, is critical information needed for various planning efforts that include the GHG strategy as well as co-

Agenda Item - No Resolution Requested

benefits such as to assist in fire resiliency planning. Some future planned activities to reduce GHG may include:

- Quantification of carbon sequestration values associated with current policies for agriculture and working landscape lands in county
- Quantification of GHG values associated with current land use policies that protect oak woodlands
- Values of maintaining Riparian ecosystems
- Values of improved forest management activities
- Quantification of fuels reduction activities

This tool is envisioned to broaden the community conversation and community views about conservation, adaption, resiliency and climate planning, while opening the door to more science-based land management practices. The data generated will enhance the County GIS and core data available for planning scenarios and modeling. Finally, the data is expected to be of benefit to other on-going programs, such as implementation of the IRWM (Integrated Regional Water Management) Plan, the Agriculture and Working Landscape Conservation Plan (AWLCP), the Mariposa County Wildfire Protection Plan and to assist in preparation of the state required climate adaptation/action components for the County General Plan slated for update in 2026.

The TerraCount tool data is already in use to inform the AWLCP long range agricultural lands planning, conservation and resiliency strategies. Evaluation through the tool is underway on current General Plan designated Land Uses and Zoning Districts' spatial land areas, such as rangelands (including the LCA program lands) in relation to adopted General Plan development allowances/ scenarios. The identification and importance of rangeland (cattle grazing) as an ongoing activity that conserves the open space and "carbon sink" values is a critical component of the work. The AWLCP is funded by it's related grant project the Sustainable Agricultural Lands Conservation grant (DOC).

The TerraCount tool will serve the entire community, providing invaluable data on natural assets, identifying the co-benefits of GHG reduction in our communities, and bolstering our knowledge of the lands we rely on. The use of the tool, and related community engagement activities, such the AWLCP project and other aligned plan strategies, is expected to advance to conversation regarding climate adaption and resiliency efforts.

Related Board Actions:
July 2019 - RES-2019-440: Resolution Approving the Submittal of Grant Application for Prop. 68 Funds- Mariposa TerraCount Tool

ATTACHMENTS:
MPSA TerraCount Presentation(PDF)
Resolution 2019-440 (PDF)

RESULT: INFORMATION RECEIVED

Mariposa County TerraCount Community Presentation

March 21th, 2023

Mark Tukman, Tukman Geospatial
Dylan Loudon, Tukman Geospatial

John Nickerson, Dogwood Springs Forestry

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Agenda



- What is TerraCount?
- GHG Inventory
- Activities and Activity Sheets
- Scenarios
- Discussion

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

What is TerraCount?

TerraCount is a Process

- To understand trends of landscape change over time and the related effects on carbon stocks.
- To develop prioritized activities that lead to increased carbon sequestration on natural and working lands.
- That considers the complementary environmental and social benefits associated with the activities such as improved habitat, water quality, and employment.
- That provides an accounting system that enables quality credits to be produced that can help finance the activities.

TerraCount is a Tool

- That rapidly provides estimates of the benefits of management activities for strategic planning.
- That enables communication of the spatial distribution of potential activities to land use managers and planners, so that dialogue between landowners, land management professionals, environmental organizations, and government agencies can be better focused and transparent.
- That enables a myriad of ‘what if’ analyses for a community or county to envision the landscape’s potential and explore financing mechanisms to achieve that potential.

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

TerraCount Provides Information on Natural Climate Solutions

- **Natural Climate Solutions** are **activities** that achieve climate benefits by modifying land management practices.
  - **Ag Lands Examples** – Hedgerow planting, cover cropping
  - **Forest Land Examples –** Reforestation, fuel reduction
  - **Other Examples –** Rangeland protection and avoided conversion







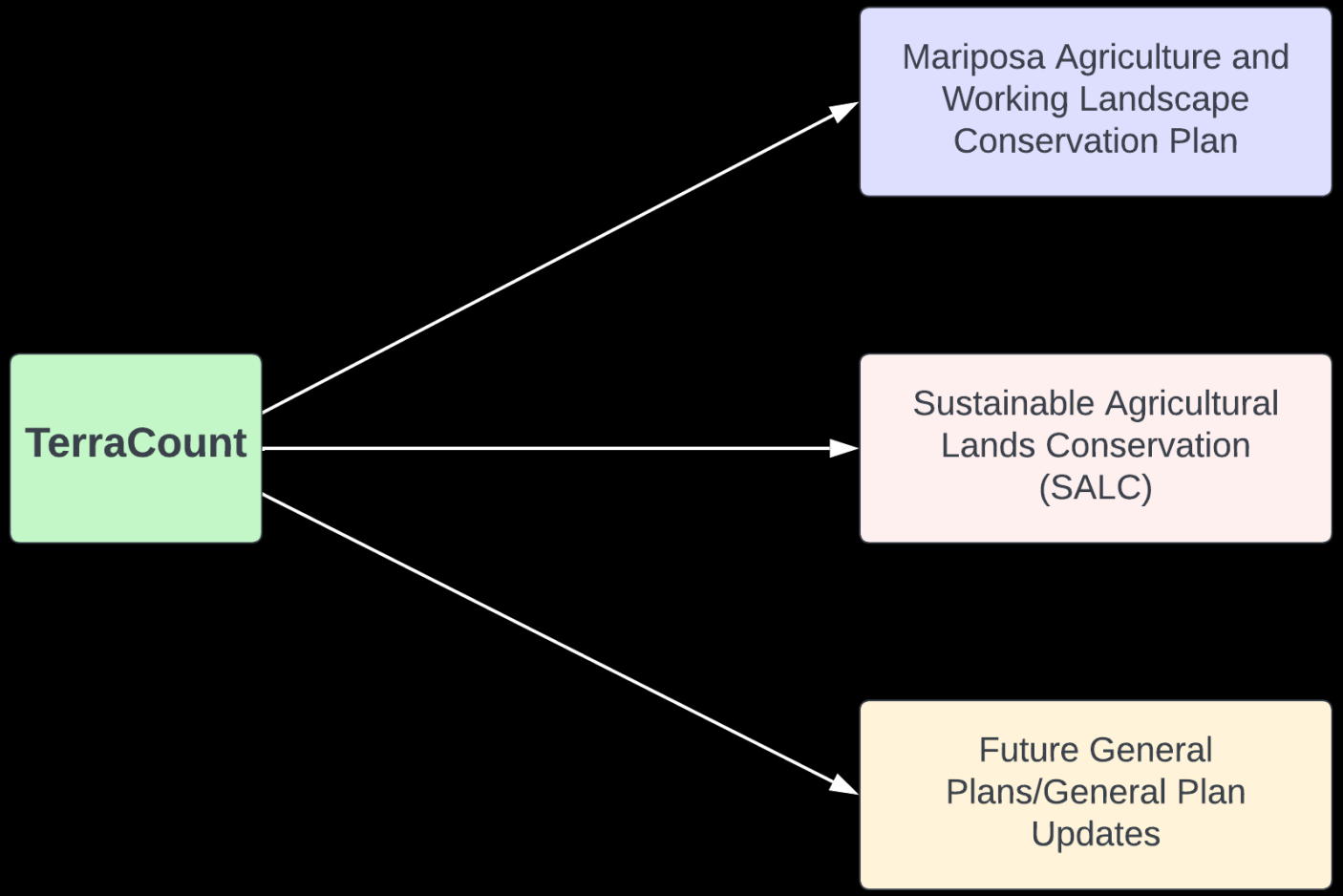
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

TerraCount Provides Information on Natural Climate Solutions

- **Natural Climate Solutions** have the following benefits:
  - **Cost-effective** way to provide climate benefits, much less expensive than benefits in other sectors like energy or transportation
  - They provide complementary benefits across the board, such as **water quality benefits**, **flood and habitat protection**, **fire resilience**, and **employment opportunities**.
  - Statewide the natural climate solutions opportunities in terms of climate benefits are vast, around 2,000 million metric tons of cumulative GHG reductions by 2050 → 20% of statewide goals

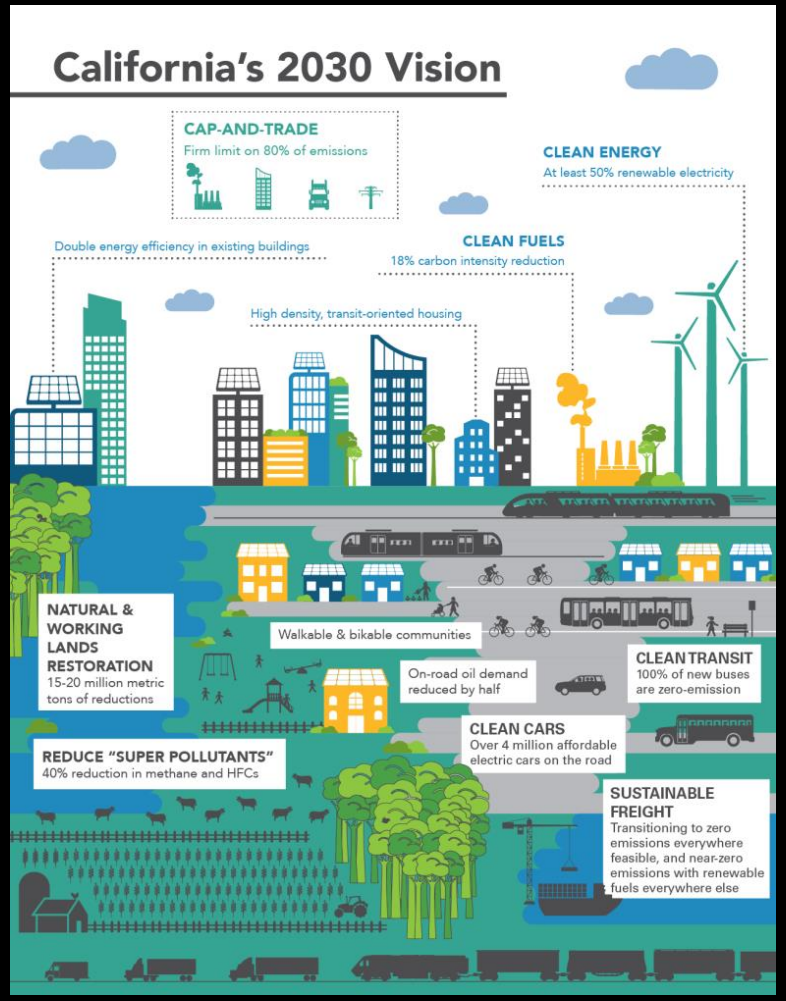
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

TerraCount Feeds Other Mariposa County Natural Climate Solutions Efforts



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Natural Climate Solutions Funding Opportunities for Activities

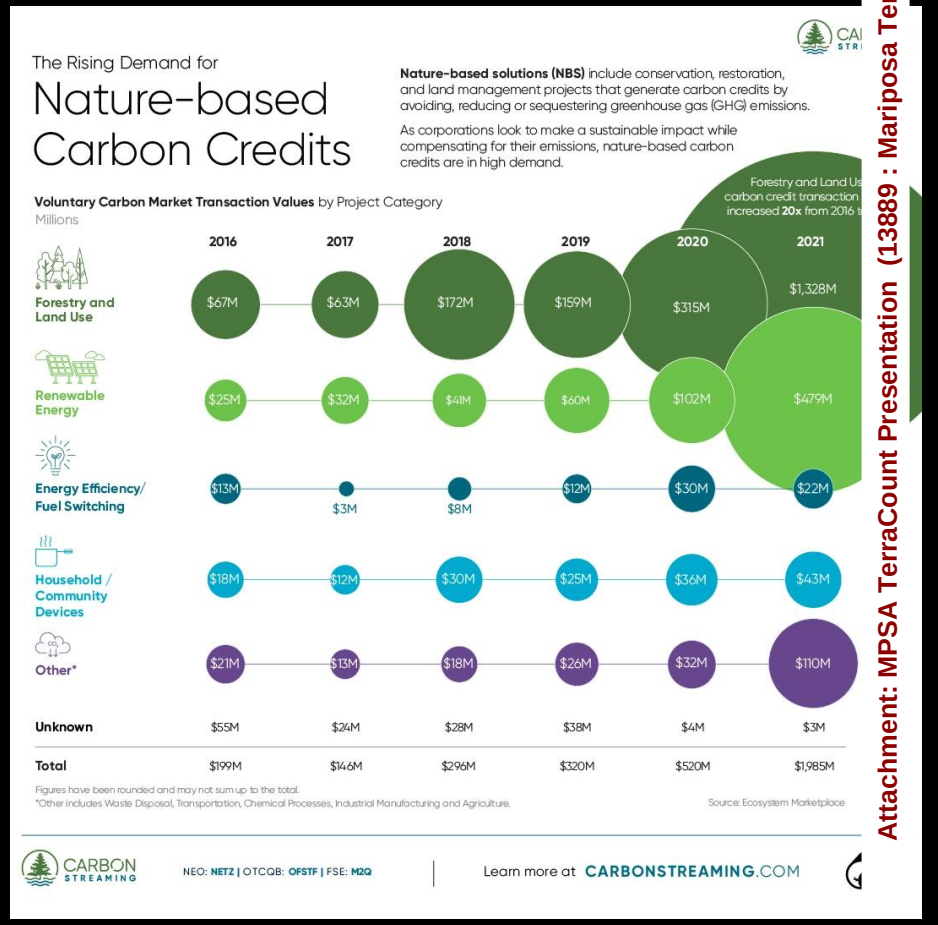


Government Grants

- Wetlands and Watershed Restoration
- Healthy Soils Initiative
- Fire Prevention
- Forest Health Program
- Urban and Community Forestry
- NRCS Conservation Innovation Grants

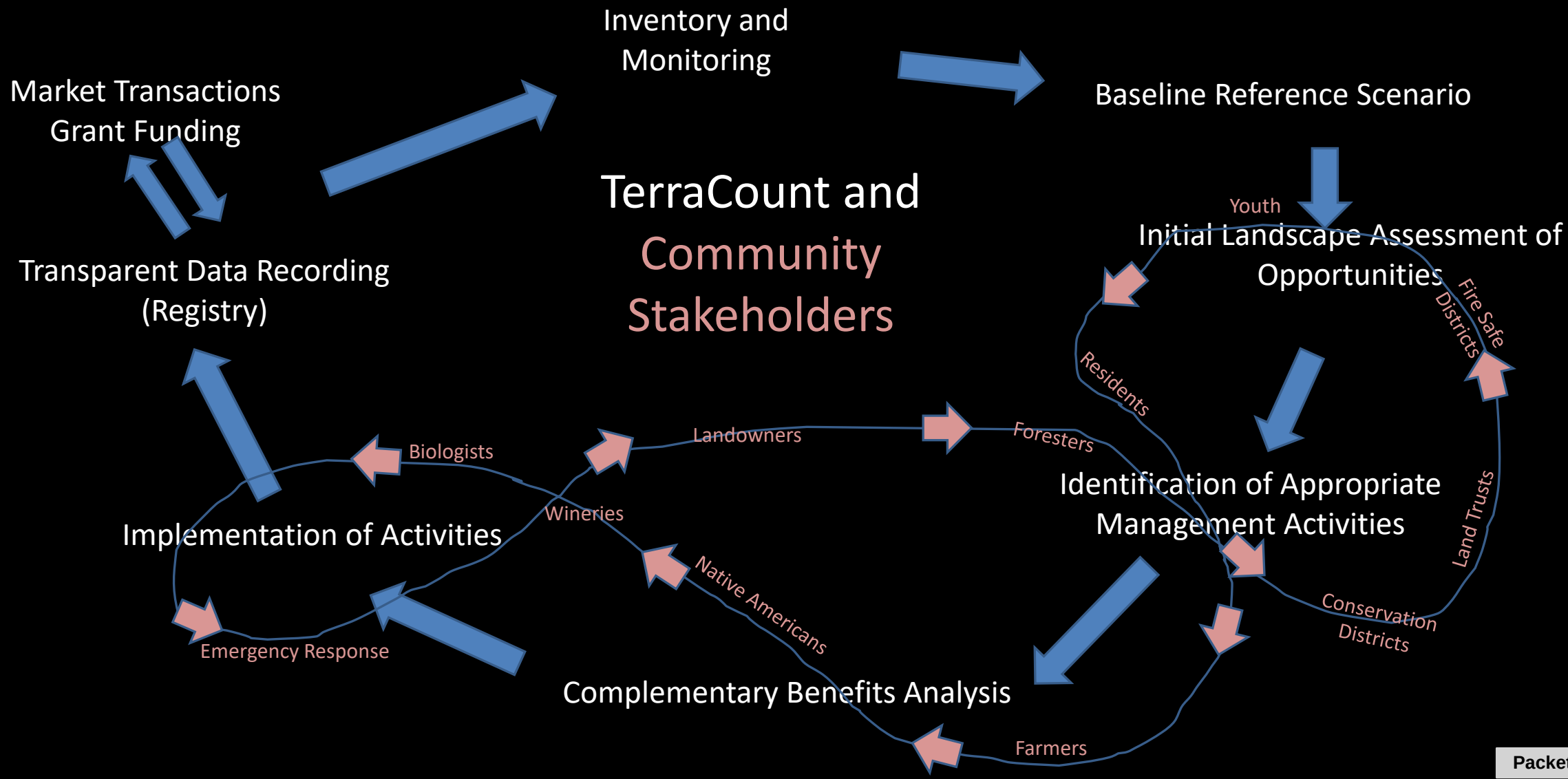
Private Investment

- Private Company Offsetting
- Community Insetting



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Community and Planning Feedback Loop



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

TerraCount Workflow

Inventory
Develop county-level estimates for landscape carbon stocks

Baseline reference scenario
Extrapolate past rates of change for landscape carbon stocks to provide basis for estimating greenhouse gas reduction potential

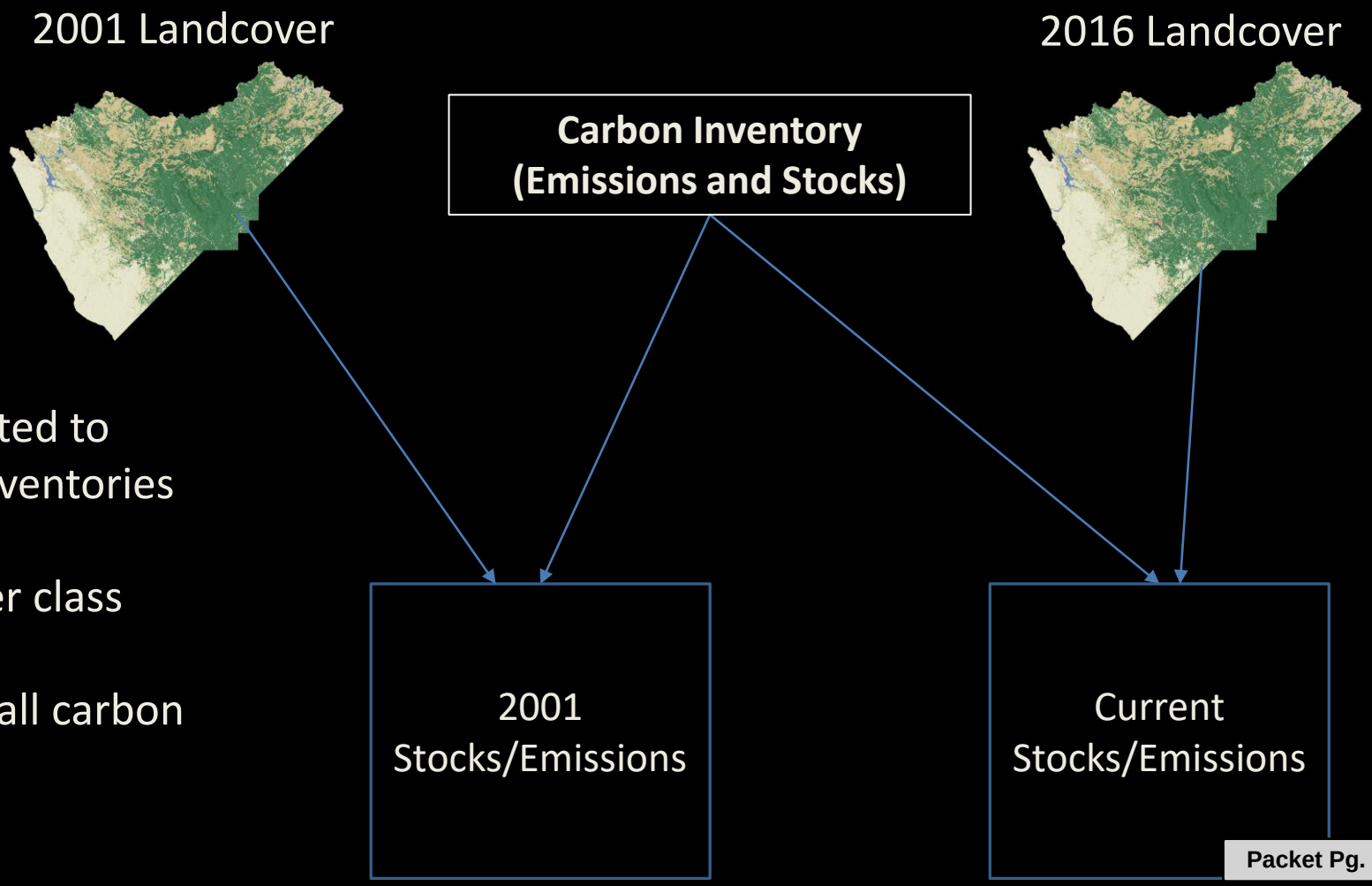
Scenario planning
Run TerraCount to produce estimates of potential GHG benefits for land management "activities"

Complemetary benefits assessment
Quantiify per-acre cobenefits provided by land management "activities"

Implementation
With "activity sheets," support the implementation of land management activities that provide emissions reductions and carbon capture.

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Inventory and Baseline Elements

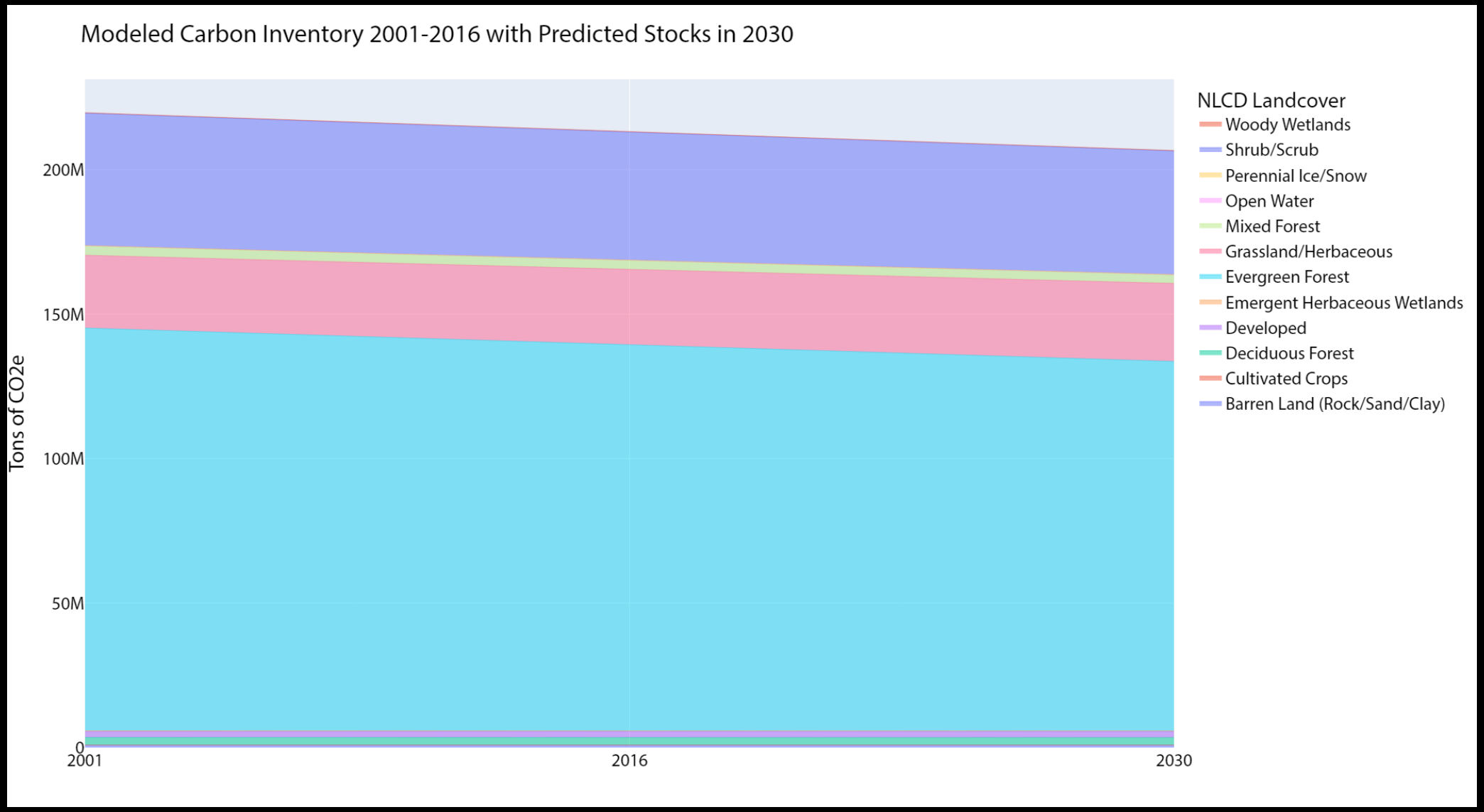


Jurisdictional carbon stocks are projected to target date (2030) based on historic inventories

- Enables trend analysis by land cover class
- Enables composite analysis of overall carbon stock trends

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Inventory and Baseline Reference Scenario



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Landscape Carbon Stocks in Context



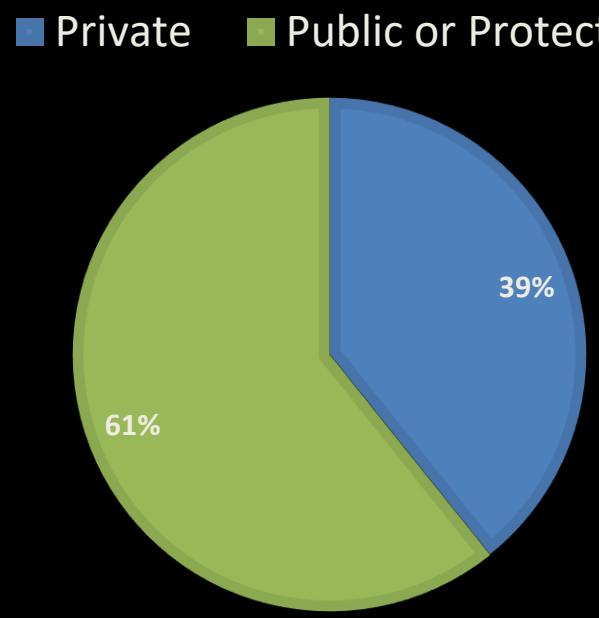
California: 20 billion metric tons CO_2e

Mariposa County: ~200 million metric tons CO_2e, about 1.1% of statewide total

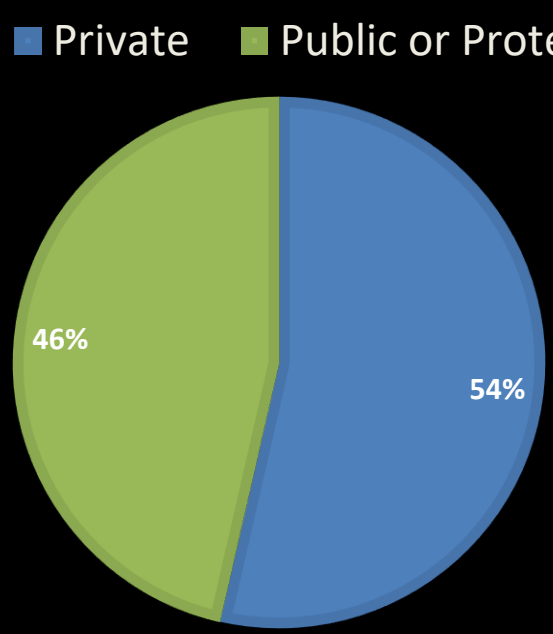
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Landscape Carbon Stocks in Context

2016 CARBON STOCKS BY LAND OWNERSHIP TYPE IN MARIPOSA COUNTY



AREA OF THE COUNTY BY LAND OWNERSHIP TYPE IN MARIPOSA COUNTY



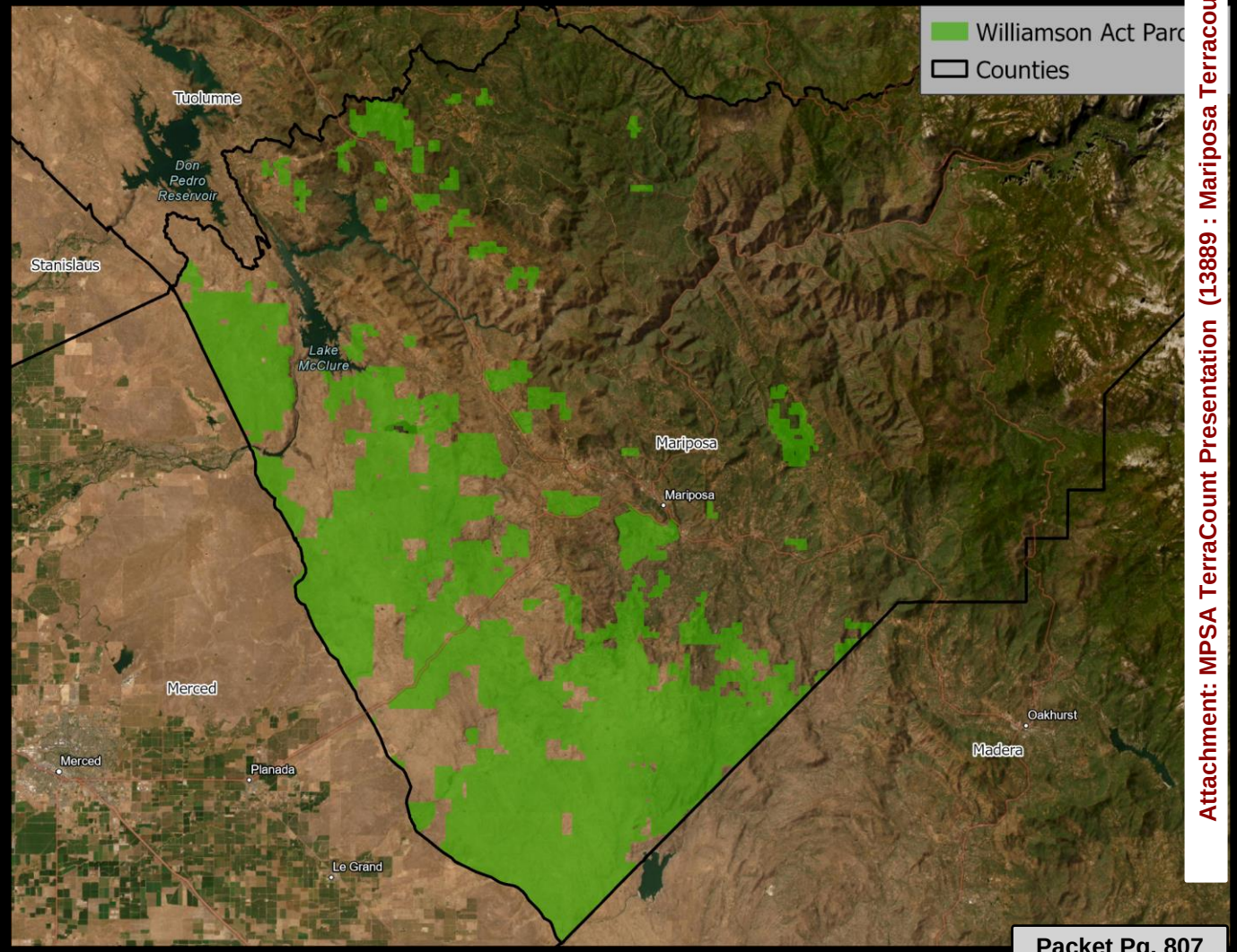
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Williamson Lands Landscape Carbon Stocks

Carbon stocks on LCA (Williamson Act) Lands in Mariposa County (2016):

22,533,828 MT CO_2e

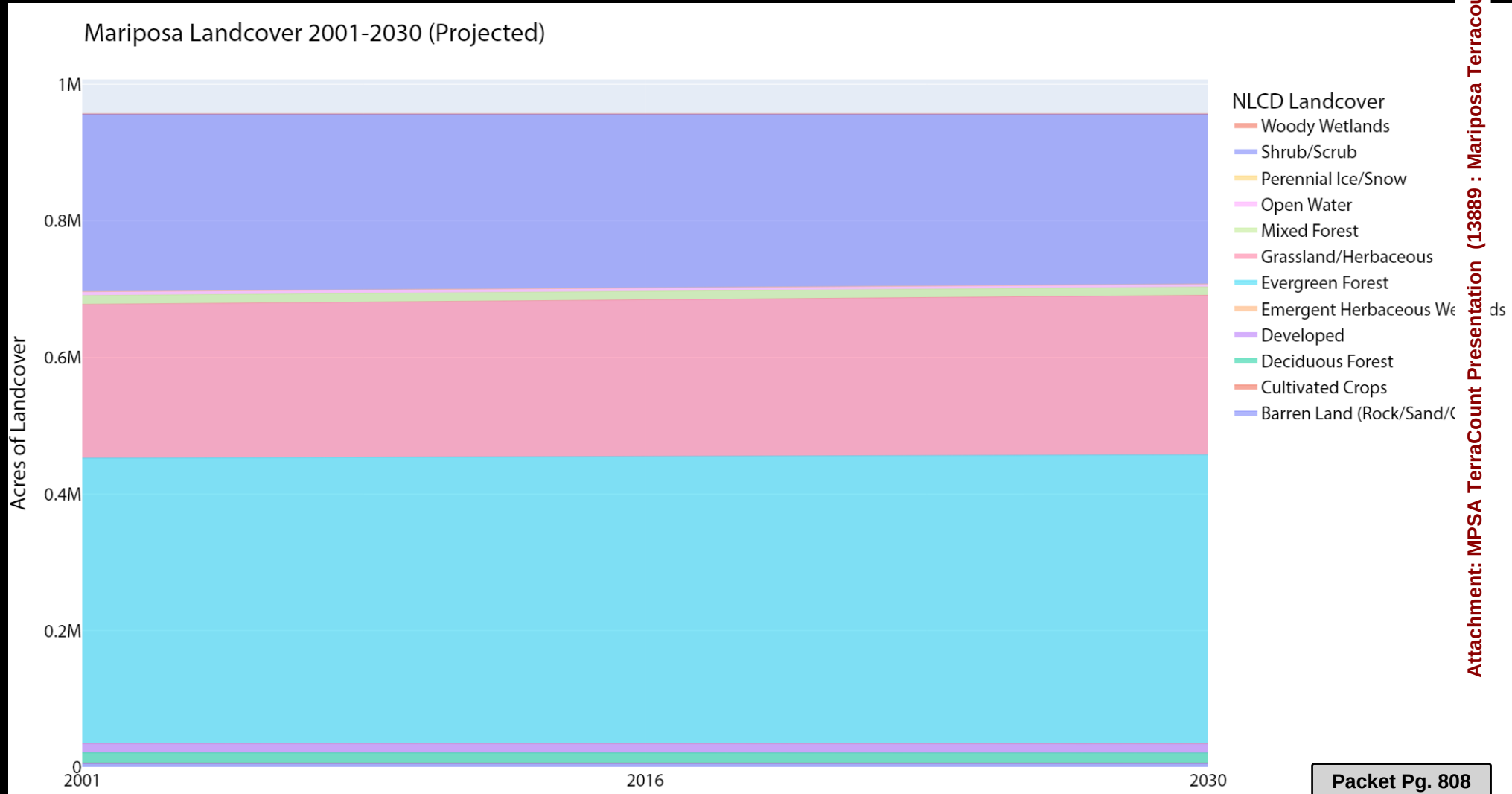
- Equivalent of 56.6 natural gas-fired power plants in one year
- Preventing development of these working rangelands protects 11% of the county's landscape carbon stocks



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

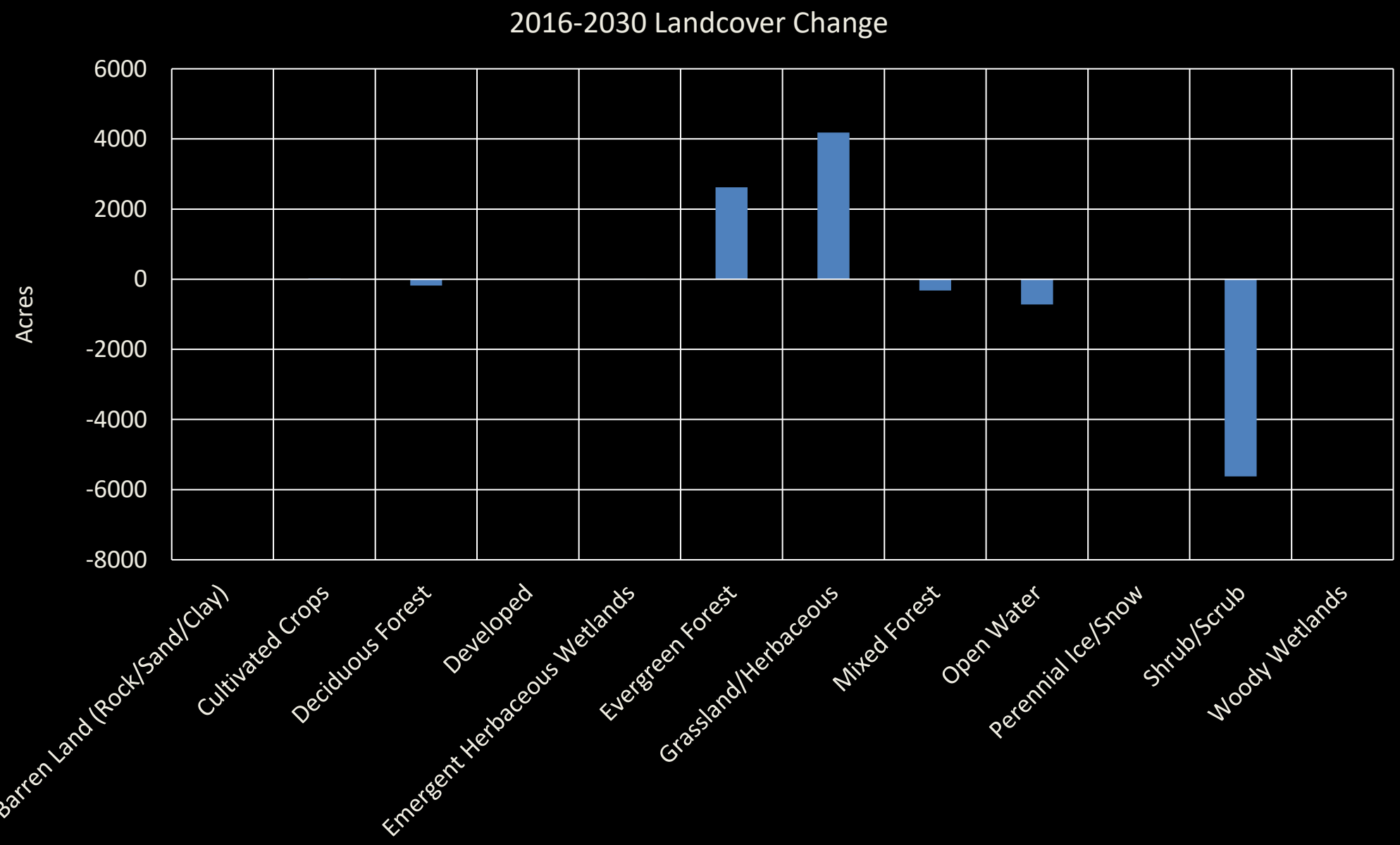
Jurisdictional Baseline Trajectories

Very little landcover change is projected to occur between 2001 and 2030.



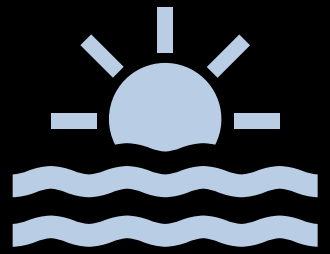
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Jurisdictional Baseline Trajectories



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Mariposa TerraCount Activities



Riparian Restoration

Restoration of woody riparian vegetation in areas near streams and rivers



Oak Woodland Restoration

Restoration of oak woodlands (across the ranges of blue oak and valley oak) in areas where present day land cover is grassland



Conifer Reforestation

Restoration of conifer forests in areas that burned in the past 10 years



Fuel Reduction

Removal of excess biomass contributing to unhealthy forest fuel conditions



Avoided Conversion to Development

Avoided conversio of natural and working lands; protection of rangelands and ot r working lands

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Riparian Restoration

Restoration of woody riparian vegetation in areas near streams and rivers

Eligibility

- Can be done on:
  - Barren Land (Rock/Sand/Clay)
  - Grassland/Herbaceous
  - Cultivated Crops
  - Emergent Herbaceous Wetlands
- Within 30m of a river/large stream



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Riparian Restoration

Restoration of woody riparian vegetation in areas near streams and rivers

Benefits

- Sequestered Carbon
- Air Quality
- Scenic Value
- Water Quality
- Terrestrial Habitat Connectivity
- Natural Habitat
- Aquatic Biodiversity
- Employment Opportunities



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Oak Woodland Restoration

Restoration of oak woodlands (across the ranges of blue oak and valley oak) in areas where present day land cover is grassland

Eligibility

- Landcover in 2016:
  - Grassland/Herbaceous
  - Cultivated Crops
  - Barren
- In the historic oak woodland range (CWHR)



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Oak Woodland Restoration

Restoration of oak woodlands (across the ranges of blue oak and valley oak) in areas where present day land cover is grassland

Benefits

- Sequestered Carbon
- Air Quality
- Water Quality
- Natural Habitat
- Terrestrial Habitat Connectivity
- Employment Opportunities



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Conifer Reforestation

Restoration of conifer forests in areas that burned in the past 10 years

Eligibility

- Landcover in 2016:
  - Mixed Forest
  - Evergreen Forest
  - Deciduous Forest
- Is in the footprint of a fire that occurred in the past 10 years (2005 or later, based on 2016)
- Aspect is East, West, Northeast, Northwest or North facing
- Canopy Cover is under 40%



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Conifer Reforestation

Restoration of conifer forests in areas that burned in the past 10 years

Benefits

- Sequestered Carbon
- Air Quality
- Scenic Value
- Water Quality
- Terrestrial Habitat Connectivity
- Employment Opportunities



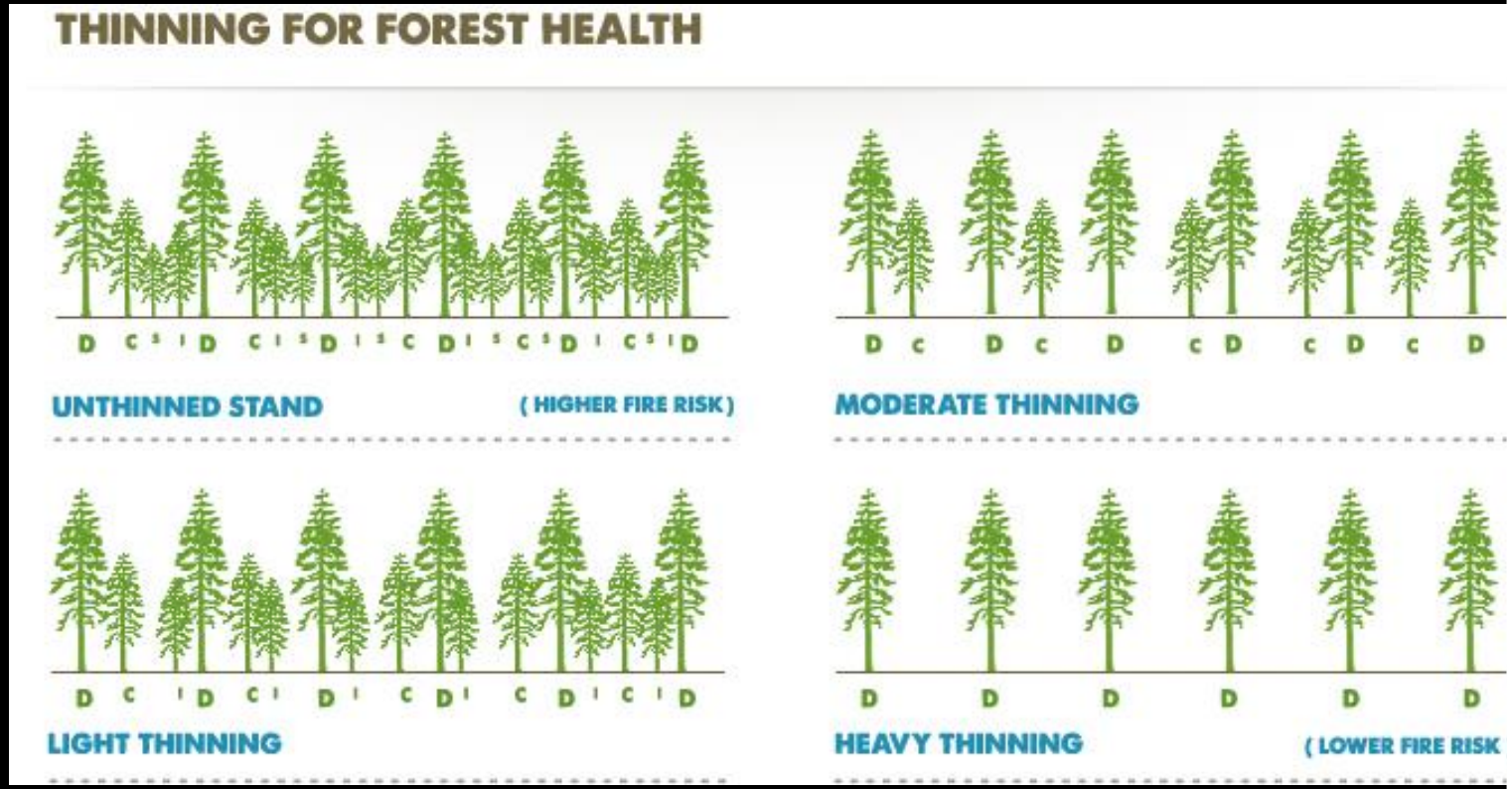
Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Fuel Reduction

Removal of excess biomass contributing to unhealthy forest fuel conditions

Eligibility

- User defined treatment area (feature class, layer or shapefile)
- Canopy cover over 60% in 2016
- Forested landcover in 2016



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Fuel Reduction

Removal of excess biomass contributing to unhealthy forest fuel conditions

Benefits

- Avoided Emissions
- Increase Forest Resiliency
- Increase Remaining Habitat After Wildfire
- Employment Opportunities



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Avoided Conversion to Development

Avoided conversion of natural and working lands; protection of rangelands and other working lands

Eligibility

- User defined treatment area (feature class, layer or shapefile) to identify conversion footprint
- Natural Landcover in 2016 (not developed)



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Avoided Conversion to Development

Avoided conversion of natural and working lands; protection of rangelands and other working lands

Benefits

- Avoided Emissions
- Groundwater Infiltration
- Maintain Natural Habitat
- Habitat Connectivity
- Supports Biodiversity



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Activity Sheets

Riparian Restoration - Forest Activity Sheet

Basic Activity Information and Requirements			
Activity Identifiers	**Activity Unique ID**	**Land Cover Type**	**Activity Name**
	FOR-RRE	Forest	Riparian restoration
Definition of Activity	Activity-based CO_2 removals are the result of woody plantings on degraded streambanks, which are characterized by lack of vegetation, allowing the movement of heavy runoff through the riparian zone directly into stream channels. Management is based on the NRCS COMET-Planner description for Riparian Restoration.		
Definition of Baseline	The baseline case assumes the continuance of degraded conditions along streambanks.		
Criteria for Applicability of Activity	**Land Cover Sub-Types**	**Land Cover Conditions**	**Other**
	All forest types	Any forest condition (>10% canopy cover) with degraded streambank conditions characterized by lack of vegetation	Activity area is adjacent to mapped watercourses; Activity requires commitment to maintenance of increased vegetation cover in riparian zones resulting from activity.
Activity Reporting	Landowner must report the following to [activity record keeping entity, e.g., registry]: 1. Assessors Parcel Numbers of parcels where activity is being implemented 2. Map of activity area, including total acreage upon which activity is being implemented 3. Date of activity initiation 4. Anticipated duration of activity (max. based on duration of analysis above) 5. Ongoing reporting throughout activity implementation (e.g., annual reports), as required and reviewed by [the jurisdiction]		
Compliance Monitoring	Activity locations are subject to random selection for monitoring by [county officials] to ensure activity is being implemented and maintained for the entire activity duration period. Monitoring will be based on any one or a combination of the following: on-site visual inspection, receipts or other evidence of implementation, interviews with regulatory agency personnel with oversight over activity site, or requested submission of geotagged photographs. Additional monitoring may be conducted as determined by [the jurisdiction]. In the event of non-performance, [the jurisdiction] will determine the appropriate remedial actions.		

Activity Sheets

Riparian Restoration - Forest Activity Sheet

GHG Assessment

GHG Pools		1 Standing Live and Dead Trees	2 Shrubs	3 Lying Dead Wood	4 Litter and Duff	5 Herbaceous	6 Soils	7 Harvested Wood Products
GHGs Addressed	CO_2	X	-	-	-	-	X	-
	CH_4	-	-	-	-	-	-	-
	N_2O	-	-	-	-	-	-	-

Leakage Estimate	Default Leakage Discount	Mitigating Condition That Lowers Probability of Leakage to 0%
	25%	If <25% of total production area associated with activity site is affected

Estimation of GHG Reductions/ Removals

Total estimated reductions/removals = $R \times I \times D \times (100\% - L)$

Where:

R = Per acre annual reduction/removal rate	1.00	t CO_2e/acre/yr
I = Total acreage upon which activity is to be implemented	[*TBD*]	acres
D = Duration of activity, as committed to by landowner*	[*TBD*]	years
L = Leakage discount (default rate, unless mitigating condition present)	25%	

*Reduction/removal rate is estimated at 1 t CO_2e/acre/yr for up to 10 years, which is the maximum duration of the activity.

Co-Benefits Associated with Activity

(-) = Decrease; (+) = Increase; (+/-) = Increase or decrease, depending on site conditions; [*blank*] = No change

Agricultural Quality

	Ag land quality
–	Crop value

Climate Resilience

	Habitat stability
	Climate connectivity
	Flood risk attenuation
	Groundwater banking potential

Human Well-Being

+	Air quality
+	Scenic value
+	Flood risk reduction

Water Quality

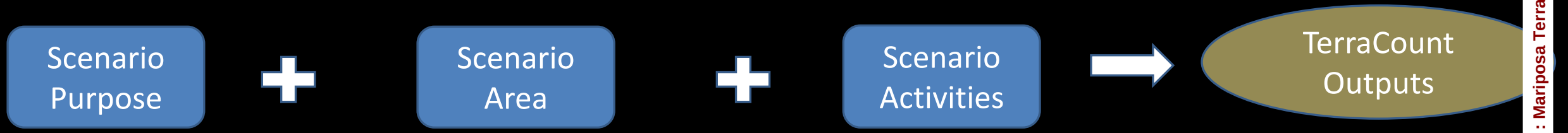
–	Ag/urban water conservation
+	Water quality
	Groundwater recharge potential
+	Watershed integrity

Biodiversity

+	Terrestrial connectivity
+	Natural habitat area
+	Priority conservation areas
+/–	Terrestrial habitat value
+	Aquatic biodiversity value/richness

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Example Scenarios



Scenario purpose describes our intent in designing and showcasing the scenario.

Scenario area is the location where the tool will be run, either across the county or in an area defined by the user.

Scenario activities are the inputs and associated constraints of the activities to be applied across the scenario area.

The modeled outputs ar the GHG benefits, landcover change values and other co benefits identified by TerraCount

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Example Scenarios

1. Williamson Act Parcels Reforestation and Avoided Development
2. Fuel Reduction in Timber Exclusive Zones
3. Oak Fire Conifer Reforestation
4. Countywide Multiple Activities



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

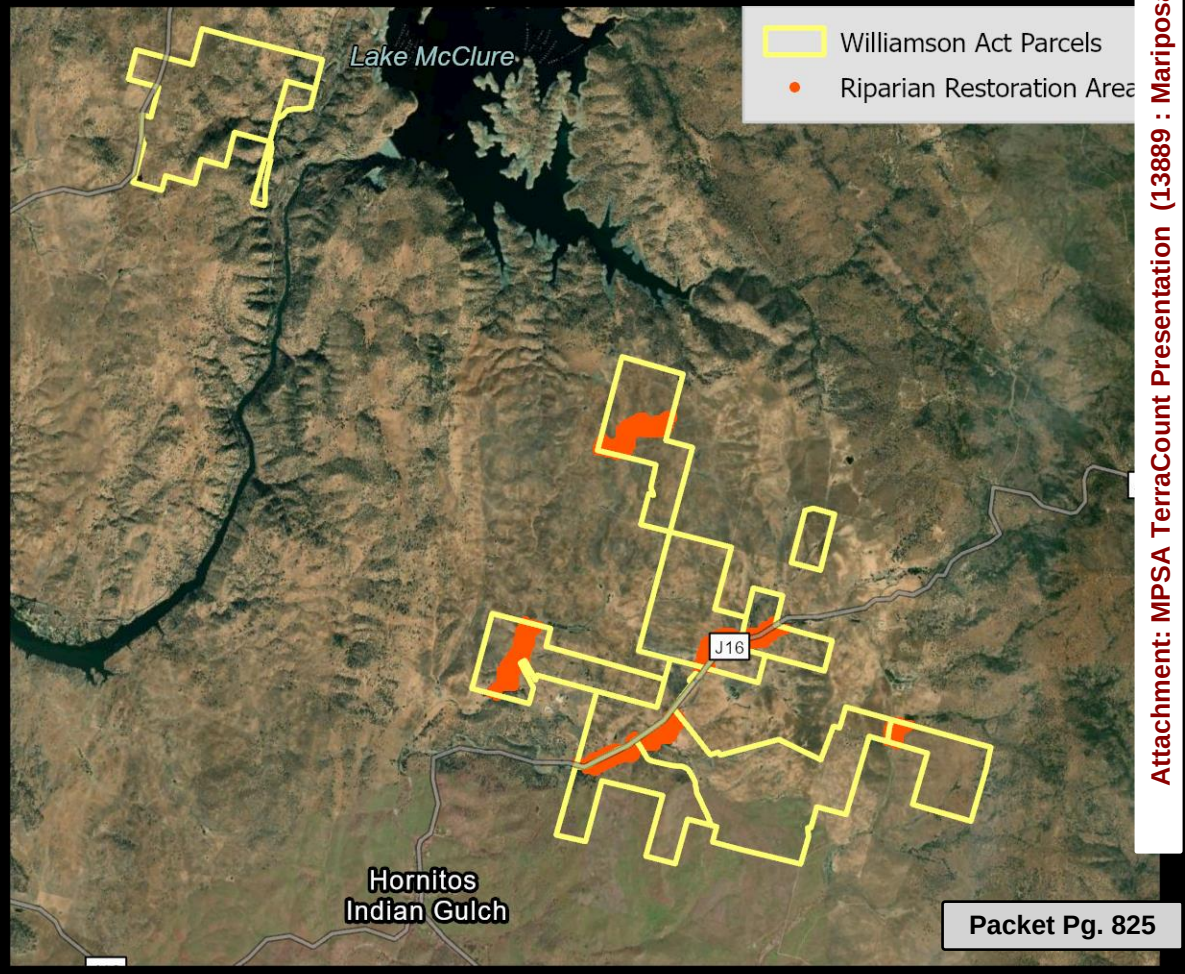
Scenario 1: Williamson Act Parcels Reforestation and Rangeland Protection

Scenario Purpose

- Show the benefits of riparian restoration and oak woodland restoration activities on selected Williamson Act parcels
- Show the benefits of avoiding conversion of working rangeland to a developed landscape

Williamson Act Parcels & Riparian Reforestation Eligible Areas

Scenario Area

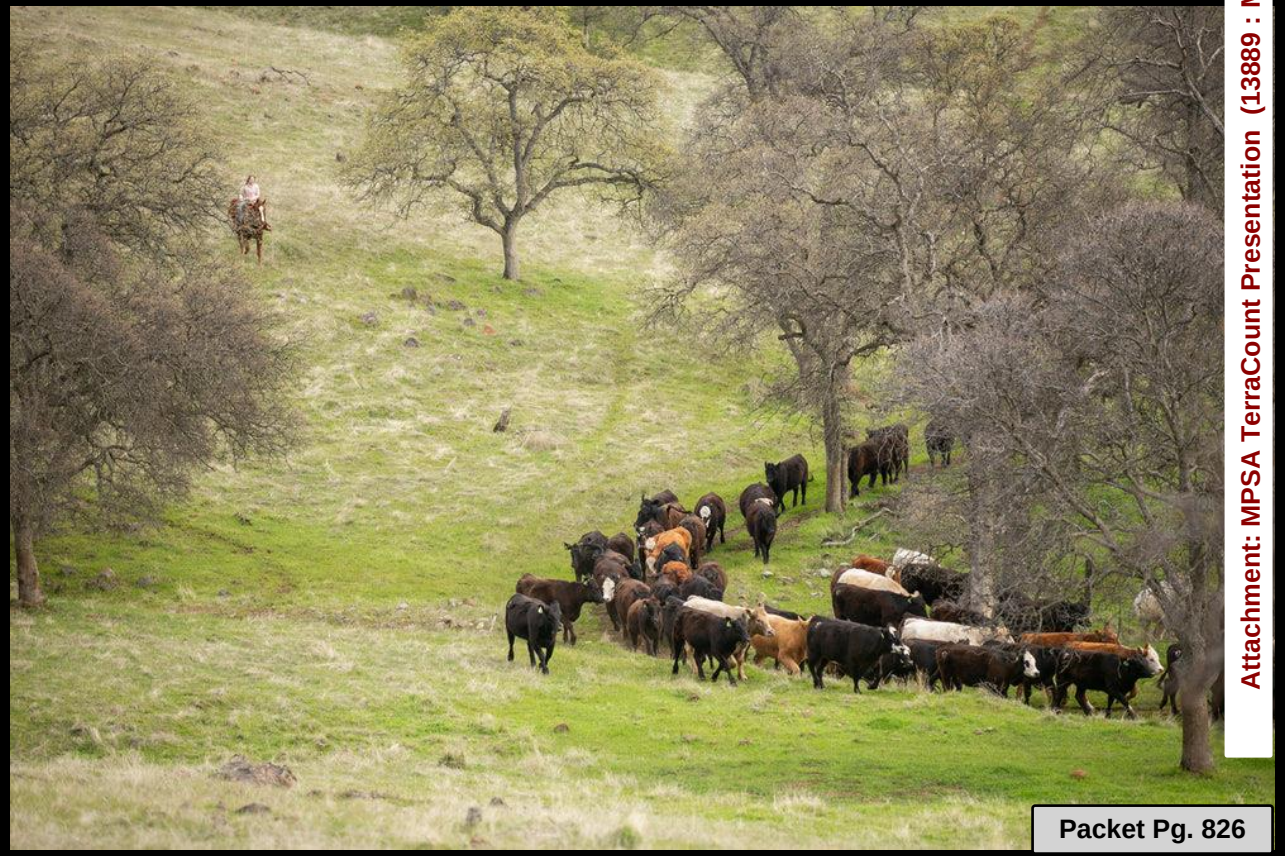


Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 1: Williamson Act Parcels Reforestation and Rangeland Protection

Scenario Activities

- 1,000 Acres of Riparian Restoration
  - Of the 1k acres selected, only 32 acres were eligible for Riparian Restoration
- 1,000 Acres of Oak Woodland Restoration
  - All 1000 acres were applied
- 136 acres of High Intensity Development



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 1: Williamson Act Parcels Reforestation and Rangeland Protection

Model Outputs

	Avoided Conversion to Development	Riparian Restoration	Oak Woodland Restoration
GHG Benefits ($MTCO_2e$)	700 tons	427 tons	18,847 tons

Total Cumulative 2016-2030 GHG benefits from activities:

19,974 MT CO_2e

Equivalent of 48,313,649 miles driven in a gasoline-powered passenger vehicle



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 2: Fuel Reduction in Timber Exclusive Zones

Scenario Purpose

This scenario illustrates the potential avoided emissions from performing **fuel reduction** activities on selected parcels zoned for timber production in Mariposa County.

Fuel reduction consists of thinning areas of forest by removing smaller trees and surface fuels in areas that have heavy fuel loads, thereby reducing forest density and increasing resilience.

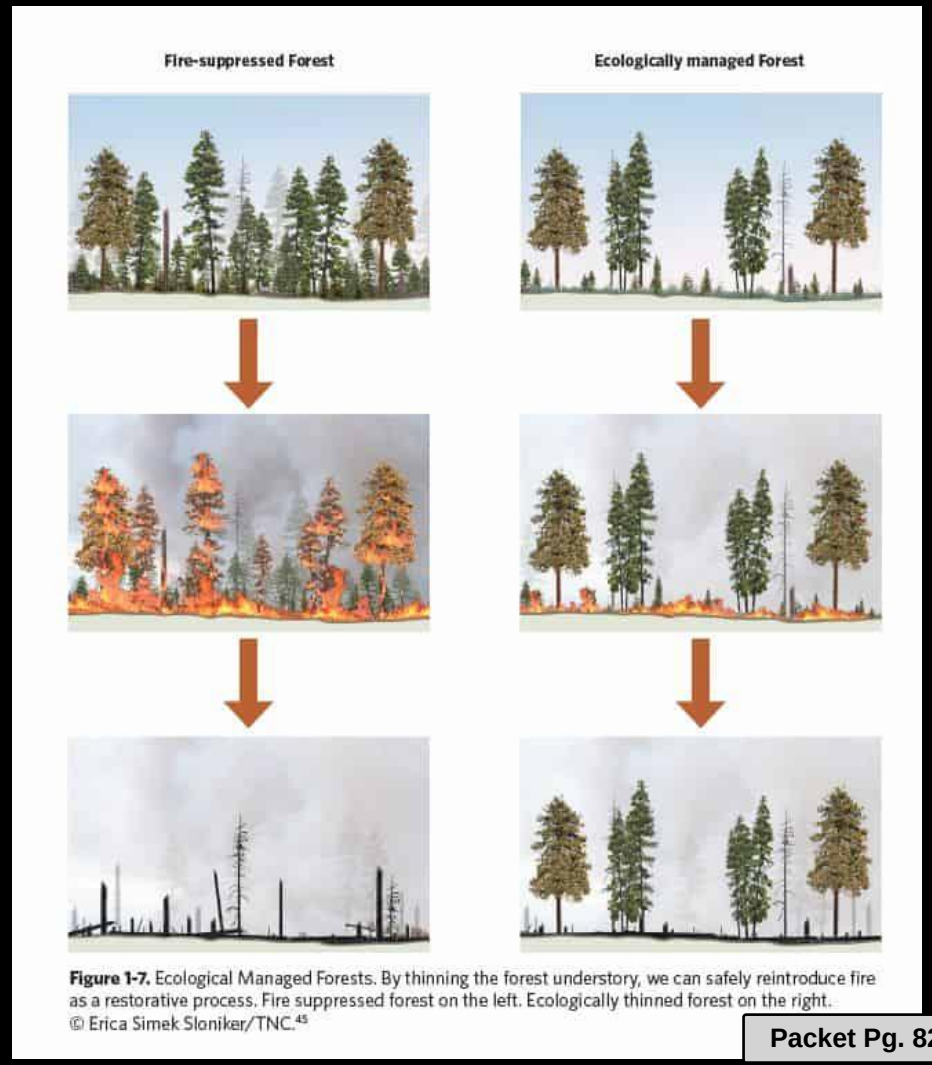


Figure 1-7. Ecological Managed Forests. By thinning the forest understory, we can safely reintroduce fire as a restorative process. Fire suppressed forest on the left. Ecologically thinned forest on the right. © Erica Simek Sloniker/TNC.[45]

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

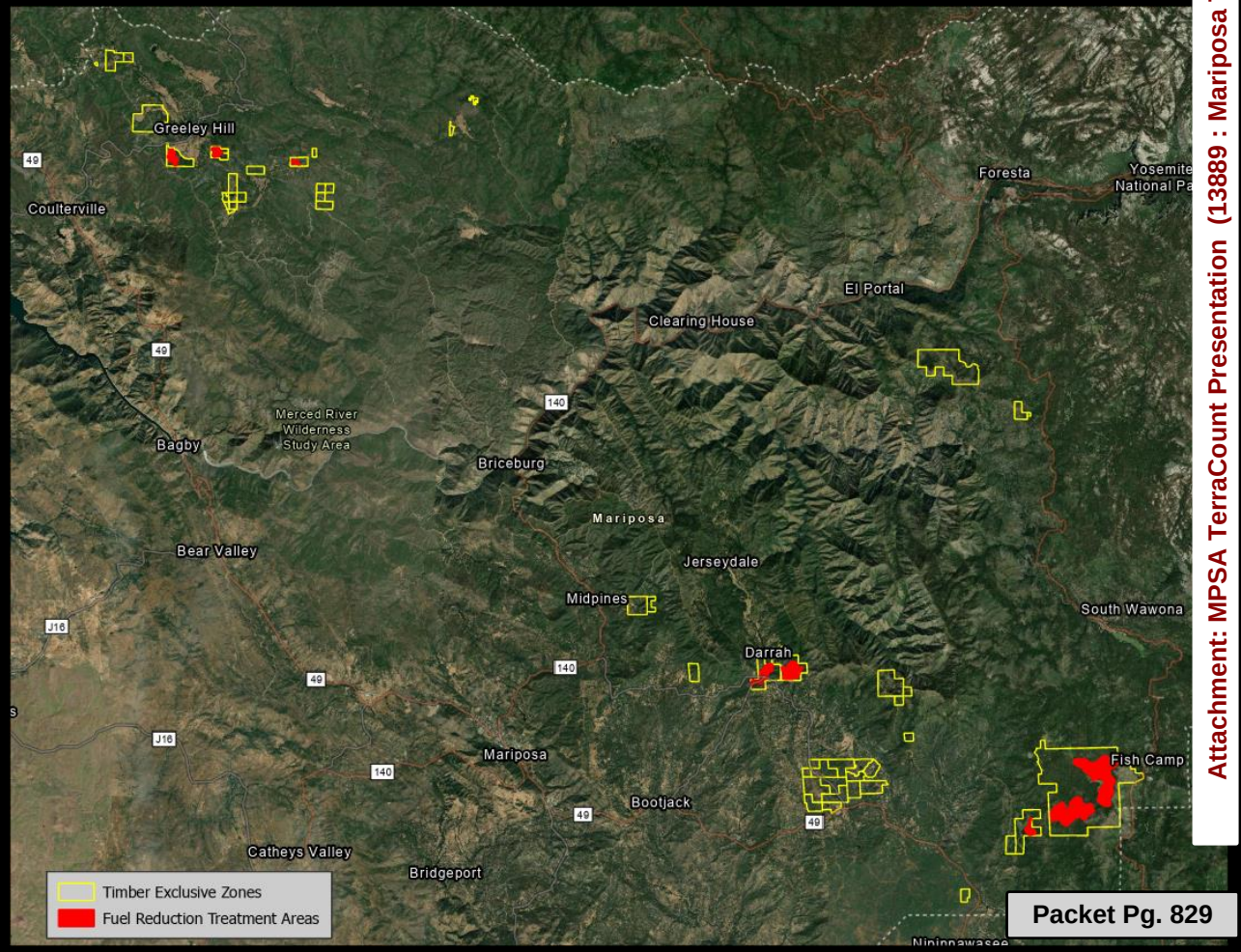
Scenario 2: Fuel Reduction in Timber Exclusive Zones

Scenario Area

Timber Exclusive Zones (yellow outlined areas) are **9,242 acres** of parcels zoned for timber production and have a focus on active management. This scenario is run inside these parcels.

Scenario Activities

2,174 acres within the project area were chosen for fuel reduction in this scenario. These areas were chosen based on forest density and accessibility.



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 2: Fuel Reduction in Timber Exclusive Zones

Model Outputs

Cumulative 2016-2030 GHG **benefits** from **fuel reduction** activity:

72,768 MT CO_2e

This is the equivalent of 7,148,134 gallons of diesel consumed



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 3: Oak Fire Conifer Reforestation

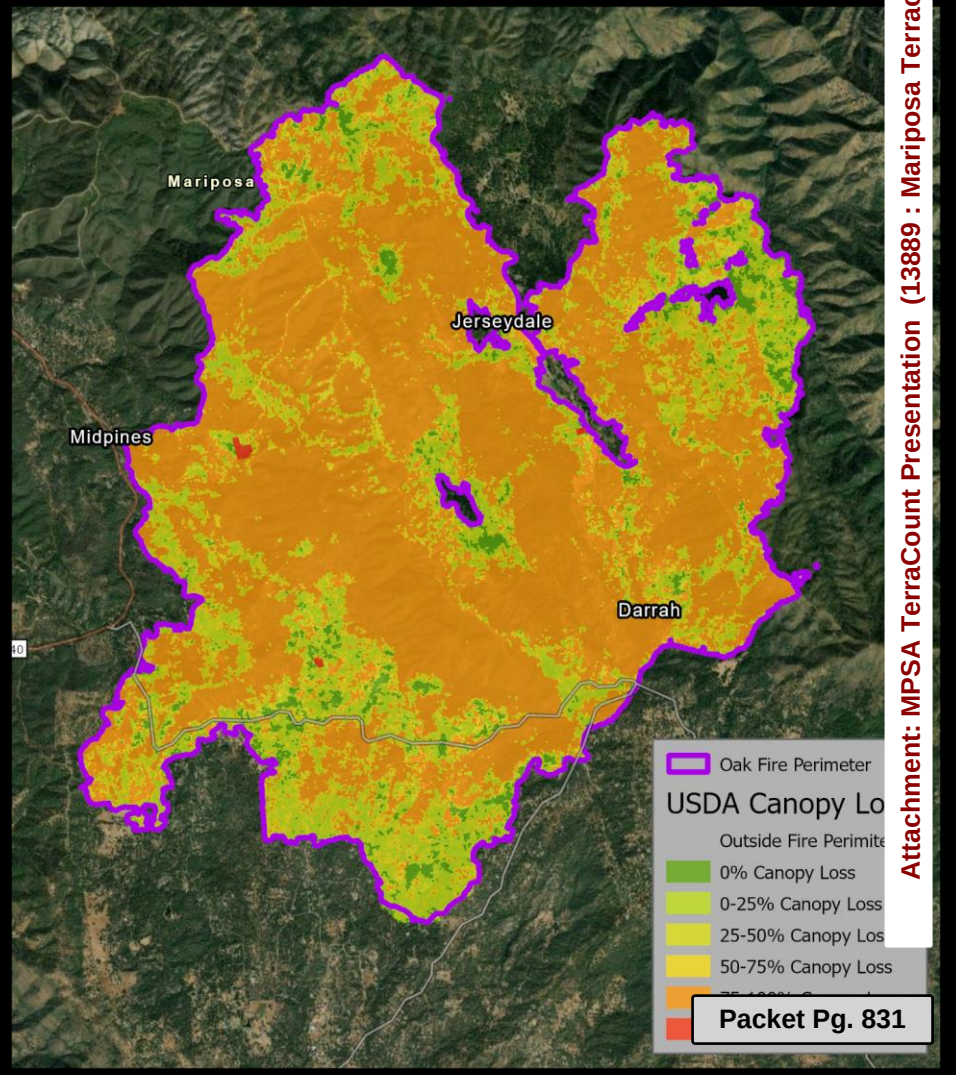


Scenario Area

Scenario Purpose

This scenario shows the GHG implications of restoring burned areas through reforestation practices.

The Oak Fire was a fire of moderate size and high severity, occurring in 2022. Because it occurred so recently, it is an ideal candidate to use as an example for **conifer reforestation** in burned areas.



The Oak Fire occurred in July 2022, burning 19,244 acres northeast of Mariposa.

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

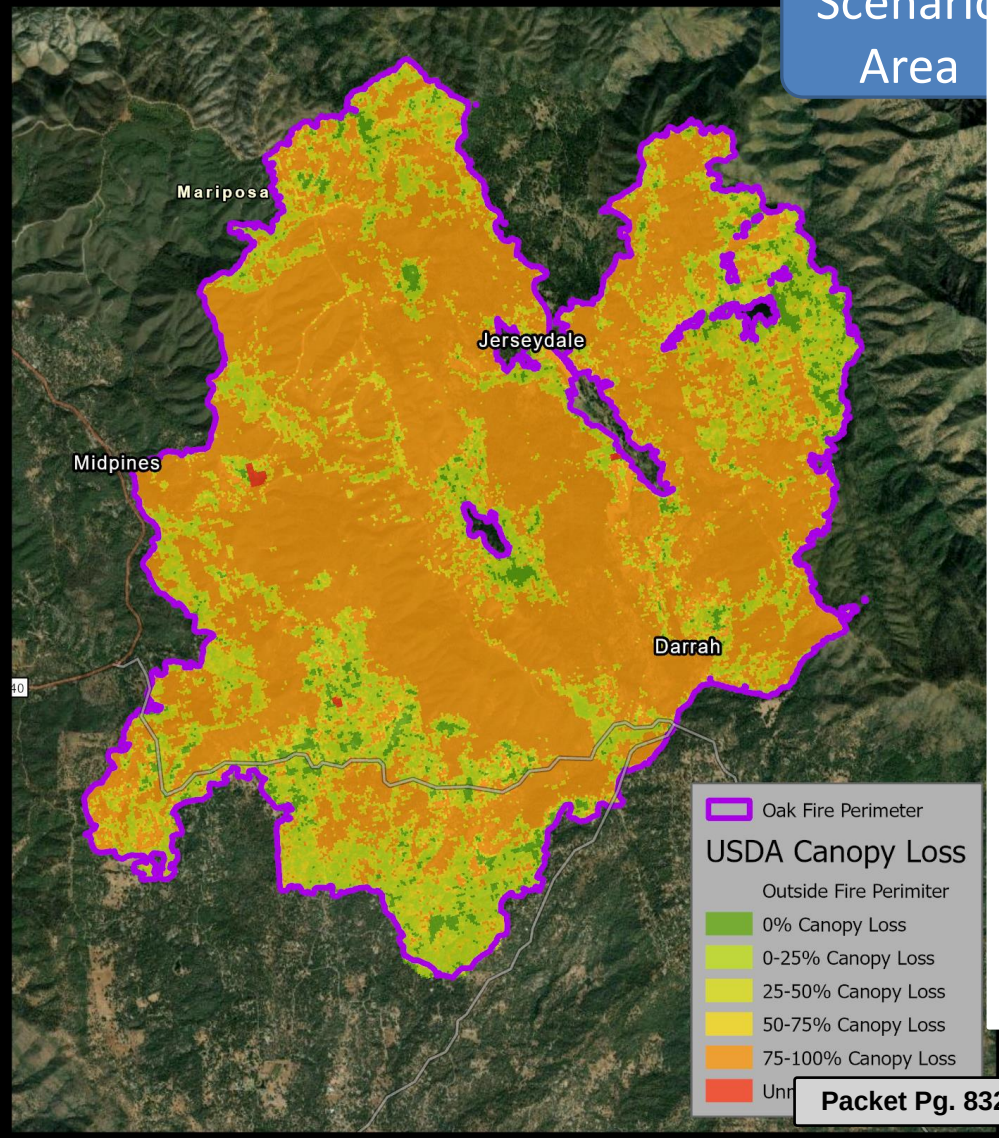
Scenario 3: Oak Fire Conifer Reforestation

Scenario Activities

Of the **19,244** acres burned during the Oak Fire, **8,655** of those acres are candidates for **conifer reforestation** based on the following criteria:

- Canopy Cover < 40%
- Aspect is northwest, north, northeast or east facing
- Forested landcover in 2016
- Was burned after 2005

Scenario Area



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 3: Oak Fire Conifer Reforestation

Model Outputs

Cumulative 2016 - 2030 GHG benefits from **conifer reforestation**:

181,973 MT CO_2e

Equivalent of 35,407 homes' electricity use for one year



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 4: Countywide Multiple Activities

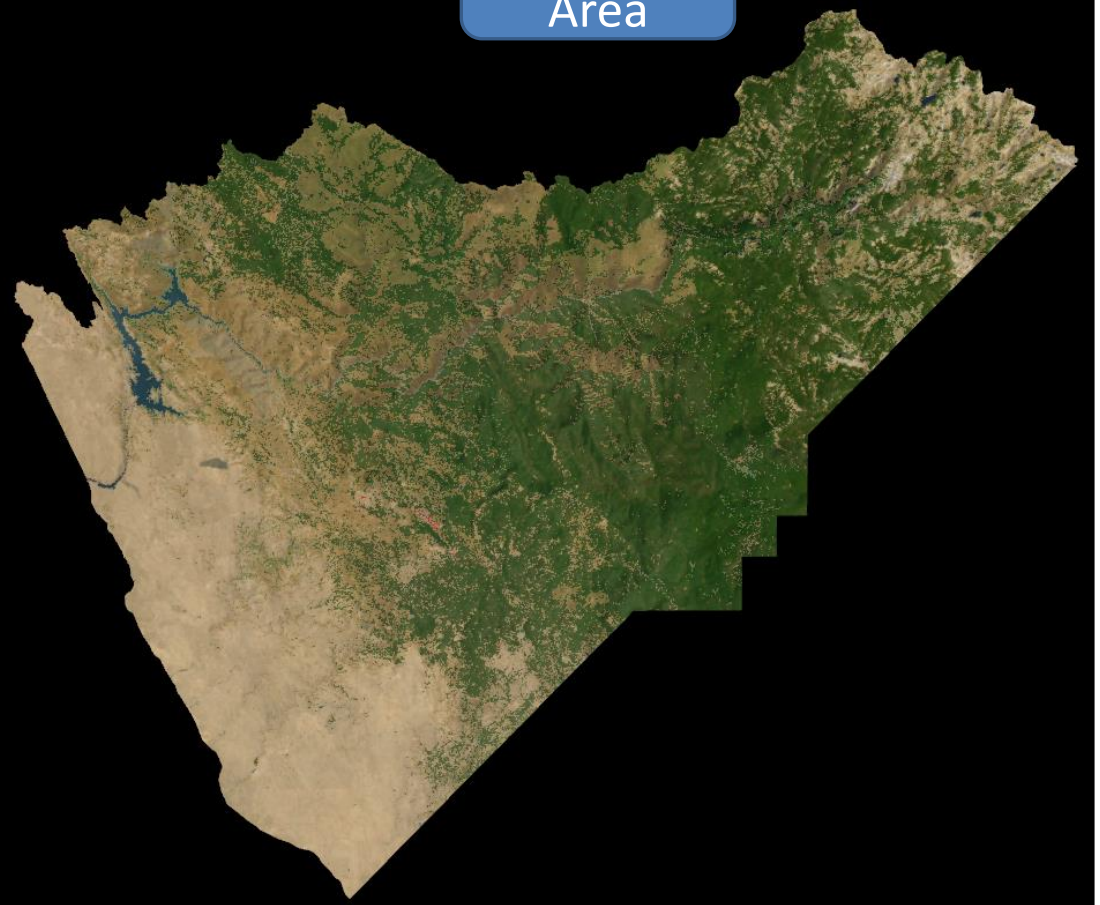
Scenario Purpose

The Countywide Scenario is intended to showcase the baseline landcover and carbon stocks in the county, and the climate benefits potential at the county scale.

All activities are applied across the maximum area appropriate in order to illustrate the total possible climate benefits using the activities developed and implemented in TerraCount.

California has set a goal of carbon neutrality by 2045; identifying areas to reduce GHG emissions and increase sequestration help to meet that goal.

Scenario Area



Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 4: Countywide Multiple Activities

Scenario Activities

Acres of Activities

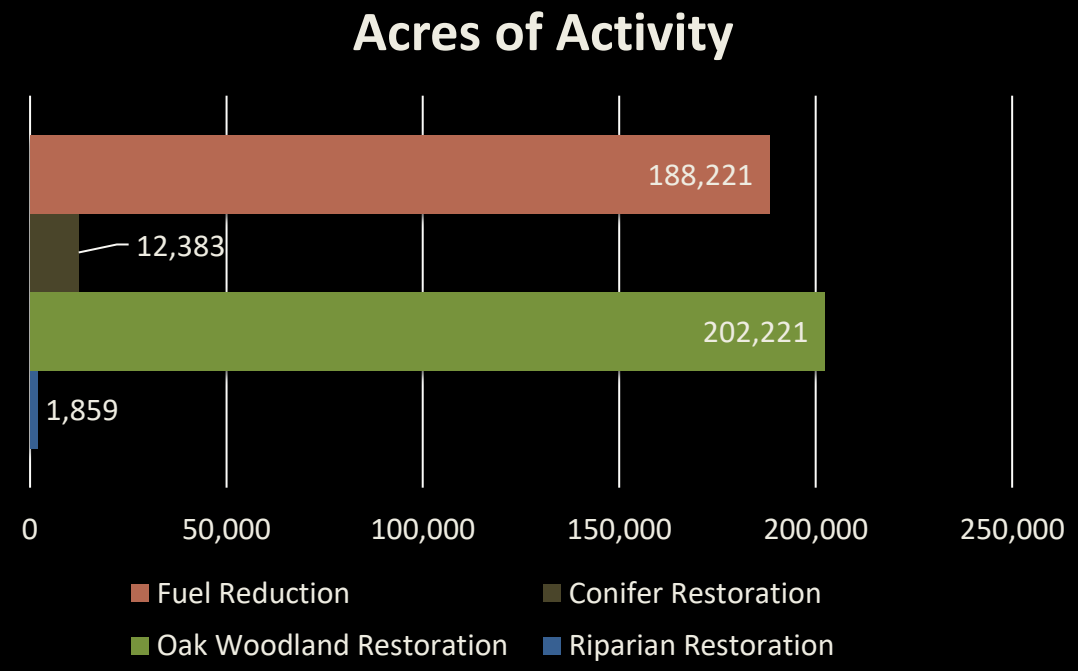
	Riparian Restoration	Oak Woodland Restoration	Conifer Reforestation	Fuel Reduction
Max Eligible Acres	1,859	202,221	12,383	188,221

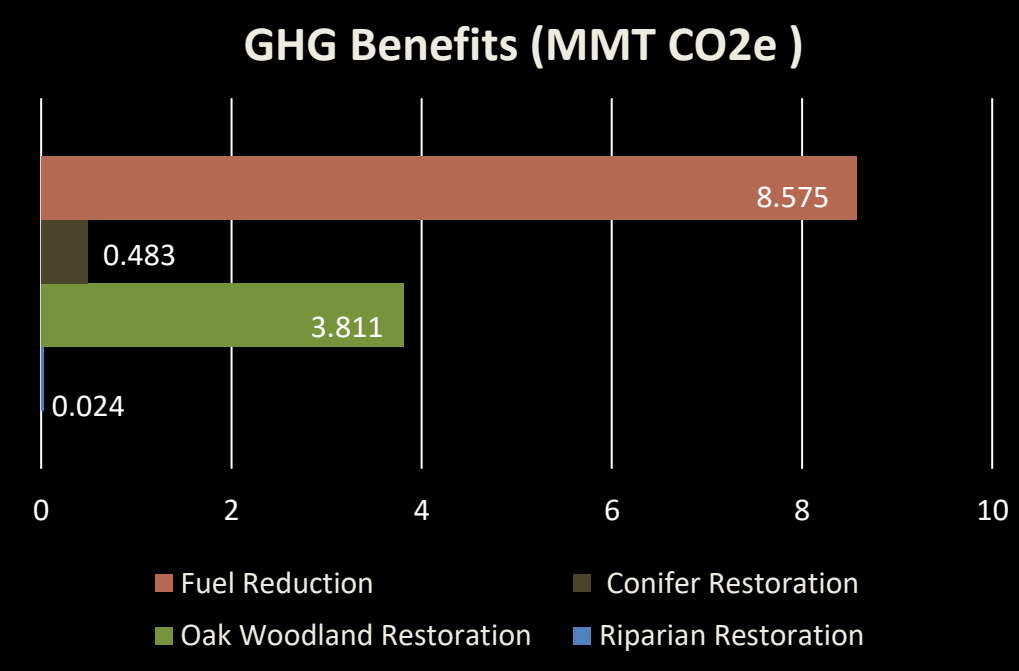
In this scenario we adopt the maximum amount of each of the selectable activities. The above table shows the maximum acres for each activity based on the eligibility criteria.

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 4: Countywide Multiple Activities

Model Outputs



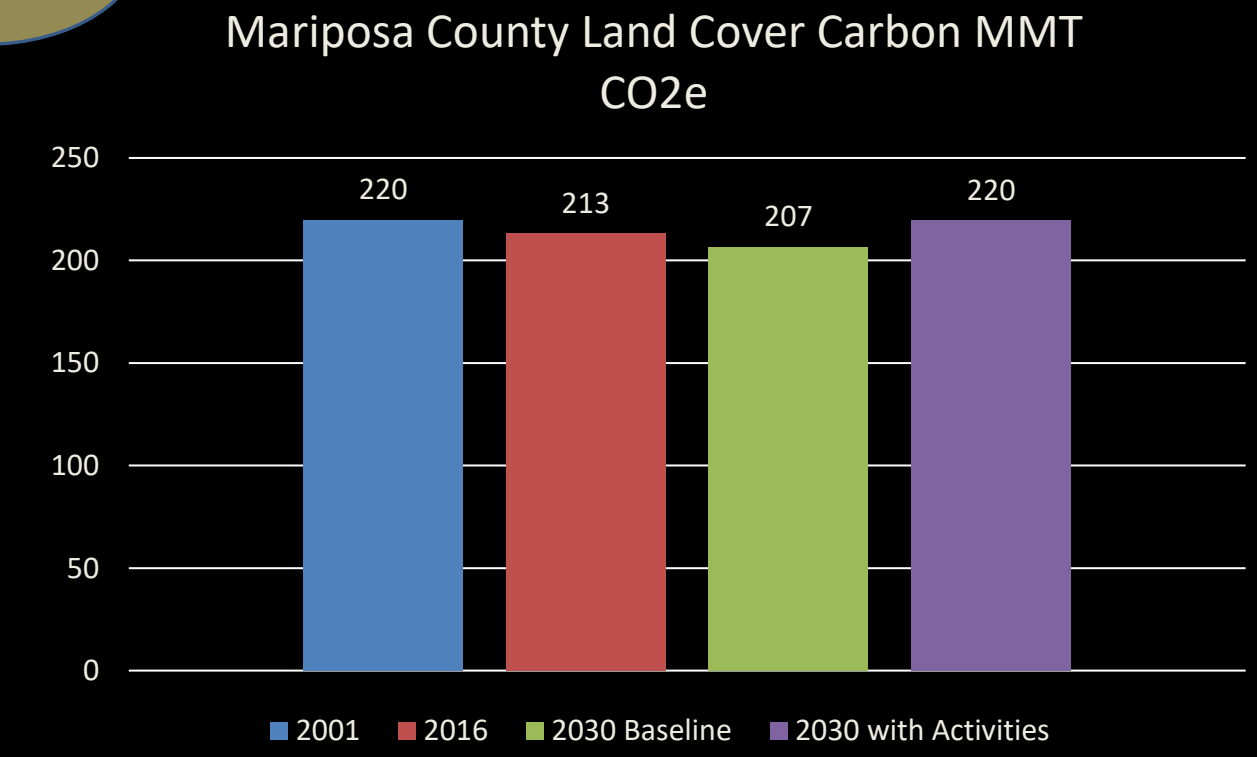


While acres of activity are correlated with GHG benefits, some activities provide greater GHG benefits per acre than others

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Scenario 4: Countywide Multiple Activities

Model Outputs





	Fuels Benefits	Riparian Restoration	Oak Woodland Restoration	Conifer Reforestation	TOTAL
Cumulative GHG Benefits in MT CO2e	8,575,503	24,166	3,811,079	482,857	~12.9 million

Attachment: MPSA TerraCount Presentation (13889 : Mariposa Terracount Tool

Questions?

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2019-440 **A resolution of support approving the application for Working Lands and Riparian Corridors Program Grant Funds (Proposition 68), administered by the California Department of Conservation.**

WHEREAS, the State Department of Conservation has been delegated the responsibility by the Legislature of the State of California for the administration of the Working Lands and Riparian Corridors Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Conservation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

APPROVES THE FILING OF AN APPLICATION FOR THE MARIPOSA COUNTY TERRACOUNT TOOL; and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the Planning Director of the County of Mariposa to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

Attachment: Resolution 2019-440 (13889 : Mariposa Terracount Tool Presentation)

ON MOTION BY Supervisor Long, seconded by Supervisor Cann, this resolution is duly approved and adopted this 23rd day of July, 2019.

I, the undersigned, hereby certify that the foregoing Resolution Number 19-440 was duly adopted by the Mariposa County Board of Supervisors following a roll call vote:

Ayes:	SMALLCOMBE, JONES, LONG, CANN, MENETREY
Noes:	NONE
Absent:	NONE

Miles Menetrey, Chair
Mariposa County Board of Supervisors

ATTEST:

René LaRoche, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel

Attachment: Resolution 2019-440 (13889 : Mariposa Terracount Tool Presentation)

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2023-166

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Short Term Rental Study

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with BAE Urban Economics for a Short Term Rental Study; and Authorize the Board of Supervisors Chair to Sign the Agreement.

Mariposa County has been in an ongoing community conversation regarding Short Term Rentals(STR's) or Vacation Rentals in our community. County staff have understand the complexity of this situation and have collected significant data and public input on the topic. Staff and Board want to better understand the overall economic impacts of STR's and have budgeted $50,000 in ARPA funds to conduct an economic study.

In early November 2022 staff released a Request for Qualifications(RFQ) for firms that could assist us in this study. We received a large pool(8) of applicants, many of whom were highly qualified. Staff began the critical process of selecting the most qualified candidate through an internal review committee, additional interviews and finally price negotiations. In the end BAE Urban Economics(Sacremento/Davis office) proved to be the most competitive in price of the highly qualified candidates. They provided an appropriate scope of work at the price of $68,700.

This is $18,700 more than was anticipated, but this price was negotiated down significantly in an attempt to keep this study as affordable as possible for the County. A budget action is not required because additional funds are available in the miscellaneous expense line.

As noted in the RFQ County staff believes that it is essential stay in a leadership role through out this study with the ethic of delivering an objective, thoughtful outcome that best serves our community.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Jan 11th 2022 Board discusses the Market trends in Mariposa County and indicates the desire to further study STR's.

March 22, 2022 Planning Department gives the Board an update on County programs and typologies.

October 4th 2022 Board discusses the vacation rental industry in Mariposa County and directs staff to conduct a STR study and return to the board with a temporary prohibition on the issuance of new transient occupancy licenses to STR's.

October 18th 2022 Staff drafts and withdraws a temporary prohibition on the issuance of new transient occupancy licenses to STR's.

November 8th 2022 RES 22-365 Board approves a RFQ for STR study.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board could direct staff to further negotiate the STR study contract, although staff believes we have negotiated a fair price. Board could direct staff to re-fly the STR study RFQ as a Request for Proposals(RFP) with the hopes of finding a lower qualified and responsible bidder. Negative action would result in the study not moving forward and staff would need additional direction from the board in how to proceed.

ATTACHMENTS:
BAE STR Contract (PDF)
BAE_COI_SAMPLE (PDF)
Cook - H.7 (PDF)
Fielding - H.7 (PDF)
H.7 - Dqallin Kimble (PDF)
Monica Barlow - Please do not pass H.7 (PDF)
Rhodes - H.7 (PDF)

RESULT: **ADOPTED [4 TO 1]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Danette Toso, Supervisor
AYES: Danette Toso, Rosemarie Smallcombe, Wayne Forsythe, Miles Menetrey
NAYS: Shannon Poe

AGREEMENT FOR SHORT TERM RENTAL STUDY

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of March, 2023, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County", and BAE Urban Economics hereinafter referred to as "Contractor," pursuant to the following terms and conditions.

W I T N E S S E T H:

1. TERM

The term of this Agreement shall commence on the date first hereinabove written and shall continue until all authorized work is approved by County or August 31st, 2023, whichever is earlier.

2. SERVICES

Contractor shall perform Short Term Rental Study as described in Exhibit A, "Scope of Work," which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform the Scope of Work.

3. COMPENSATION

Contractor shall be compensated for services performed in an amount not to exceed $68,700 as set forth in Exhibit B, "Cost Proposal," which is attached hereto and incorporated herein by reference. County shall pay Contractor within thirty (30) days of receipt of an approved invoice. In the event payments equal the "not to exceed" amount, Contractor shall complete all services required under this Agreement without further compensation or cost reimbursement.

4. INSURANCE

Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.

(4) Professional Liability (Errors and Omissions): Insurance appropriate to Contractor's profession, with a limit of no less than $1,000,000 per occurrence or claim, $2,000,000 aggregate.

(5) If Contractor maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status: County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

(2) Primary Coverage: For any claims related to this Agreement, Contractor's insurance coverage shall be primary insurance with respect to Contractor's negligent performance of the services as respects County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with at least thirty (30) calendar days' notice to County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by County. County may require Contractor to

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to County.

(7) Verification of Coverage: Contractor shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

5. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify County, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, resulting from all negligent or wrongful acts or omissions of Contractor or its officers, agents, or employees in rendering services under this Agreement; excluding however such liability, claims, losses, damages, or expenses arising from County's sole negligence or wrongful acts

6. INDEPENDENT CONTRACTOR

It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

a. County will not withhold FICA (Social Security) from Contractor's payments;
b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c. County will not withhold state or federal income tax from payment to Contractor;
d. County will not make disability insurance contributions on behalf of Contractor;
e. County will not obtain workers' compensation insurance on behalf of Contractor.

9. AUDITS AND INSPECTIONS

Contractor shall at any time during business hours, and as often as County may deem necessary, make available to County for examination all of its records and data with respect to the matters covered by this Agreement. Contractor shall, upon the request of County, permit County to audit and inspect all of such records and data necessary to ensure Contractor's compliance with the terms of this Agreement. If compensation to be paid by County under this Agreement exceeds Ten Thousand Dollars ($10,000), Contractor shall be subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three (3) years after final payment under this Agreement. This section survives the termination of this Agreement.

10. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of Contractor under this Agreement will be permitted only with the express written consent of County.

11. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

CONTRACTOR:
Aaron Nousaine, Principal

BAE Urban Economics
803 2nd Street, Suite A
Davis, CA 95616

COUNTY:
Dallin Kimble, CAO

County of Mariposa
5100 Bullion St
Mariposa, CA 95338

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

12. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinances and regulations applicable to Contractor's performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person's race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

13. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act. To the extent that County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

14. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

15. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

16. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination as set forth in Exhibit B.

B. Either party may terminate this Agreement for convenience upon 60 calendar days' written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit B.

C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

D. If County terminates this Agreement for default or material breach, then Contractor shall be liable for any reasonable costs in excess of the Agreement amount incurred by County in order to complete Exhibit A, "Scope of Work." In addition, Contractor understands and agrees that County may, in County's sole discretion, refuse to pay Contractor for that portion of Contractor's services which were performed by Contractor prior to the termination date and which remain unacceptable to County as of the termination date.

17. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

18. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with this Agreement, the prevailing party in any such action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney's fees.

It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

19. CAPTIONS

The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

20. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

21. MANDATORY AND PERMISSIVE

"Shall" is mandatory. "May" is permissive.

22. SUCCESSORS AND ASSIGNS

All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

23. COUNTERPARTS/ELECTRONIC, FACSIMILE, AND PDF SIGNATURES

This agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA"), Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA, as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

24. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

25. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

26. AUTHORITY

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to this Agreement shall comply with all requirements of law, including capacity and authority to amend or modify this Agreement.

27. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

28. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other

29. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

30. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal year covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, County shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an amendment to this Agreement to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

COUNTY OF MARIPOSA	CONTRACTOR
_____	_____
Miles Menetrey, Board Chair, Mariposa County	Aaron Nousaine, Principal
COUNTERSIGNED: *(Government Code §25103)*	APPROVED AS TO FORM:
_____	_____
Danielle Bondshu Clerk of the Board	Steven W. Dahlem County Counsel

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

bae urban economics

Memorandum

To: Ben Goger, Housing Development Specialist, Mariposa County

From: Aaron Nousaine, Principal, BAE Urban Economics

Date: January 23, 2023

Re: Revised Scope and Budget for Proposed Short-Term Rental Study

We are pleased at the opportunity to submit the below revisions to the proposed scope of work and budget for the Mariposa County Short-Term Rental (STR) Study.

As outline in our proposal, we believe we are the best positioned to provide Mariposa County with the highest quality research and expertise in the STR space, recognizing that we are one of the only firms to have completed this work in a non-urbanized setting. We bring unique experience and knowledge of how STRs function within rural, tourism-oriented markets, and look forward to the opportunity to work with Mariposa County to provide tailored analysis and findings, as well as readily implementable policy and program recommendations.

We are committed to meeting the needs of our clients and we are more than happy to make adjustments to scope and budget as needed to do so. Per our discussion, Mariposa County has identified additional needs beyond those originally identified in the Request for Proposals (RFP), including the need for a fee study that provides the legal documentation necessary to implement an administrative fee intended to offset direct costs to the County that accrue as a result of implementing a STR program or regulatory scheme. BAE proposes adding additional language to our proposed scope of work (see below) to address this need.

Also, recognizing the additional cost of preparing a fee study, BAE proposes reducing the proposed budget associated with some of other tasks in the scope of work. These reductions are based on those discussed during our conversation earlier this afternoon, but reflect the County's anticipated needs, as well as the availability of existing data and information.

Scope Language for an Administrative Fee Study

The legal authority of local governments to institute administrative fees intended to offset the direct costs that the jurisdiction accrues through implementation of a program or regulatory scheme is well established. We recommend that staff consult with the County's in-house council to prepare a legal brief summarizing this existing precedent. BAE then proposes to prepare an administrative fee study using industry standard methods.

San Francisco
2560 9th St., Suite 211
Berkeley, CA 94710
510.547.9380

Sacramento
803 2nd St., Suite A
Davis, CA 95616
530.750.2195

Los Angeles
448 South Hill St., Suite 701
Los Angeles, CA 90013
213.471.2666

Washington DC
1140 3rd St. NE, 2nd Floor
Washington, DC 20002
202.588.8945

New York City
234 5th Ave.
New York, NY 10001
212.683.4486

www.bae1.com

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

With the County's permission, BAE would like to add the following task language to our proposed scope of work under Phase Three. This would create a new Task 11 for the fee study, shifting the current Board of Supervisors Meeting to Task 12.

> "**Task 11: Prepare Administrative Fee Study for STR Program**
> BAE will collect and review information regarding staffing, overhead, appropriations, and anticipated program revenue from County staff. BAE will also review the current and projected revenues by department and source published in the most recent available County budget. BAE will then conduct interviews with departmental staff likely impacted by implementation of a new STR program or regulatory scheme. BAE will then work in close coordination with County as need to review and develop financial and programmatic assumptions for use in up to three possible fee program scenarios, including but not limited to hour-by-hour tasks analysis and overhead cost factors, among other variables.
>
> BAE will work with staff to identify necessary adjustments to the base budget for personnel, supplies and materials, third-party contracts, and other one-time or unusual expenses anticipated over an initial three-year implementation period. BAE will develop and maintain the three-year budget projections worksheets for each scenario during the course of the study, sharing the worksheets with staff for review and discussion throughout the process. Once the budget worksheets are complete for each scenario, BAE will test the adequacy of the fee(s) to cover the full cost of operations and overhead.
>
> Upon completion of the scenario analysis, BAE will work with County staff to identify up to three comparison jurisdictions to consider for the purposes of benchmarking. BAE will contact representatives from each jurisdiction to identify similarities and differences compared to the proposed new Mariposa County STR program, as well as the estimated cost of implementation, cost recovery ratios, methodologies used in setting fees, and realized revenues.
>
> BAE will prepare a narrative and associated tables summarizing the findings from the STR Administrative Fee Study for inclusion in the draft and final report for the STR Study, as well as recommendations for the fee level and structure that may best facilitate cost recover for the County.

Proposed Project Budget Adjustments

It has come to our attention that additional information may be available for the STR study than was initially apparent. Based on our conversation, we believe that we may reasonable reduce the assumed budget for some of the tasks included in our original proposed scope of work. These adjustments are summarized in Exhibit 1 (attached).

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

With the revised changes to the assumed staff hours for Phase One (all tasks), Phase Two (Task 7 only), and Phase Three (Tasks 10 and 12), BAE expects that we may reasonably reduce the contract budget for this assignment by $23,160. The addition of the new fee study task would then add $10,960, resulting in a revised total project budget of $68,700. Even with the addition of the proposed fee study task, this represents a savings of $12,200.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

bae urban economics

Qualifications to Prepare the Short-Term Rental Study

Prepared for Mariposa County

November 30, 2022





bae urban economics

November 30, 2022

Ben Goger
Housing Development Specialist
Mariposa County
5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

Via email at: bgoger@mariposacounty.org

Dear Mr. Goger:

As you well know, the request for qualifications (RFQ) recently issued by Mariposa County is seeking a consultant to assist with evaluating the state of the current short-term rental (STR) industry and with quantifying the impacts of STR activity on the availability and affordability of housing for full-time residential use (i.e., by workforce households and/or other full-time residents). In addition, the County would like to document the impact of STRs on the local economy and on other neighborhood characteristics (to be defined, yet possibly including residential population densities, community character, prevalence of nuisance issues, etc.). The consultant will also be expected to assist the County with community outreach as part of the policy development process and to leverage the analysis in support of effective messaging.

BAE Urban Economics, Inc., is one of the only firms in the nation that has prepared economic analyses quantifying the impacts of STRs on the availability and affordability of long-term housing within a non-urban context. Quantitatively documenting the relationship between STRs and home pricing and availability is quite difficult. Relatively little research has been done on this topic outside of an academic setting due to the complexities involved. While a variety of methodological approaches have used in the academic literature, the resources necessary to implement such approaches at a local scale typically exceed what is available to local governments for such purposes. In response, BAE uses an approach that leverages key findings from the academic literature to substantiate the very real influence that STRs have on housing availability and pricing by lowering the barrier to entry for second home ownership. Coupled with up-to-date analysis of the local housing and STR markets, BAE is prepared to meet the needs of Mariposa County in highly defensible, efficient, and cost-effective manner.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Our recent experience in the area of STR research includes an evaluation of the STR industry in eastern Placer County that evaluated the impact of STR activity on housing availability and pricing. This research built upon a groundbreaking prepared by BAE in 2018 in the North Tahoe region regarding resident and in-commuter workforce housing demand. BAE also recently completed research for the Town of Truckee that established a new methodology for understanding the workforce housing demand that is directly induced by the creation of new tourist accommodation units (i.e., a new STR or hotel room that is occupied for a certain portion of the year with those occupants spending dollars in the community that then supports new jobs), which may become the basis for a new commercia linkage fee on STR units. We have also recently prepared numerous hotel demand and impact studies, including in the Napa and Tuolumne counties in California, and for the City of Moab and Grand County in Utah.

While the attached statement of qualifications (SOQ) summarizes BAE's proposed approach, we look forward to the opportunity to work with Mariposa County staff to tailor a scope of work that meets the County's needs and which acknowledges the unique circumstances at play.

In the meantime, if you have any questions about our approach, qualifications, or experience, please do not hesitate to contact me. I may be reached by phone at (530) 574-9285 or by email at aaronnousaine@bae1.com.

Sincerely,

Aaron Nousaine

Aaron Nousaine
Principal

BAE Urban Economics
13170 Stockholm Way
Truckee, CA 96161
(530) 574-9285

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Table of Contents

INTRODUCTION 1
The Consultant's Role 1
The BAE Advantage 1
FIRM QUALIFICATIONS 2
BAE Awards for Excellence 3
Relevant Project Examples 4
PROJECT STAFF QUALIFICATIONS 8
PROPOSED STUDY APPROACH 11
Phase One: Initiate the Study 11
Phase Two: Analyze and Connect 14
Phase Three: Develop and Present Recommendations 16

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

INTRODUCTION

Data analysis and BAE's professional experience both indicate that the primary driver of decreasing long-term housing availability and affordability in visitor-oriented housing markets, like Mariposa County, is demand for second homes. While local communities have few tools available to influence the ability of non-resident households to purchase existing residential properties, many communities are beginning to focus on factors that influence second home purchase and hold decisions in the hope that some second home buyers may be deterred to other markets, while some existing second home owners may be encouraged to open their properties up for full-time occupancy (either as rentals or through sale of the property). One of the most common tools being considered are regulations on the number and use of short-term rentals (STRs). Other tools being pursued in some cases include, but are not limited to, residential vacancy taxes, property transfer taxes, Lease-to-Locals programs, deed restriction purchase programs, and inclusionary housing compliance alternatives, among others.

The Consultant's Role

Mariposa County is seeking a consultant to assist with evaluating the state of the current short-term rental (STR) industry in Mariposa County and with quantifying the impacts of STR activity on the availability and affordability of housing for full-time residential use (i.e., by workforce households and/or other full-time residents). In addition, the County would like to document the impact(s) of STRs on the local economy and on other neighborhood characteristics (to be defined, yet possibly including residential population densities, community character, prevalence of nuisance issues, etc.). The consultant will also be expected to assist the County with community outreach as part of the policy development process and to leverage the analysis in support of effective messaging.

The BAE Advantage

BAE Urban Economics, Inc., is one of the only firms in the nation that has tackled these issues in other communities in a comprehensive way. We have prepared groundbreaking research in the North Tahoe region regarding resident and in-commuter workforce housing demand, and recently completed an evaluation of the STR industry in eastern Placer County that evaluated the impact of STR activity on housing availability and pricing. BAE also recently completed research for the Town of Truckee that established a new methodology for understanding the workforce housing demand that is directly induced by the creation of new tourist accommodation units (i.e., a new STR or hotel room that is occupied for a certain portion of the year and those occupants spend dollars in the community which then supports new jobs). We have also prepared numerous hotel studies in the last few years, including in the City of Novato and Napa County in California, and for the City of Moab and Grand County in Utah.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

FIRM QUALIFICATIONS

BAE Urban Economics, Inc., is an award-winning, national urban economics and real estate consulting practice. Since 1986, we have completed more than 2,400 engagements for public agencies, non-profit organizations, financial institutions, and real estate developers.

All of our work is led by seasoned professionals, who are responsible for project direction and quality control. We have 17 staff across our offices serving the San Francisco Bay Area, Los Angeles, Sacramento, Washington D.C., and New York City regions. We also have staff based in the Lake Tahoe, Atlanta (GA), and Portland (OR) regions. We intentionally seek to build a team that reflects the diversity of the communities we serve.

BAE offers a broad range of services focused on the nexus of market economics and feasibility and community-based planning. Some of our key practice areas include:

- Affordable and workforce housing needs
- Market and financial feasibility analyses
- Economic development and revitalization
- Public policy analysis and strategy development
- Public-private partnership (P3) structuring and negotiation support
- Sustainability and transit-oriented development (TOD)
- Public finance and infrastructure financing
- Fiscal impacts and economic benefits analyses

BAE's passion for the "triple bottom-line" of sustainable economics, community equity and social justice, and environment sustainability makes us unique among urban economists. We believe that there are practical solutions to urban issues which will achieve this triple bottom-line, and that consideration of environmental impacts and social benefits, as well as financial returns, creates the best overall value and the highest quality outcomes for our clients and their communities.

Our company has practiced this same philosophy since our inception, with intentional investments in our staff and workplaces to foster creativity, collaboration, innovation, and a commitment to excellence in all we do. We empower staff to grow as independent professionals and subject area experts, while also developing the skills necessary to work collaboratively, recognizing each other's strengths and developing the synergy that only a firm of diverse team members can offer. BAE brings a similar approach to our clients, seeking to augment, enhance, and build internal capacity to help them better achieve their objectives.

The BAE difference shows. We have earned more awards for excellence than any other firm in our field, and our clients have retained us repeatedly over our 36-year history. For more information regarding our firm, please visit our website at www.bae1.com.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

BAE Awards for Excellence

2022 **Redondo Beach Artesia & Aviation Corridors Area Plan,** Economic Planning + Development Award, Los Angeles Section, APA

2020 **Cache Creek Parkway Plan,** California State Chapter, APA
Long-Beach Civic Center P3, Project of the Year, Design-Build Institute of America (DBIA); Best Project, Government/Public Building. Southern California, Engineering New Record

2019 **Envision Stockton 2040 General Plan Update**, California State Chapter, APA
Brentwood Priority Area 1 Specific Plan, Northern California Section, APA
LA Affordable Housing Linkage Fee Ordinance, Los Angeles Section, APA
Santa Clara Valley Agricultural Plan, Governor's Environmental and Economic Leadership Award
NASA Research Park Housing, Best Public/Civic Project, Silicon Valley Business Journal

2018 **Sacramento Central City Specific Plan**, Northern California Section, APA

2016 **Downtown South San Francisco Specific Plan**, Northern California Section, APA
Long Beach Civic Center Master Plan, Southern California Section, APA
Vacaville General Plan Update, California State, APA

2015 **NASA/Google Moffett Airfield Lease**, *Best Public/Civic Project*, Silicon Valley Business Journal; *Real Property Innovation Award–Asset Management*, US General Services Administration

2014 **Oroville Arts, Cultural, and Entertainment District Plan**, Sacramento Valley Section, APA

2011 **Butte County General Plan Update**, Sacramento Valley Section, APA

2010 **West Broadway Urban Village Specific Plan**, Northern California Section, APA
Baltimore State Center, Charter Award, Congress for New Urbanism

2009 **Stewardship Council Land Conservation Plan**, Association of Environmental Professionals

2008 **Google Campus @ NASA Research Center**, Silicon Valley Business Journal Deal of the Year
San Leandro Downtown TOD Strategy, ABAG Growing Smarter Together
23rd Street Specific Plan, City of San Pablo, Northern California Section, APA

2007 **West Savannah Neighborhood Plan**, Georgia Chapter, APA
Early Care & Education for All Plan for Alameda County, Northern California Section, APA

2006 **Presidio Trust Management Plan**, ULI Award for Excellence

2005 **Coyote Valley Vision**, Charter Award, Congress for the New Urbanism

2004 **West Hyattsville TOD Strategy**, AASHTO Best Project of the Year
Golden Gate National Recreation Area (GGNRA) Wireless Facility Siting, Real Property Innovation, US General Services Administration

2003 **NASA Research Park**, Real Property Innovation, US General Services Administration
Bay Area Smart Growth Strategy, Charter Award, Congress for the New Urbanism

2002 **Interstate MAX Station Area Plan**, Oregon Chapter, APA

2001 **Avila Beach Specific Plan**, California Chapter, APA

2000 **NASA Research Park Economic Development Workbook**, Northern California Section, APA

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Relevant Project Examples

The following is a selection of recent projects that included elements that are relevant to the work requested by Mariposa County as part of the STR study. We believe that we are one of the only firms in the state, if not the nation, that has conducted research of this kind outside of a university research setting. As such, we believe we are particularly well positioned to provide Mariposa County with high quality research support with an efficient and targeted process.

Recent Short-Term Rental Research

Eastern County Short-Term Rental Economic Study

Placer County, California

Placer County retained BAE in mid-October of 2021 to assess the association between the prevalence of short-term rentals (STRs) in eastern Placer County and changes in the availability and affordability of long-term housing, as well as the impact of changes in STR supply on the financial viability and feasibility of dedicated hotel and motel type uses.

Preliminary research conducted by BAE indicated that a lack of available data, as well as the County's available budget and desired schedule, made it impractical to pursue more rigorous econometric methods, such as hedonic regression modeling, to assess relationships between STRs and long-term housing availability and affordability. Nonetheless, the research did include a review of the contemporary academic literature on the relationship between STRs and long-term housing availability and pricing, both rental and for-sale. One key shortcoming of this approach, however, is that the existing academic literature is primarily focused on established urban visitor destinations, rather than geographically dispersed areas similar to eastern Placer County. The literature review supported the conclusion that a quantified, peer reviewed, consensus exists that STRs do in fact influence the pricing and availability of housing within the surrounding market. The magnitude of that impact, however, appears to be relatively modest, with the influence of second home demand likely playing a bigger role.

For the purposes of evaluating the current characteristics of STRs in eastern Placer County, as well as trends in the number of active STRs over time, BAE evaluated a number of potential data sources. This included information from two private data vendors, AirDNA and InsideAirbnb, both of which were determined to offer substandard data quality. The most complete and readily available data source was determined to be the County's inventory of transient occupancy tax (TOT) certificates. Any transient occupancy uses, including STRs and traditional hotel properties, are legally required to register with the County and collect the applicable tax. The dataset included attribute data, including property type and number of units, which was then used to identify the number of residential units being used for transient occupancy, as well as their respective occupancy rates and pricing. The analysis also included an assessment of the total and per unit gross revenue generation from residential STRs and provides a comparison to contemporary housing costs.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Recognizing the importance of overnight visitor stays to the local economy, BAE sought to evaluate the extent to which the region may be oversupplied with overnight accommodations due to the recent expansion of the STR inventory. The analysis concluded that relatively low vacancy rates of 40 to 50 percent among all accommodation types were an indicator of a surplus of visitor accommodation units and that for hotel and motel properties to be competitive for renewed investment (either renovation or new construction) occupancy rates would need to increase considerably to around 70 to 75 percent. Anecdotal evidence from South Lake Tahoe also seemed to indicate that restriction of the short-term rental inventory can have a direct effect on the market in the form of renewed hotel investment.

Reference Contact:
Stephanie Holloway
Deputy County Executive Officer
Placer County
(530) 546-1944
shollow@placer.ca.gov

To access the full text of this report, please visit:
https://baeurban.egnyte.com/dl/NDr5segMmo

Short-Term Rental Housing Token Program Valuation Study
Town of Truckee, California

The Town of Truckee (Town) retained BAE Urban Economics (BAE) in later part of 2022 to prepare an economic analysis in support of a newly proposed workforce housing program called the STR-Workforce Housing Token Program (Token Program). The Token Program will offer the opportunity for STR owners and operators to secure additional STR permits through the use of a token system in exchange for providing deed restricted workforce housing.

The Token Program is intended to work in conjunction with the Town's newly updated STR ordinance, which limits the number of STR units that may be permitted within the Town of Truckee at any given time, and the Truckee Home Access Program (THAP) that manages an inventory of deed restricted workforce housing (restricted only to place of employment, not income). Please note that BAE staff member, Aaron Nousaine, served as a member of the Town committee that informed the STR ordinance and developed the program guidelines for the THAP in his capacity as an economic consultant with the Town.

To facilitate establishment of the Token Program, the Town requested assistance from BAE with preparation of a valuation framework that identifies the number of additional STR tokens that would need to be provided to STR property managers or property owners in order to offset the net cost of providing deed restricted workforce housing. BAE prepared a series of financial pro-forma models based on interviews with property managers and data from the Town.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Due to the non-homogeneous nature of both the regional short- and long-term rental housing markets, and the diversity of factors influencing the decision of property owners to short-term or long-term rent their properties, as well as the diversity of factors influencing the relative profitability of short- and long-term rentals for property managers, BAE was not able to recommend a single exchange ratio for STR tokens per workforce housing unit provided, but rather presented a range of potential ratios based on an array housing types and assumptions regarding the level of service provided and whether the property owner holds a mortgage. BAE also recommended that the Town use a reverse auction format for distribution of STR tokens rather than establishing a single exchange ratio that would apply to all program applicants.

As a supplemental task, the Town also requested an analysis of the impact of STRs on workforce housing demand (i.e., how many STRs are required to generate demand for one new workforce housing unit as a result of induced visitor spending). Under this task, BAE implemented a first of its kind methodology. Recognizing the complexities associated with establishing the token program as currently envisions, BAE also recommended that the Town consider establishing a workforce housing linkage fee for permitted STR units, which could be established leveraging the induced demand estimates generated under this task.

Reference Contact:
Hilary Hobbs
Assistant to the Town Manager
Town of Truckee
(530) 582-2914
HHobbs@townoftruckee.com

To access the full text of this report, please visit:
https://baeurban.egnyte.com/dl/2uea5y17cA

Other Relevant Research in Mariposa Region

In addition to our recent research in the short-term rental space, BAE is currently working on the Agricultural and Working Landscape Conservation Plan in Mariposa County as a subconsultant to Cultivate, LLC. We also recently completed a fiscal impacts analysis related to additional fire protection services required to accommodate the Terra Vi Lodging project in Tuolumne County, which illustrates our familiarity with how the visitor accommodations industry can place a strain on public services and critical infrastructure in rural communities.

Fire Impacts Analysis for Terra Vi Lodging Project
Tuolumne County, California

Hansji Corporation (the project applicant), in coordination with Tuolumne County and PlaceWorks, retained BAE to prepare a fire services impact analysis for the proposed Terra Vi lodging project in Tuolumne County. The project proposal consisted of a public market, lodge

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

with 100 guestrooms, 26 cabin rooms, and five employee housing units. The purpose of the study was to compile information relating to the potential impacts of introducing a new lodging development on fire protection services in the upper Highway 120 area of Tuolumne County. The analysis covered a range of information, including:

- Service standards targeted by the fire department
- Existing services provided within the area
- Potential generation of calls for service from the proposed project
- Estimated cost allocation for service demand generated by the proposed project
- Potential revenue generation to support fire services

BAE's analysis found that the proposed project would generate new County revenues that would be more than sufficient to the project's anticipated share of fire/EMS services costs, if the County Board of Supervisors chose to allocate the funds to support those services. The analysis also found that new revenues that could be generated from other new lodging projects could combine with the revenues generated by Terra Vi sufficient to fund substantially upgraded fire/EMS services in the upper Highway 120 area of the County.

Reference Contact:
John Bissell
Hansji Corporation
(714) 399-0152
johnb@hansji.com

Agricultural and Working Landscape Conservation Plan
Mariposa County, California

BAE is a sub-consultant on a multidisciplinary team that Mariposa County has retained to prepare an Agricultural and Working Landscape Conservation Plan. To date, BAE has prepared a draft analysis of the economic contributions of agriculture to the Mariposa County Economy, documenting economic activity from farming, livestock, and timber harvesting. BAE's forthcoming work will involve study of agricultural economic development best practices in other communities with similar agriculture-related economic conditions and developing an agricultural economic development strategic framework for Mariposa County that is tailored to its unique opportunities.

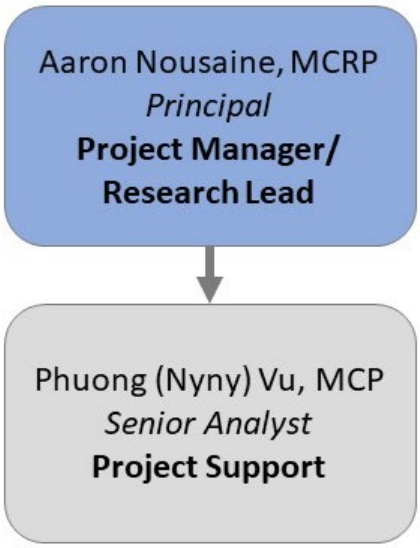
Reference Contact:
Amie McPhee
Cultivate, LLC
(415) 279-3731
amie@cultivate-ca.com

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

PROJECT STAFF QUALIFICATIONS

If selected for this assignment, Principal Aaron Nousaine will function as BAE's project manager and primary point of contact. Aaron brings unique experience and expertise regarding the interplay between the short-term rental industry and local housing availability and pricing in destination markets, which will be crucial to the successful completion of the requested research. Aaron will also function as BAE's research lead, personally conducting most of the required analysis. Supplemental research support may be provided by Phuong (Nyny) Vu, Analyst. Additional research support may be provided by other BAE staff if the need arises. Figure 1, below, illustrates BAE's proposed staff organizational structure for this assignment. Detailed staff resumes are provided on the following pages.

Figure 1: Project Staff Organizational Structure



Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

bae urban economics

Aaron Nousaine, MCRP
Principal



Education

Master of City and Regional Planning, **UNC Chapel Hill**

Bachelor of Science, **CSU Monterey Bay**

Project Role

Principal-in-Charge

Project Manager

Professional Experience

Aaron has more than 15 years of experience in the field of affordable housing, economic development, revitalization/redevelopment, and planning. As a Principal in BAE's Lake Tahoe region office, Aaron plays a key role in the day-to-day management of BAE's broad portfolio of consulting assignments. While Aaron conducts technical analyses across BAE's full range of services, he also specializes in STR impacts analysis and policy, affordable and workforce housing demand and policy, economic development strategy, mixed-use and transit-oriented development, economic and fiscal impacts, and fair housing and anti-displacement policy.

Aaron leads BAE's practice as it pertains to the relationship between STRs and long-term housing availability and pricing. His recent experience includes preparing the *Eastern Placer County Short-Term Rental Economic Study* in late 2021, as well as conducting the *Truckee Short-Term Rental Housing Token Program Valuation Study* in early 2022. In both cases, Aaron personally developed leading edge methodologies to document associations between the prevalence of STRs and impacts to the long-term housing market, including leveraging findings from the contemporary academic literature and estimating housing demand induced by creation of new STRs based on economic multipliers published by Smith Travel Research.

In addition, Aaron also has extensive housing experience including preparing seminal workforce housing research in North Tahoe and financial feasibility testing for the California Excess Sites Program on behalf of the California Department of General Services (DGS) and various local jurisdictions.

Eastern County STR Economic Study
Placer county, CA
Academic Literature Review and Synthesis; STR Market Analysis; TOT Data Analysis

STR Housing Token Program Valuation Study
Town of Truckee, CA
STR Market Analysis; TOT Data Analysis; Property Manager Interviews; Pro-Forma Financial Analysis

Regional Workforce Housing Needs Assessment
Tahoe-Truckee Community Foundation
Housing Market Analysis; Workforce Housing Demand Estimates; Employee and Employer Surveys; Policy Recommendations

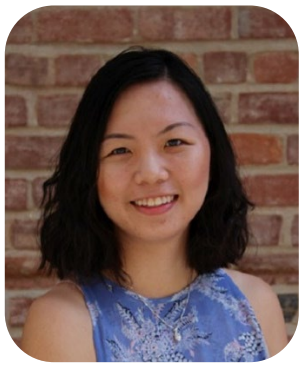
Active Employment Housing Policy
City of Moab, UT
Induced Housing Demand; Workforce Housing Demand; Vacant Sites Inventory; Site Capacity Analysis

State Excess Sites Program
State of California
Financial Feasibility; Development Advisory

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

bae urban economics

Phuong (Nyny) Vu, MCP
Senior Analyst



Education

Master of City Planning, **UC Berkeley** *(in prog.)*

Bachelor of Science, **UC Davis**

Project Role

Research Support

Professional Experience

Phuong (Nyny) Vu brings a strong foundation in research, complex database development, and geospatial analysis to consulting assignments across the company.

Nyny provides data collection and analysis to support BAE's work on affordable and inclusionary housing studies throughout California and the U.S. Her work for recent housing studies includes collection of demographic and economic data though primary and secondary research techniques and analysis of housing sales data for Los Angeles, Truckee, Windsor, as well as El Dorado, Napa, and Placer counties. In addition, Nyny also recently provided analytical support for a workforce housing project in Moab, Utah, which assessed the economic impacts of workforce housing policy in the City.

While Nyny has limited experience working specifically in the STR space, she provided crucial support to Principal Aaron Nousaine in preparation of the Eastern Placer County STR Economic Study. This included processing TOT data provided by the County to illustrate trends in occupancy and pricing, both over time and geographically.

Nyny is in her second year in the Department of City and Regional Planning Master's program at UC Berkeley Department. Nyny holds a Bachelor of Science in Environmental Science and Management. Prior to joining BAE, Nyny worked as a Research Associate with the University of Santiago de Compostela in Spain. She was also a Parks Planning intern for the City of Sacramento Department of Youth, Parks, and Community Enrichment and a GIS intern for the Sacramento Area Council of Governments (SACOG).

Eastern County STR Economic Study
Placer county, CA
Academic Literature Review and Synthesis; STR Market Analysis; TOT Data Analysis

Active Employment Housing Policy
City of Moab, UT
Induced Housing Demand; Workforce Housing Demand; Vacant Sites Inventory; Site Capacity Analysis

Housing Market Study
El Dorado County, CA
Residential Market Analysis; Real Estate Research and Outreach; Economic Analysis

Housing Strategy and Development Plan
Placer County, CA
Vacant Sites Inventory; Market Analysis; Site Capacity Analysis; Strategy Development

Housing Nexus Study
Dallas, TX
Residential Market Analysis; Real Estate Research

Inclusionary Housing Study
City of Los Angeles, CA
Residential Market Analysis; Land Research

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

PROPOSED STUDY APPROACH

Per the request for qualifications (RFQ) issued by Mariposa County, the following summarizes the approach that BAE proposes for this assignment. The scope of work reflects the three phased approach outlined by the County in the RFQ and includes all requested elements. It also incorporates elements that BAE has successfully implemented in other communities, such as a technical literature review, as well as optional tasks that BAE recommends the County consider including as part of the final work product, or as possible future phases.

Phase One: Initiate the Study

Task 1. Project Kickoff Meeting

To kick off the project, BAE will participate in an in-person meeting with Mariposa County staff to discuss the scope of work, budget, and schedule. This will include tentative scheduling for community outreach events/town halls in the four identified county sub-areas (discussed under Task 2 and 8), as well as other key dates and critical milestones, with a goal of presenting to the research findings and any resulting recommendations to the Mariposa County Board of Supervisors prior to June 1, 2023.

Prior to the kickoff meeting, BAE will review the County's existing STR policy and associated programs. BAE staff will be prepared with clarifying questions for County staff. BAE will also request copies of any relevant research and planning documents, including but not limited to, the 2018 Comprehensive Housing Program Implementation Study, the 2019 Mariposa County Needs Assessment, and the 2019-2024 Housing Element. BAE will also request information related to ongoing and anticipated research and planning efforts, to the extent that information is available, including from the Integrated Mobility and Housing Strategy and the countywide Market Study (commissioned under the USDA Rural Development Grant program).

Under this task, BAE will also request copies of any relevant data sets in file formats that facilitate BAE's analysis. This will include, but may not be limited to, transient occupancy tax (TOT) certificate and revenue data by accommodation type, STR program compliance and enforcement data, and housing and visitor accommodations building permit data, as well as any other relevant data sets. BAE will request assistance from County staff to request STR compliance monitoring data from the County's data vendor, as well as information on overnight visitor demand from the Mariposa Yosemite Tourism Bureau, and will request other similar data that the County already has available. BAE will request copies of materials associated with community outreach events and surveys previously held by Mariposa County on the issue of STRs and related topics.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Task 2. Identify Stakeholders and Develop Community Engagement Strategy

Under this task, BAE will request a list of key stakeholders and organizations from County staff. As part of the kickoff meeting, discussed under Task 1, BAE and the County will discuss the best approach to contacting each key stakeholder and the best format for soliciting their input. BAE and County staff will also discuss the County's preferred format for community outreach events/town halls, as well as the preferred number of events within each county sub area. Based on this input, BAE will prepare a draft community engagement strategy and provide a copy to County staff for review and comment. Upon receipt of one consolidated set of comments on the draft, BAE will prepare a final community engagement strategy. In the event that adjustments to the engagement strategy are required due to unforeseen circumstances, BAE will provide written notice to the County as soon as possible.

Task 3. Review Approaches to STR Regulation in Other Communities

As a first step in the research process, BAE will update and build upon recently completed research regarding STR regulatory frameworks implemented in other communities. The jurisdictions currently covered by the research include Placer and El Dorado counties, the Towns of Mammoth Lakes and Truckee, and the cities of Morro Bay and South Lake Tahoe in California, as well as Durango, Steamboat Springs, and Crested Butte in Colorado and Moab in Utah. BAE will coordinate with County staff to expand this list in ways that align with the conditions being experienced in Mariposa County, as well as the County's priorities. BAE will update the research previously conducted, collect new information as appropriate, and identify up to date information on outcomes. As part of this task, BAE will also collect perspectives from local policy makers in each jurisdiction regarding what has worked well with their regulatory frameworks and what requires further adjustment and refinement.

Task 4. Review Trends in STR, Hotel, and Housing Inventories

BAE will review trends in the number of STRs and other types of visitor accommodations (including hotel/motel and Bed-and-breakfast establishments) over time and will compare those trends to changes in how the housing stock is being utilized.

Change in the Prevalence of STRs

BAE will review the available TOT certificate and STR permits data provided by Mariposa County to assess changes in the number of active STRs and hotel/motel rooms in each of the four county sub areas and throughout the county as a whole. BAE will evaluate the overall trend, as well as any observable changes in the management of STRs, looking for any observable change in the use of online booking services, like Airbnb and VRBO versus local property management companies, to the extent possible based on the available data. In addition to identifying the number of units, BAE will also evaluate the unit type (STR, hotel/motel, bed and breakfast, etc.), unit size (e.g., number of bedrooms), average daily rate (ADR), and occupancy characteristics.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Changes in Housing Composition

BAE will also collect information on the total number of housing units in Mariposa County by sub area from the California Department of Finance (DOF) and the U.S. Census Bureau. This will facilitate a comparison between the number of STRs and other visitor accommodation units compared to changes in the housing stock by type. BAE will also collect data on residential vacancy over time, with a focus on identifying housing held vacant for seasonal and occasional use. This portion of the analysis will also include evaluation of data on homeowner's exemptions provided by the Mariposa County Assessor's Office to identify changes in owner occupy.

Evaluating COVID Migration Impacts

Recognizing that the majority of the available housing needs research was conducted prior to 2020, BAE proposes to include a brief evaluation of the impact of pandemic induced migration on housing occupancy in Mariposa County. This analysis will follow an approach initially developed by BAE in 2021 for the Town of Truckee.[1] This will include evaluation of data on residential relocations from the U.S. Postal Service (USPS) National Change of Address (NCOA) data set for ZIP Codes within Mariposa County. It will also include an evaluation of DOF population trends data and information on school enrollment within applicable school districts. Lastly, this evaluation will include identification of homes sold since early 2020. BAE will then compare the home sales data with the homeowner's exemption data noted above to identify the share of recently sold homes that are directly occupied by the purchaser.

Task 5. Housing Market Conditions and Needs Assessment Update (Optional)

Recognizing that much of the county's existing housing conditions and needs information was prepared prior to the pandemic, BAE recommends that the County consider authorizing preparation of an abbreviated housing market conditions and needs assessment update. To the extent that the *Integrated Mobility and Housing Strategy* or other recent research already addresses this need, the County may elect not to authorize this task.

If authorized, BAE would leverage cutting edge methods to estimate total resident housing demand by income-level, as well as resident year-round and seasonal workforce housing demand.[2] BAE would also evaluate demand originating from households that include workers commuting into Mariposa County for work. BAE would also collect relevant information on household composition and change over time in order to provide commentary on the

[1] BAE Urban Economics. (June 17, 2021). *Impacts of Pandemic Induced Population and Household Growth on Projections of Long-Term Land Use Demand in Truckee, California*. Prepared on behalf of the Town of Truckee, California. Available at: https://baeurban.egnyte.com/dl/PMjeDgzEPf

[2] For an example of this approach see the *Truckee North Tahoe Regional Workforce Housing Needs Assessment* available at: https://www.placer.ca.gov/DocumentCenter/View/9660/2016-Truckee-North-Tahoe-Regional-Housing-Study-PDF

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

alignment between housing needs and the available housing inventory. BAE would then collect updated information on the composition of the housing stock by size and type of unit, as well as home sales and rental rates in Mariposa County and the prevalence of housing problems (i.e., overpayment, overcrowding, and substandard housing conditions).

Phase Two: Analyze and Connect

Task 6. Review Empirical Research on Impacts of STRs on Housing Prices and Hotel Viability
Under this task, BAE will leverage research previously conducted for Placer County regarding the empirical research on the relationship(s) between the prevalence of STRs in the marketplace and long-term housing availability and pricing, both rental and for-sale.[3] BAE will identify additional research conducted since completion of the prior Placer County study and will prepare an updated analysis that accounts for more recent findings from the academic literature. BAE will prepare a table summarizing the key findings from the research. BAE will also conduct a review of the available literature regarding the impact of STRs on the local economy (e.g., facilitation of visitor spending) and neighborhood character, as well as the impact of STRs on the viability (e.g., pricing and occupancy) of new and existing hotel properties, recognizing that STRs represent a competing form of visitor accommodations.

Task 7. Estimate the Impact of STRs on Visitor Spending and Workforce Housing Demand
To estimate the value of STRs to the local economy, as well as the extent to which creation of new STR units results in the creation of new workforce housing demand.[4] To do this, BAE will collect data on the economic impacts of overnight tourist visitation from Dean Runyan and Associates and will calculate a county-specific visitor spending-jobs multiplier. Using this multiplier value, BAE will estimate the number of jobs supported based on visitor spending originating form persons staying overnight in hotel, motel, or vacation rental accommodations. Based on the total number of overnight visitor stays in hotel, motel, and vacation rental accommodations in Mariposa County, BAE will then calculate the average number of visitor nights per supported job. BAE will then apply the nights per job multiplier to the average STR occupancy in Mariposa County to estimate the number of STR units required to support one full-time equivalent job in Mariposa County. BAE will then leverage data from the U.S. Census Bureau's Public Use Microdata Sample (PUMS) dataset to calculate the average number of workers per resident workforce household and will calculate the number of STRs needed to generate demand for one new workforce housing unit. As part of this process, BAE will also calculate the total estimated visitor spending resulting from overnight stays in STR units and will estimate the indirect and induced economic output and employment that results based on data from Dean Runyan, as well as from the IMPLAN economic impact model.

---

[3] BAE Urban Economics. (January 5, 2022). Eastern County Short-Term Rental Economic Study. Prepared on behalf of the Placer County, California. Available at: https://baeurban.egnyte.com/dl/NDr5segMmo
[4] For an example of this approach see the 2022 Town of Truckee *STR Housing Token Program Valuation Study* available at: https://baeurban.egnyte.com/dl/2uea5y17cA

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Task 8. Implement the Engagement Strategy from Phase One

Concurrent with tasks 6-7, BAE will begin implementation of the community engagement strategy developed under Task 2.

Stakeholder Interview Sessions

This will likely include a series of one-on-one interviews with key industry stakeholders, including STR property managers and hotel/motel operators. The purpose of these interviews will be to collect perspectives on tends in the visitor accommodations industry and the impact(s) of STRs on hotel/motel viability. Key findings from these interviews will be incorporated into the findings from Tasks 6-7. BAE will also conduct interviews with housing advocates, rental housing property managers, and real estate brokers to gauge trends in the market, identify unmet housing needs and challenges, and to assess perspectives on the ways that STRs impact the long-term housing market, as well as the economy and community character.

Town Hall Listening Sessions

Upon completion of tasks 1-7, BAE will coordinate with County staff to hold a series of Town Hall style listening sessions, including at least one session within each of the four county sub-areas. At least one session will be held in or around the Yosemite National Park and the Town of Mariposa. County staff will be responsible for securing necessary facilities, equipment, and refreshments. County staff will also be responsible for advertising and outreach. BAE will present preliminary findings from prior tasks, explain the limitations of the data, answer questions regarding the analysis and the implications of BAE's key findings. BAE will work with County staff to facilitate an open dialogue and to record public comments and questions, as appropriate. Special attention will be paid to hearing input from individual community members, trying to understand their situations, and to discuss potential solutions to issues.

Online Outreach Materials and Surveys *(Optional)*

If requested, BAE is prepared to retain subconsultant services for preparation of a project website that summarizes the purpose of the project and which can function as a depository for pertinent information. Alternatively, BAE may coordinate with County staff to update the County's website as needed. BAE is also prepared to work with the County to develop and implement survey materials, as needed, to collect input from the public regarding attitudes towards STRs, the prevalence of nuisance issues, and the perceived impact of STRs on the local economy and housing markets.

Task 9. Prepare Phase Two Summary Reports

Upon completion of task 1-7, BAE will prepare a brief report summarizing key findings from the analysis, including but not limited to, the ways in which STRs may be impacting the current housing market (both rental and for sale) in terms of pricing and the availability of housing for

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

year-round residents and workers, as well as the impact of STRs on the broader economy and the viability of hotel properties (e.g., occupancy and pricing) in Mariposa County. This draft document may be used for handout materials at the town hall listening sessions. Following completion of the community engagement process described under Tasks 2 and 8, BAE will prepare an additional analysis summarizing the outreach process as well as the input received from the community. BAE will provide both versions of the report document to County staff for review before proceeding to the next task. Upon receipt of one consolidated set of comments on the drafts, BAE will prepare final copies for public distribution.

Phase Three: Develop and Present Recommendations

Task 10. Summarize Findings and Develop Recommendations

Upon finalization of the research summary reports under Task 9, BAE will prepare a memorandum that can later be turned into a report section that summarizes at least three options for addressing the identified impacts of STRs on the housing market and broader economy, as well as impacts to community character and nuisance issues, as well as opportunities to enhance the benefits that accrue to the County and its residents. In the event that STRs are determined not to be the primary factor impacting the market, BAE will identify approaches to addressing other causes, as well as areas for additional research and planning. BAE will provide a draft of the memorandum summarizing BAE's recommendations to County staff for review. Upon receipt of one consolidated set of comments, BAE will prepare a final copy for public distribution and will incorporate the revised language into the final report.

Outreach Sessions on Recommendations

Upon approval of BAE's draft recommendations by County staff, BAE will participate in at least one, but up to four, community meetings to present key findings and recommendations to the community and to receive public input. These meetings will be organized in a similar fashion to the town hall listening sessions discussed under Task 8. Upon completion of the outreach session(s), BAE will prepare a summary of the input received and will revised the recommendations as needed. BAE will provide a revised copy of the report, including the revised recommendations, to County staff for review and will revise following receipt of one consolidated set of comments.

Task 11. Participate in Board of Supervisors Meeting

BAE staff will be available to participate in one in-person meeting of the Placer County Board of Supervisors to present on key findings from the analysis, summarize input received throughout the community engagement process, summarize recommendations and options available to the County, and to answer questions from the Board and members of the public.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Exhibit 1: Proposed Budget Adjustments, Mariposa County STR Study *(Page 1 of 2)*

Project Phase and Task	Principal	Associate	Updated Total	Original Total	Proposed Change
hourly rates	$300	$170			
Phase One: Initiate Study	***46***	***12***	**$15,840**	**$29,680**	**($13,840)**
1. Project Kickoff Meeting (a)	12	0	**$3,600**	**$4,800**	**($1,200)**
2. Identify Stakeholders and Develop Comm. Engagement Strategy	8	0	**$2,400**	**$4,800**	**($2,400)**
3. Review Approaches to STR Regulation in Other Communities	8	6	**$3,420**	**$7,520**	**($4,100)**
4. Review Trends in STR, Hotel, and Housing Inventories	18	6	**$6,420**	**$12,560**	**($6,140)**
4a. Change in Prevalence of STRs	*6*	*0*	*$1,800*	*$3,760*	*($1,960)*
4b. Changes in Housing Composition	*4*	*4*	*$1,880*	*$4,520*	*($2,640)*
4c. Evaluating COVID Migration Impacts	*8*	*2*	*$2,740*	*$4,280*	*($1,540)*
5. Market Conditions and Needs Assessment Update **(Optional)**	40	24	**$16,080**	**$16,080**	**$0**
Phase Two: Analyze and Connect	88	6	**$27,420**	**$30,500**	**($3,080)**
6. Review Empirical Research on Impacts of STRs on Housing	16	0	**$4,800**	**$4,800**	**$0**
7. Estimate Impacts of STRs on Visitor Spending and Housing Demand	8	0	**$2,400**	**$5,480**	**($3,080)**
8. Implement the Engagement Strategy from Phase One (b)	40	0	**$12,000**	**$12,000**	**$0**
8a. Stakeholder Interview Sessions (c)	16	0	*$4,800*	*$4,800*	*$0*
8b. Town Hall Listening Sessions	24	0	*$7,200*	*$7,200*	*$0*
8c. Online Outreach Materials and Surveys **(Optional)**	TBD			TBD	
9. Prepare Phase Two Summary Reports	24	6	**$8,220**	**$8,220**	**$0**
Phase Three: Develop and Present Recommendations	78	12	**$25,440**	**$20,720**	**$4,720**
10. Summarize Findings and Develop Recommendations (d)	40	4	**$12,680**	**$17,980**	**($5,300)**
10a. Outreach Sessions on Recommendations (e)	12	6	*$4,620*	*$4,620*	*$0*
11. Prepare Administrative Fee Study for STR Program	32	8	**$10,960**	*$0*	*$10,960*
12. Participate in Board of Supervisors Meeting	6	0	**$1,800**	**$2,740**	**($940)**
Reimbursable Expenses			**$2,400**	**$2,400**	**$0**
Data Purchase			*$1,500*	*$1,500*	*$0*
Mileage and Per Diem (f)			*$650*	*$650*	*$0*
Hotel Stays (g)			*$250*	*$250*	*$0*
Totals, Excluding Optional Tasks			**$68,700**	**$80,900**	**($12,200)**
Total, Including Optional Tasks			78,100+	96,980+	**($18,880)**

- Please See Notes on Following Page -

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

Exhibit 2: Proposed Budget Adjustments, Mariposa County STR Study *(Page 2 of 2)*

Notes:
(a) Assumes one in-person meeting, review of existing STR policy and relevant background information and data sets.
(b) Assumes eight interviews conducted by phone or video conference.
(c) Assumes four Town Hall listening sessions conducted over two consecutive days.
(d) Includes time needed to prepare the draft and final reports, as well as time needed to participate in outreach sessions.
(e) Assumes four presentations of key findings over two consecutive days.
(f) Based on three round trips by car at 165 miles each way multiplied by a mileage reimbursement rate of $0.62 per mile, plus two daily per diem payments of $25 each.
(g) Assumes two hotel stays at a maximum cost of $125 per night.

Attachment: BAE STR Contract (RES-2023-166 : Short Term Rental Study)

CERTIFICATE OF LIABILITY INSURANCE

DATE (M 11/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Fidelity Insurance Service a member of United Valley 801 Allston Way Berkeley CA 94710	**CONTACT NAME:** Aliyyah Harvey **PHONE (A/C, No, Ext):** (510) 548-8200 **FAX (A/C, No):** (510) 548-6145 **E-MAIL ADDRESS:** aharvey@fidelityinsuranceservice.com
INSURED BAE Urban Economics, Inc., DBA: Bay Area Economis 2560 Ninth Street Suite 211 Berkeley CA 94710	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** Sentinel Insurance LTD — 11000 **INSURER B :** Property & Casualty Insurance Company of Hartford — 34690 **INSURER C :** Ironshore Specialty Insurance Company — 25445 **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** CL22112918440 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:			57SBABB3176	12/24/2022	12/24/2023	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG XCYBR	$ 2,000,000 $ 1,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			57SBABB3176	12/24/2022	12/24/2023	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ $ $
A	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			57SBABB3176	12/24/2022	12/24/2023	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $ 2,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N: Y If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		57WBCNT0764	01/01/2023	01/01/2024	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
C	Professional Liability-Retro date 2/24/06 for $1M Limits & 4/24/16 for $2M Limits			PEO903737-02	04/24/2022	04/24/2023	Each Wrongful ACt Aggregate SIR	$2,000,000 $2,000,000 $100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Info Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Aliyyah Harvey

© 1988-2015 ACORD CORPORATION. All rights reserved.

Attachment: BAE_COI_SAMPLE (RES-2023-166 : Short Term Rental Study)

Tracy Gauthier

From: MinuteTraq Notifications <NoReply@IQM2.com>
Sent: Monday, March 20, 2023 9:45 PM
To: Danielle Bondshu; Dallin Kimble; Danette Toso; Kylee Morrow; Katherine Slenders; Miles Menetrey; Rosemarie Smallcombe; Steve Dahlem; Shannon Poe; Tracy Gauthier; Wayne Forsythe
Subject: A new comment has been posted to your Web Portal

The user Theresa Cook has posted a comment on Legislative File 13887: Approve an Agreement with BAE Urban Economics for a Short Term Rental Study; and Authorize the Board of Supervisors Chair to Sign the Agreement.

Comment: In regards to BAE's proposed study and potential fees, I urge the board to reconsider this study in general especially due to increased costs. It is my understanding that there may already exists studies similar to our situation and that money can be put to better use, especially in light of damages the county has incurred during the last few months. It is also my understanding that str's specifically private houses, etc. bring in millions and if I am correct close to $20,000,000 in TOT tax. Continually going after the str people is akin to biting the hand that feeds you. Seeking more "fees" to operate a small business probably subsidizing a current income is frustrating to me as a county resident. I work at a local school where the pay is just above minimum wage and the small income generated from the str helps pay ever increasing insurance costs, inflation costs, gas costs, etc. To build and start the str, required local and state codes that were borderline crazy. Each process cost "fees". Permits fees, building fees, application fees. If the goal is to fix the housing issue in Mariposa, I strongly urge you to take your focus off Str's and put it on seeking housing alternatives. Mariposa county already pays a high tot tax and to add or increase "fees" anymore is extortion. We can start a new path to solving the counties housing shortage by starting with $69,000 and a percent of current tot tax to a fund to build, affordable apartments, tiny homes or aid for people to buy their own home. I urge you to vote no on agreeing to pay more money to a company to do a study when the wheel has already been invented and secondly to revisit the approach to solving housing issues (which is a statewide issue, not just unique to Mariposa) in a long term perspective not just a quick fix. I appreciate your consideration on my concerns and hope the board is hearing the community.

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=13887

Attachment: Cook - H.7 (RES-2023-166 : Short Term Rental Study)

From: Karin Fielding
To: Board Clerk
Cc: Shannon Poe
Subject: BOS MEETING 3/21 Iten H. 7.
Date: Saturday, March 18, 2023 6:34:02 PM

Some people who received this message don't often get email from [redacted]@gmail.com. Learn why this is important

To: Mariposa County Board of Supervisors

Subjrct: BOS Meeting March 21, 2023
Agenda Item H. 7.
"APPROVE A contract with BAE..

I strongly request that the Board DOES NOT approve this contract as written.
8

It is generally understood there is a longstanding need for housing in Mariposa County.

Previously the BOS approved a study to determine the impact STRs have on available affordable housing. The need for this study was driven by the idea that vacation rentals might be having a negative impact on available and affordable housing. Also the study is to include recommendations for mitigating any negative impacts. This study was budgeted at $50,000.

The contract with BAE is for $68,700. The reason for this increase is not mentioned in the resolution presented by the CAO. In a letter from BAE, however, it IS explained. At the end of this email are the pertinent parts of this letter. (This letter is found in the contract, page 9 of 33 pages.)

IN SHORT, the RFP is amended and the increase in $$ is explained, SUBSTANCIALLY CHANGING THE SCOPE AND FOCUS OF THE STUDY.

The focus is changed from an evaluation of the STRs impact on available housing to the REGULATION OF STRs and an ADMINISTRATIVE FEE STUDY.

Regulation and an administrative fee for STRs should be a separate issue, UNLESS it can be shown how regulation and fees will positively impact the availability of housing.

Mariposa County counsel legal is to carefully craft the wording that pertains to Administrative fees. I believe this is because it would have to be shown that
the "fees" are not to be considered a TAX.

If STR's are singled out for a "fee" then why not charge ALL Lodging businesses a fee?

I do NOT believe this contract as written should be approved by the BOS. I believe this item should be given more scrutiny by the BOS and the public. We also need to know what elements of the RFP were eliminated in order to make the study (with the fee and regulatory inclusion) more affordable.

Thank you,

Attachment: Fielding - H.7 (RES-2023-166 : Short Term Rental Study)

Karin Fielding
Lower Dogtown Road
COULTERVILLE

ATTACHMENT

In a letter to Ben Groger, Mariposa County dated January 23, 2023 BAE wrote this:

Re: Revised Scope and Budget for Proposed Short-Term Rental Study

(EDITED here to copy only the pertinent sections.)

We are pleased at the opportunity to submit the below revisions to the proposed scope of work
and budget for the Mariposa County Short-Term Rental (STR) Study. ....

Per our discussion, Mariposa County
has identified additional needs beyond those originally identified in the Request for Proposals (RFP), including the need for a fee study that provides the legal documentation necessary to implement an administrative fee intended to offset direct costs to the County that accrue as a result of implementing a STR program or regulatory scheme. ....

Also, recognizing the additional cost of preparing a fee study, BAE proposes reducing the proposed budget associated with some of other tasks in the scope of work. ...

Attachment: Fielding - H.7 (RES-2023-166 : Short Term Rental Study)

From: Dallin Kimble
To: Katherine Slenders; Danette Toso; Danielle Bondshu; Miles Menetrey; Rosemarie Smallcombe; Shannon Poe; Steve Dahlem; Wayne Forsythe
Cc: Tracy Gauthier
Subject: RE:
Date: Monday, March 20, 2023 9:32:04 AM

Supervisor Poe asked about the Karin Fielding's public comment this morning. My response is below. Let me know if you'd like to discuss further:

Good morning,

The administrative fee study is included for two reasons. First, it was suggested during the last discussion about short-term rentals as a possible compromise to prevent a moratorium. This was brought up by several of the STR owners themselves and supported by the board, particularly Supervisor Long. Including the fee study does not obligate the board in any way, but it could provide helpful insights about one of the most talked-about alternatives to help determine if it is a viable path forward or not at all something we should continue to consider.

Second, there's not really a better way to quantify STR impacts. Without the administrative fee study, we would probably get a few statistics about possible lost housing opportunities, additional miles driven on our roads, etc., but there really isn't another way to express the full breadth of the impact. Quantifying the impact in dollars gives us a clear and concise way to communicate what that impact really is. Again, the Board can use this information however it would like to do so—there's nothing here saying we have to implement a fee and the proposal makes clear that the firm will be providing several alternatives that the board can consider, including doing nothing at all.

The cost is a function of the bidding process. It is true that we only budgeted $50,000, but that was set before we knew the market. In response to our request for proposals, the two best bids came in at $80,900 and $110,000, respectively. We negotiated with both of these parties and were able to get the substance of the study from a qualified firm for $68,700. This is just markets doing what they do—if we insisted on $50,000, there wouldn't be anyone to do the work.

Happy to discuss more today if needed.

Thanks,
Dallin

Dallin Kimble
County Administrative Officer
Phone: (209) 966-3222
www.mariposacounty.org

From: Katherine Slenders <kslenders@mariposacounty.org>

Attachment: H.7 - Dqallin Kimble (RES-2023-166 : Short Term Rental Study)

Sent: Monday, March 20, 2023 8:31 AM
To: Dallin Kimble <dkimble@mariposacounty.org>; Danette Toso <dtoso@mariposacounty.org>; Danielle Bondshu <dbondshu@mariposacounty.org>; Miles Menetrey <mmenetrey@mariposacounty.org>; Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>; Shannon Poe <spoe@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Wayne Forsythe <wforsythe@mariposacounty.org>
Cc: Tracy Gauthier <tgauthier@mariposacounty.org>
Subject:

Sincerely,

Katherine Slenders
Deputy Clerk of the Board II
(209) 966-3222

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

Attachment: H.7 - Dqallin Kimble (RES-2023-166 : Short Term Rental Study)

From: Rosemarie Smallcombe
To: Danielle Bondshu
Subject: Fwd: Please do not pass H.7
Date: Tuesday, March 21, 2023 11:54:48 AM

FYI

Sent from my iPhone

Begin forwarded message:

From: Monica Barlow <smbarlow6@yahoo.com>
Date: March 21, 2023 at 10:24:26 AM PDT
To: Shannon Poe <spoe@mariposacounty.org>, Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>, Wayne Forsythe <wforsythe@mariposacounty.org>, Miles Menetrey <mmenetrey@mariposacounty.org>, Danette Toso <dtoso@mariposacounty.org>
Subject: Please do not pass H.7

You don't often get email from smbarlow6@yahoo.com. Learn why this is important

Dear BOS Members:

I am not one to meddle in political arenas very often, but I would like to express my disappointment at the consideration of H.7 (hope
I got that correct), the outlay of monies for a survey for vacation rentals.

1. Mariposa County has just been through a devastating storm with enormous damage to almost every resident in at least the northern county, but also some in the southern county. Any County monies should be used to get our County residents back on their feet, not to pay for yet another expensive company to do research.

2. Vacation rentals are so few in the northern county (more in the southern county), I heard about 40 or less, and there are so few ways to make income in our area, that the county needs to let them alone. The Air BnB's don't even touch the profits of the hotels and are a more profitable way to rent. Are rental owners allowed to use their property as they would like to? Do we want to tell them how to use their land and eventually force them to move to other areas or other states? Many in our area have moved away due to rising taxes and laws that restrict what they can do with their own lands.

3. When looking back on previous BOS meetings, a poor county like ours spends quite a bit on expensive studies that aren't always accurate, pertinent, and necessary. I encourage the BOS members to reconsider these expensive measures that drain our county finances.

Please reconsider H.7, and realize that we don't want a county that controls our county residents' lives but a county that encourages our county residents to help each other and work for the best life possible in Mariposa County.

Thank you,

Attachment: Monica Barlow - Please do not pass H.7 (RES-2023-166 : Short Term Rental Study)

Monica Barlow

Attachment: Monica Barlow - Please do not pass H.7 (RES-2023-166 : Short Term Rental Study)

H-7

Tracy Gauthier

From: MinuteTraq Notifications <NoReply@IQM2.com>
Sent: Tuesday, March 21, 2023 7:51 AM
To: Danielle Bondshu; Dallin Kimble; Danette Toso; Kylee Morrow; Katherine Slenders; Miles Menetrey; Rosemarie Smallcombe; Steve Dahlem; Shannon Poe; Tracy Gauthier; Wayne Forsythe
Subject: A new comment has been posted to your Web Portal

The user Colleen Rhodes has posted a comment on Legislative File 13887: Approve an Agreement with BAE Urban Economics for a Short Term Rental Study; and Authorize the Board of Supervisors Chair to Sign the Agreement.

Comment: I write to you today to ask that you vote no on item H.7 of the 3/21/23 agenda, "Approve an Agreement with BAE Urban Economics for a Short Term Rental Study." I make this request even though I have great respect for Housing Development Specialist, Ben Goger, and others involved in this project. Nevertheless, I oppose authorization of the agreement for two reasons: (1) it is too expensive, and (2) it goes in a different direction from that previously discussed and defined in the Request for Qualifications (RFQ) without sufficient notice to the public and public discussion. First, the amount requested for the study is $68,700 (almost 40% more than originally anticipated). The original amount was already objectionably high given the many tens of thousands of dollars previous Boards have allocated to the issue of housing. This higher amount is explained by the proposed contractor, as follows: "With the revised changes to the assumed staff hours for Phase One (all tasks), Phase Two (Task 7 only), and Phase Three (Tasks 10 and 12), BAE expects that we may reasonably reduce the contract budget for this assignment by $23,160. The addition of the new fee study task would then add $10,960, resulting in a revised total project budget of $68,700. Even with the addition of the proposed fee study task, this represents a savings of $12,200." (emphasis added to highlight the mention of a "new fee study task"). A little reverse engineering of that arithmetic reveals that BAE's original bid was $80,900, which would be reduced to $57,740 after cutting down the efforts toward the original RFQ tasks by $23,160 ("BAE proposes reducing the proposed budget associated with some of other tasks in the scope of work."). BAE then adds $10,960 for the new task (Task 11), which was not anticipated by the original RFQ. The new total finally becomes $68,700. The total amount is too high given that the tasks associated with the original RFQ could be done by BAE for $57,740 and that substantial prior studies have already been done, which provide much of the data the county needs for decision-making on STR issues. Add to that the fact that there seems never to be enough funding available for infrastructure needs, and this factor should be sufficient by itself to lead to a negative vote. Second, and more important, the expanded purpose of the study has never before been discussed publicly and goes far beyond the original RFQ's stated purpose. The RFQ was very clear. It stated, "Responses should be limited to specific discussion of the elements outlined in this RFQ." (Page 4 of RFQ under Required Submittals). There is no discussion in the original RFQ of the new task, Task 11, an administrative fee study. When the Board adopted the RFQ, the purpose was clearly stated in the Project Overview on page 1. I quote two important statements. The "Description" states, "The County of Mariposa (County) is soliciting qualified firms to study the positive and negative impacts of short-term rentals (STRs) on the supply of residential housing. Secondarily, the study may identify other economic or neighborhood quality impacts related to conversion of housing to STR uses." The "Background" states, "With this study, the County seeks to understand what the impacts of STRs really are, the magnitude of those impacts, and the opportunities to move forward with solutions that will work for our communities." The purpose is clearly and repeatedly stated and never includes an administrative fee study. BAE appears to be an excellent contractor. My concerns in no way suggest that they are not the appropriate choice for this RFQ. Rather, my discomfort with the proposal that is before you today is with the lack of transparency in this process, with the failure to adequately inform the public of the actual terms of the RFQ, and with the excessive amount of taxpayer dollars that will be expended for this contract. Thank you, Colleen Rhodes

Link to the Discussion: http://MariposaCountyCA.IQM2.com/Citizens/Detail_LegiFile.aspx?ID=13887

Attachment: Rhodes - H.7 (RES-2023-166 : Short Term Rental Study)

MARIPOSA COUNTY

Administration · 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: National Center for Public Lands Counties

RECOMMENDATION AND JUSTIFICATION:

Discussion and Possible Direction on the National Center for Public Lands Counties; and a Requested Contribution of Approximately $25,000.

Mariposa County has been asked to support the establishment of the National Center for Public Lands Counties, which is intended to focus on telling the story of public lands counties in order to secure resources and attention for communities like ours. This support is requested to include a financial contribution equal to one percent (1%) of funds awarded through the American Rescue Plan Act (ARPA) Local Assistance and Tribal Consistency Fund (LATCF), which is approximately $25,000 for Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

55.5% of Mariposa County is nontaxable federal land. In lieu of property taxes to support County operations in these areas, the County receives an annual payment of $1.4 million from the federal government.

Additional information about the proposed National Center for Public Lands is attached.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not discuss, and staff will go without direction on this topic.

ATTACHMENTS:
National Center for Public Lands Counties (PDF)
One Pager--National Center for PL Counties_ (DOCX)
FINAL National Center for Public Lands Counties Feb 6 2022 (PDF)
Public Comments H-8 - Karen Glendenning (PDF)

RESULT: DIRECTION GIVEN

California State Association of Counties®

OFFICERS

President
Chuck Washington
Riverside County

1st Vice President
Bruce Gibson
San Luis Obispo County

2nd Vice President
Jeff Griffiths
Inyo County

Past President
Ed Valenzuela
Siskiyou County

EXECUTIVE DIRECTOR
Graham Knaus

February 26, 2023

To: County Supervisors
County Administrative Officers/Executive Officers

From: CSAC Officers
Supervisor John Peters, Mono County, WIR Board Member
Graham Knaus, CSAC CEO

RE: National Center for Public Lands Counties

The National Association of Counties (NACo) and the Western Interstate Regions (WIR) Boards of Directors has established the National Center for Public Lands Counties (The Center) to give public lands counties an enhanced opportunity to demonstrate how prosperous public lands counties create a prosperous United States. The Center will utilize traditional and new media—such as podcasts and video interviews—to tell these stories and also develop detailed, individual research and written county profiles. Counties know that telling our stories is our most powerful tool in bringing resources and attention to our communities. CSAC is working with NACo to ensure that the Center appropriately emphasizes the importance of recreation economies and does not solely focus on extraction based public lands. The Center will report to the NACo and WIR Board of Directors on its financial health and issue an annual report on research and progress at the annual WIR Conference.

To fund this once-in-a-generation opportunity, NACo is requesting counties make a one-time contribution to get the Center up and running. While each county may decide if and how much they would like to contribute, the requested amount is equivalent to one percent of each county's allocation under the Local Assistance and Tribal Consistency Fund (LATCF), which was awarded through the American Rescue Plan Act (ARPA). County contributions will be collected through CSAC and passed along to NACo.

Please Click Here to print an invoice for your Counties' contribution amount. You will need to select your County from the drop down at the top to properly populate the invoice. We would appreciate it if your Board would consider a contribution and submit funds by April 4, 2023.

Attachment: National Center for Public Lands Counties (13899 : National Center for Public Lands Counties)

National Center for Public Lands Counties

County governments are a leading voice in the intergovernmental partnership in responsible resource management. Understanding our unique role as co-regulators and conveners, Congress has consistently supported appropriations for critical programs like Payments In-Lieu of Taxes (PILT) and Secure Rural Schools (SRS) and granted new authorities to federal lands agencies to broaden the scope, pace and scale of their on-the-ground resource management work with local governments.

To truly benefit from these unique opportunities and investments, counties must accelerate our evidence-based research, peer information exchanges, and overall understanding of our lessons learned, emerging trends analysis, and priority public policy issues.

The NACo and WIR Boards of Directors therefore established the National Center for Public Lands Counties (The Center) to give public lands counties an enhanced opportunity to demonstrate how prosperous public lands counties create a prosperous America. The Center will utilize traditional and new media—such as podcasts and video interviews—to tell these stories and also develop detailed, individual research and written county profiles focused on:

- County partnerships with federal agencies, states, tribes and other counties to reduce wildfire risk, responsibly develop energy and minerals, improve public access to federal lands, protect watersheds, conserve species and their habitat, and protect our national parks and other natural treasures
- County investments of PILT, SRS and other natural resource revenue payments to benefit residents, visitors and surrounding public lands
- The different economic drivers in rural vs. urban public lands counties
- Development and implementation of county natural resource management plans and baseline socioeconomic data for environmental analyses
- Resource values of federal lands compared to nearby privately owned lands
- Meeting the unique challenges facing public lands counties, such as housing affordability for residents and federal employees, ensuring a stable tax base to deliver critical services, and managing infrastructure on federal lands

For the Center to meet its mission and serve as a long-term tool for public lands counties, a voluntary investment of $15 million over the next two years is needed to hire the necessary staff to conduct this critical research and keep the Center on a sustainable financial course. Initially, the Center will need 1-2 hard-working, passionate and talented writers who can help tell the county story. The Center will report to the NACo and WIR Board of Directors on its financial health and issue an annual report at the annual WIR Conference.

The Center's governing body, which will :

- WIR Executive Committee (President, 1st VP, 2nd VP, Immediate Past President)
- NACo Public Lands Steering Committee Chair
- NACo Public Lands Steering Committee Subcommittee Chairs
- Federal Lands Gateway County Official appointed by the NACo Public Lands Steering Committee Chair
- NACo West Region Representative
- NACo Executive Director
- Executive Director from WIR Immediate Past President's home state

Attachment: One Pager--National Center for PL Counties_ (13899 : National Center for Public Lands Counties)

- NACo Public Lands Legislative Director and WIR Liaison, serving as NACo staff liaison to the governing board

The Center's governing board will also be empowered to develop an annual workplan based on the research priorities selected by the WIR Board of Directors and NACo Public Lands Steering Committee. At the WIR Annual Conference each May, the WIR Board of Directors and the NACo Public Lands Steering Committee will review the activities and performance of the Center, and consider and adopt the proposed workplan for the next year.

In order to leverage the expertise of NACo's public lands membership, the governing board will also have the ability to appoint research subcommittees made up of county officials, based on the research priorities selected by the WIR Board of Directors and NACo Public Lands Steering Committee, to coordinate and oversee the research efforts of the National Center. Research work conducted by the National Center will be non-partisan, aligned with NACo policy and priorities and will not directly conflict with the interests of any county.

NACo staff contact: Jonathan Shuffield, NACo Legislative Director for Public Lands, at 512.965.7268 or jshuffield@naco.org

Attachment: One Pager--National Center for PL Counties_ (13899 : National Center for Public Lands Counties)



National Center for Public Lands Counties

Advancing the policy and practice study of America's public lands counties

Powered by the Western Interstate Region
and the NACo Research Foundation

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

FURTHER THE FEDERAL GOVERNMENT's UNDERSTANDING OF THE COUNTY ROLE IN RESPONSIBLE LAND, WATER AND RESOURCE MANAGEMENT

- **County governments are leaders in the intergovernmental partnership** with federal lands management agencies
- **We work with officials from all levels of government, private stakeholders and other interested parties** to reduce fuel loads on federal lands, prudently develop our natural resources to meet the nation's economic needs, improve local economies, enhance recreational access to public lands, and conserve our lands and waters for future generations
- With improved understanding of our unique role, **Congress has invested record sums recently to support public lands counties,** including Payments In-Lieu of Taxes (PILT), Secure Rural Schools (SRS), and other revenue sharing programs
- **Congress also granted new authorities to federal lands agencies** to broaden the scope, pace and scale of their on-the-ground resource management work with local governments
- **HOWEVER, we must continue to tell the county story,** research innovation practices, nurture and build new relationships and networks, and address the mounting challenges and opportunities facing public lands counties

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

NATIONAL CENTER FOR PUBLIC LANDS COUNTIES

- **Counties must research, evaluate and share lessons learned about the critical county contribution to sustainable resource management and evidenced-based practices** for developing and enhancing collaborative partnerships, including public-private-community collaborations and intergovernmental coordination

- Therefore, the NACo and WIR Boards of Directors both moved at the 2022 NACo Annual Conference in July 2022 to proceed with developing the **National Center for Public Lands Counties**

- **The Center will weave together the narrative around public lands counties and the national interest** in our prosperity by showing how public lands are interconnected with the country's needs. For example, a wildfire on federal land near a major water source could jeopardize water quality in a large urban region

- **The National Center for Public Lands Counties will be an essential resource for public lands counties** by sharing these stories with county officials, intergovernmental partners, the media, think tanks and other key influencers to demonstrate how prosperous public lands counties create a prosperous America

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

MISSION AND OBJECTIVES

- **MISSION: Advance the policy and practice study, research, and learning networks** for America's public lands counties

- **IMPERATIVE: Enhance the long-term policy and practice research, capacity and information exchange of elected and appointed leaders from America's public lands counties,** including with federal and state policymakers, key stakeholders and influencers, the media, and the general public

- **OBJECTIVES:**
  - **Enhance the understanding of national, state and county policymakers and influencers** of the unique policy and practice issues facing America's county officials in areas with federal public lands
  - **Develop the policy and practice research, case studies, public forums, and learning networks necessary** to advance and inform our nation's policies and practices (including at the federal, state and local levels) impacting public lands counties
  - **Foster intergovernmental relationships and dialogue on the intersection of federal, state and local policymaking and practices** across the broad range of issues facing public lands counties, such as: landscape health, wildfire risk mitigation, watershed protection, economic competitiveness and job creation, enhanced public access to federal lands and waters, species management, and biodiversity health

- **FUNDRAISING GOAL: $15 million over two years** to establish a new research fund, known as the National Center for Public Lands Counties, within the NACo Research Foundation and co-governed with NACo's Western Interstate Region (WIR) leadership

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

FUNDRAISING GOAL

- For the National Center for Public Lands Counties to meet its mission and serve as a long-term tool for public lands counties, **a voluntary investment** from state associations representing public lands counties is needed
- NACo staff, state associations of counties executives and county officials set a **fundraising goal of $15 million over the next two years** to build the staff capacity and partnerships to conduct this critical research and keep the Center on a sustainable financial course
- **State association executives are asked to meet with their members and determine by January 31, 2023** what their state association can pledge as a voluntary contribution to the Center
- These funds will be **managed under a 501(c)(3) within the NACo Research Foundation to support WIR's collaboration** with the National Center for Public Lands Counties. *These funds will not be used for any partisan political purposes*
- **Initially, the Center will need 1-2 hard-working, passionate and talented writers** who can help us tell the county story and conduct and develop key research to meet the National Center's goals. We will then build staffing capacity, unique programming and impactful resources as appropriate

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

GOVERNANCE

- **National Center's Governing Board will consist of:**
  - WIR Executive Committee (President, 1st VP, 2nd VP, Immediate Past President)
  - NACo Public Lands Steering Committee Chair
  - NACo Public Lands Steering Committee Subcommittee Chairs
  - Federal Lands Gateway County Official appointed by the NACo Public Lands Steering Committee Chair
  - NACo West Region Representative
  - NACo Executive Director
  - Executive Director from WIR Immediate Past President's home state
  - NACo Public Lands Legislative Director and WIR Liaison, serving as NACo staff liaison to the governing board
- **Governing Board will meet on a regular basis and** develop an annual workplan based on the research priorities selected by the WIR Board of Directors and NACo Public Lands Steering Committee. At the WIR Annual Conference each May, the WIR Board of Directors and the NACo Public Lands Steering Committee will review the activities and performance of the Center, and consider and adopt the proposed workplan for the next year.

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National



STRONGER COUNTIES. STRONGER AMERICA.

National Association of Counties
660 North Capitol Street, N.W. | Suite 400
Washington, D.C. 20001
202.393.6226 • www.NACo.org

fb.com/NACoDC
@NACoTweets
youtube.com/NACoVideo
linkedin.com/company/NACoDC

Attachment: FINAL National Center for Public Lands Counties Feb 6 2022 (13899 : National

From: Karen Glendenning
To: Board Clerk
Cc: Miles Menetrey; Shannon Poe; Danette Toso; Rosemarie Smallcombe; Wayne Forsythe
Subject: Public Comments H-8
Date: Monday, March 20, 2023 1:32:20 PM

Good Day,
Will the participation of Mariposa County on this organization ensure that the United States Congress learns that the Range of Light National Monument proposed by CA Rep. Jackie Speir would negatively affect Mariposa County and its residents?
Will the organization contact the various committee members to convey a negative support of the Range of Light National Monument and help to kill the proposed formation of the National Monument?

Thank you for finding the answers to my questions.
Karen Glendenning
Private Citizen of Fish Camp

Attachment: Public Comments H-8 - Karen Glendenning (13899 : National Center for Public Lands Counties)

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Danielle Bondshu, Clerk of the Board

RE: Discussion on Agenga Layout

RECOMMENDATION AND JUSTIFICATION:

Discussion and Possible Direction on Agenda Layout.

The Clerk of the Board has discretion over board agenda layout, however, when major changes are made, staff seeks direction from the Board to ensure, its a consensus change.

Staff recently changed the agenda layout per Board direction. After a request from the Public Works Director, the Board requested the layout be reviewed again.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 21st, 2023, the Board directed staff to change the layout of the agenda.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not discuss, agenda will remain in the current format.

RESULT: DIRECTION GIVEN

MARIPOSA COUNTY

Public Works · 209-966-2498

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Shannon Hansen, Director of Public Works & Transportation

RE: Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project

---

RECOMMENDED ACTION AND JUSTIFICATION:

PUBLIC HEARING: Adopt the Initial Study/Mitigated Negative Declaration (IS/MND) for the Mariposa Creek Parkway Phase III and Trailhead Project; Approve the Mitigation Monitoring Report Program; and Authorize the Executive Director-MCLTC to file a Notice of Determination pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

Mariposa Creek Parkway Phase III includes the development of a multi-use creek parkway trail and secondary pedestrian-only trail system between 8th Street and Joe Howard Street. The Project also includes the 11th Street Paseo and associated Graphic Enhancement Project, improvements on Jessie Street and the Trailhead Project.

Pursuant to California Environmental Quality Act (CEQA), Notice of Intent to adopt an IS/MND was published in the Mariposa Gazette on February 2, 2023 and circulated to the State Clearinghouse. In addition, hard copies of the draft IS/MND were available for public review at the Public Works Department public counter. A 30-day public circulation of the environmental document for the project occurred from February 2nd to March 6, 2023, https://ceqanet.opr.ca.gov/2023020034 . All comments have been addressed in the Response to Comments document, and a new Mitigation Measure for Tribal Cultural Resources has been incorporated into the MMRP, Chapter 5 of the IS/MND.

LTC staff recommends that the Board adopt the IS/MND pursuant to CEQA Guidelines Section 15074(B), by finding that on the basis of the whole record, including the IS/MND and any comments received, there is no substantial evidence the project will have a significant effect that cannot be mitigated and that the IS/MND reflects the LTC's independent judgment and analysis. A detailed list of mitigated measures can be found in the MMRP, Chapter 5 of the IS/MND.

Land use and zoning actions would occur at a future date as needed for appropriate zoning of County owned lands to reflect Public Quasi-Public Zoning and any design review that may be needed for the recreation uses.

The construction of the Creek Parkway will begin in 2025.

Local Transportation Commission 2023-7

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County received $4,415,000 in Active Transportation Program (ATP) Grant Funds to Construct Phase III of the Mariposa Creek Parkway Project.

On October 22, 2021, the Board approved an Agreement with the State of California for the Phase III of the Mariposa Creek Parkway Project in the Amount of $200,000. This is the first disbursement of funds to begin design. (Resolution 2021-598)

On May 6, 2022, the Board approved an Agreement with Provost and Pritchard Consulting Group to Provide Mariposa Creek Parkway Phase III Design Services in the Amount Not to Exceed $189,824. (Resolution 2022-308)

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the CEQA determination is not adopted, the Project may not proceed, and the County would be required to return the grant funds to the State.

FINANCIAL IMPACT:

The cost to file the Notice of Determination with California Dept. of Fish & Wildlife is $2,794 and 100% reimbursable through the ATP grant.

ATTACHMENTS:
Mariposa Creek Parkway Phase III - Project Description (PDF)
Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (PDF)
Mariposa Creek Parkway Phase III - ISMND Response to Comments (PDF)
Mariposa Creek Parkway Phase III - MMRP (PDF)
Mariposa Creek Parkway Phase III - NOD (PDF)
Mariposa Creek Parkway Phase III - NOI_stamped (PDF)
Resolution (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Shannon Poe, Supervisor
AYES: Toso, Poe, Smallcombe, Forsythe, Menetrey

Attachment: Mariposa Creek Parkway Phase III - Project Description (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Project Title

Mariposa Creek Parkway Phase III and Trailhead Project

Project Location

The Project is located in within the unincorporated community of Mariposa in Mariposa County, California, approximately 110 miles southeast of Sacramento and 150 miles northwest of Bakersfield. The centroid of the Project site is 37° 29' 14.40" N, 119° 58' 11.91" W.

General Plan Land Use and Zoning Designation

The Project is located within Mariposa County. The General Plan Land Use Designation is: Planning Area, Mariposa – Town Planning Area Specific Plan. Table 1 below describes the Project APNs, their zoning designation, and the owner and ownership type.

Table 1: Description of Project Parcels

APN	Zoning	Owner	Ownership
012-143-004-000	SR-20	County of Mariposa	County
012-143-001-000	MFR	County of Mariposa	County
013-130-045-000	GC	County of Mariposa	County
013-130-006-000	GC	County of Mariposa	County
~~013-240-022-000~~	~~GC~~	~~Bridges Lester & Barbara Tr~~	~~Private~~
013-130-077-000	GC	County of Mariposa	County
013-130-078-000	SPLIT	County of Mariposa	County
013-230-053-000	SFR-9K	County of Mariposa	County
013-230-046-000	SFR-9K	Shoor Brian & Jennifer	Private
013-230-054-000	SFR-9K	Clark Richard Tr	Private
013-230-021-000	SFR-9K	Jones Morris II	Private
013-230-047-000	P/Q-P	County of Mariposa	County
013-230-028-000	MFR	Act Holding Inc	Private
012-143-003-000	PO	Clark Richard Tr	Private

GC: General Commercial
MFR: Multi-Family Residential
P/Q-P: Public/Quasi-Public
PO: Professional Office

SFR 9,000: Single-Family Residential (9,000 sq. ft. lots)
SPLIT: Split Zoning
SR-20: Scenic Resource (20-acre lots)

Description of Project

Project Description

Mariposa County proposes to carry out Phase III of the Mariposa Creek Parkway Master Plan. The Project includes the development of a multi-use (bicycle and pedestrian) creek parkway trail and secondary (pedestrian only) trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with 8th Street, State Route (SR) 140/49 and the Joe Howard Bridge. Locally, it will extend the existing trail from the Mariposa County Arts Park to local businesses and a future transit center. Regionally, it will become part of several bicycle routes extending into the national forests and Yosemite National Park.

The Project will implement critical components of the Mariposa Creek Parkway Master Plan, 11th Street Paseo Graphic Enhancement Project, and the Trailhead Project. Specifically, it will construct Phase III of the Mariposa Creek Parkway, an approximately 0.5-mile-long parkway segment between 8th Street and Joe Howard Street; the 11th Street Paseo, an approximately 100-foot-long strategic active transportation linkage between SR 140/49 and Jessie Street; new pedestrian and bicycle facilities along Jessie Street to connect the aforementioned mobility resources and establish a safe bicycle and pedestrian network in this area of Mariposa; and the trailhead area and its associated amenities near Jessie Street and 8th Street.

Easements

The Project could require public access easements at the upstream end of the parkway near the Joe Howard Street bridge. The intent is to acquire public access easements from associated property owners over the parcels that are coincident with the existing dirt access road and MPUD sewer easement. If these rights of way are not acquired, the Project would not progress beyond the upstream limit of the county-owned right of way, and a new creek crossing and connection to Joe Howard Street would occur at this location. All project impacts associated with these scenarios have been evaluated in this document.

Zone Amendment

The Project would also require a zone amendment for the Project parcels that are currently not zoned Public Quasi-Public.

Construction Schedule

Construction of the Phase III parkway elements is anticipated to generally occur between June 2025 and September 2026. The time frame for the trailhead and destination park elements is unknown at this time. Generally, work along the creek and within riparian areas will be limited to late spring to early fall with considerations for critical periods of sensitive species. The work along Jesse Street and connections to SR 140/49 and local streets has less restrictions and will generally occur outside of the colder fall and winter months.

Operation and Maintenance

Operation and Maintenance (O&M) of the Project would be handled by the Mariposa County Public Works Department, Road and/or Parks and Recreation Divisions. O&M would include the following:

- Mowing – Mowing each side of trail where applicable.
- Pruning - Prune woody limbs and shrubs near sides of trail.
- Removal of Trees/Limbs - Evaluation/removal of unhealthy or dead trees and limbs. Fallen trees may remain as access control and to minimize disturbance.
- Signage - Maintain directional and informational signs.
- Trail Surface – Restore, regrade, clean and/or resurface when necessary.
- Drainage Structures - Clean inlets, keep swales clear of debris.
- Litter Pick Up - Trailside-litter pickup. Access area litter pickup. Encourage continued user "carry-in, carry-out" policy.
- Trash Collection - Removal of trash from receptacles at access areas.
- Bridge and structure Inspection - Maintenance of bridge, overlook and trailhead structures to ensure structural integrity and public safety.
- Lighting – maintain functional safety lighting (replace luminaires, repair outages)
- Restriping and Bollard Repairs – as necessary when pavement markings have faded or bollards are damaged.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

MARIPOSA CREEK PARKWAY PHASE III AND TRAILHEAD PROJECT

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

SCH NO. 2023020034

MARCH 2023

PREPARED FOR:

Mariposa County
5100 Bullion Street
Mariposa, CA 95338

PREPARED BY:

Provost & Pritchard Consulting Group

EST. 1968
PROVOST& PRITCHARD
CONSULTING GROUP

TABLE OF CONTENTS

Chapter 1 Introduction 1-1
1.1 Regulatory Information 1-1
1.2 Document Format 1-1
Chapter 2 Project Description 2-1
2.1 Project Background 2-1
2.1.1 Project Title 2-1
2.1.2 Lead Agency Name and Address 2-1
2.1.3 Contact Person and Phone Number 2-1
2.1.4 Project Location 2-1
2.1.5 General Plan Land Use and Zoning Designation 2-1
2.1.6 Description of Project 2-2
2.1.7 Other Public Agencies Whose Approval May Be Required 2-9
2.1.8 Consultation with California Native American Tribes 2-9
Chapter 3 Determination 3-1
3.1 Potential Environmental Impacts 3-1
3.2 Determination 3-2
Chapter 4 Environmental Impact Analysis 4-1
4.1 Aesthetics 4-1
4.1.1 Baseline Conditions 4-1
4.1.2 Impact Analysis 4-2
4.1.3 Mitigation 4-3
4.2 Agriculture and Forestry Resources 4-5
4.2.1 Baseline Conditions 4-5
4.2.2 Impact Analysis 4-6
4.3 Air Quality 4-10
4.3.1 Baseline Conditions 4-10
4.3.2 Impact Analysis 4-12
4.4 Biological Resources 4-13
4.4.1 Baseline Conditions 4-13
4.4.2 Methodology 4-14
4.4.3 Thresholds 4-19
4.4.4 Impact Analysis 4-21
4.4.5 Mitigation 4-25

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.5 Cultural Resources....4-27
4.5.1 Baseline Conditions....4-27
4.5.2 Impact Analysis....4-30
4.5.3 Mitigation....4-31
4.6 Energy....4-32
4.6.1 Baseline Conditions....4-32
4.6.2 Impact Analysis....4-32
4.7 Geology and Soils....4-34
4.7.1 Baseline Conditions....4-34
4.7.2 Impact Analysis....4-35
4.7.3 Mitigation....4-37
4.8 Greenhouse Gas Emissions....4-39
4.8.1 Baseline Conditions....4-39
4.8.2 Impact Analysis....4-41
4.9 Hazards and Hazardous Materials....4-42
4.9.1 Baseline Conditions....4-42
4.9.2 Impact Analysis....4-43
4.9.3 Mitigation....4-44
4.10 Hydrology and Water Quality....4-46
4.10.1 Baseline Conditions....4-46
4.10.2 Impact Analysis....4-47
4.11 Land Use and Planning....4-50
4.11.1 Baseline Conditions....4-50
4.11.2 Impact Analysis....4-50
4.12 Mineral Resources....4-51
4.12.1 Baseline Conditions....4-51
4.12.2 Impact Analysis....4-51
4.13 Noise....4-52
4.13.1 Baseline Conditions....4-52
4.13.2 Impact Analysis....4-54
4.13.3 Mitigation....4-55
4.14 Population and Housing....4-56
4.14.1 Baseline Conditions....4-56
4.14.2 Impact Analysis....4-56
4.15 Public Services....4-57

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.15.1 Baseline Conditions 4-57
4.15.2 Impact Analysis 4-57
4.16 Recreation 4-59
4.16.1 Baseline Conditions 4-59
4.16.2 Impact Analysis 4-59
4.17 Transportation 4-61
4.17.1 Baseline Conditions 4-61
4.17.2 Impact Analysis 4-61
4.18 Tribal Cultural Resources 4-63
4.18.1 Baseline Conditions 4-63
4.18.2 Impact Assessment 4-64
4.18.3 Mitigation 4-65
4.19 Utilities and Service Systems 4-66
4.19.1 Baseline Conditions 4-66
4.19.2 Impact Analysis 4-66
4.20 Wildfire 4-68
4.20.1 Baseline Conditions 4-68
4.20.2 Impact Analysis 4-69
4.20.3 Mitigation Measures 4-69
4.21 CEQA Mandatory Findings of Significance 4-70
4.21.1 Statement of Findings 4-70
Chapter 5 Mitigation, Monitoring, and Reporting Program 5-1
Chapter 6 References 6-1

LIST OF APPENDICES

Appendix A: CalEEMod Output Files A-1
Appendix B: Biological Evaluation B-1
Appendix C: Phase I Cultural Resources Survey C-1
Appendix D: Aquatic Resources Delineation D-1

LIST OF FIGURES

Figure 2-1: Conceptual Plan 2-5
Figure 2-2: Regional Location Map 2-10
Figure 2-3: Area of Potential Effect Map 2-11
Figure 2-4: Topographic Quadrangle Map 2-12
Figure 2-5: APN Map 2-13

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Figure 2-6: Mariposa Town Planning Area Land Use Map 2-14
Figure 2-7: Zoning Map 2-15
Figure 4-1: Project Site Photos 4-4
Figure 4-2: Farmland Map 4-8
Figure 4-3. Project Site Photos 4-9
Figure 4-4: Project study area, looking south. 4-29
Figure 4-5: Project study area, looking northwest. 4-29
Figure 4-6: On-site Soils Map 4-38
Figure 4-7: Sensitive Receptors Map 4-45
Figure 4-8: FEMA Flood Map 4-49

LIST OF TABLES

Table 2-1: Description of Project Parcels 2-1
Table 4-1: Aesthetics Impacts 4-1
Table 4-2: Agriculture and Forest Impacts 4-5
Table 4-3: Air Quality Impacts 4-10
Table 4-4: Unmitigated Short Term Construction Related Emissions of Criteria Air Pollutants* 4-11
Table 4-5: Unmitigated Long Term Operational Emissions of Criteria Air Pollutants* 4-12
Table 4-6: Biological Resources Impacts 4-13
Table 4-7. List of Special Status Animals with Potential to Occur Onsite and/or in the Vicinity 4-15
Table 4-8. List of Special Status Plants with Potential to Occur Onsite and/or in the Vicinity 4-16
Table 4-9: Cultural Resources Impacts 4-27
Table 4-10: Previously Recorded Cultural Resources within Project Area 4-28
Table 4-11: Newly Recorded Cultural Resources Identified within Project Area during survey 4-30
Table 4-12: Energy Impacts 4-32
Table 4-13: Geology and Soils Impacts 4-34
Table 4-14: Greenhouse Gas Emissions Impacts 4-39
Table 4-15: Short Term Construction Generated GHG Emissions 4-41
Table 4-16: Long Term Operational GHG Emissions 4-41
Table 4-17: Hazards and Hazardous Materials Impacts 4-42
Table 4-18: Hydrology and Water Quality Impacts 4-46
Table 4-19: Land Use and Planning Impacts 4-50
Table 4-20: Mineral Resources Impacts 4-51
Table 4-21: Noise Impacts 4-52
Table 4-22. Typical Construction Noise Levels 4-53
Table 4-23: Population and Housing Impacts 4-56
Table 4-24: Public Services 4-57
Table 4-25: Recreation Impacts 4-59
Table 4-26: Transportation Impacts 4-61
Table 4-27: Tribal Cultural Resources Impacts 4-63
Table 4-28: Tribal Outreach Pursuant to AB 52 4-64
Table 4-29: Utilities and Service Systems Impacts 4-66
Table 4-30: Wildfire Impacts 4-68
Table 4-31: CEQA Mandatory Findings of Significance 4-70
Table 5-1: Mitigation, Monitoring, and Reporting Program 5-2

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

ACRONYMS AND ABBREVIATIONS

AB ..... Assembly Bill
ADA ..... Americans with Disabilities Act
amsl ..... above mean sea level
ARD ..... Aquatic Resources Delineation
ATP ..... Active Transportation Program
BMP ..... Best Management Practices
CalEEMod ..... California Emissions Estimator Modeling (software)
CAL FIRE ..... California Department of Forestry and Fire Protection
CARB ..... California Air Resources Board
CCAA ..... California Clean Air Act
CCIC ..... Central California Information Center
CDFW ..... California Fish and Wildlife
CEQA ..... California Environmental Quality Act
CESA ..... California Endangered Species Act
CGP ..... Construction General Permit
CGS ..... California Geological Survey
CH_4 ..... Methane
CNDDB ..... California Natural Diversity Database
CNEL ..... Community Noise Equivalent Level
CNPS ..... California Native Plant Society
CO ..... Carbone Monoxide
CO_2 ..... Carbon dioxide
County ..... Mariposa
CRHR ..... California Register of Historical Resources
CWA ..... Clean Water Act
dBA ..... A-weighted decibels
DBH ..... diameter at breast height
DOC ..... Department of Conservation
DTSC ..... Department of Toxic Substances Control
EIR ..... Environmental Impact Report
FESA ..... Federal Endangered Species Act

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

FMBTA ..... Federal Migratory Bird Act
FMMP ..... Farmland Mapping and Monitoring Program
GHG ..... Greenhouse Gas
GIS ..... Geographic Information System
GWP ..... Global Warming Potential
HRMP ..... Habitat Restoration and Management Plan
IS ..... Initial Study
IS/MND ..... Initial Study/Mitigated Negative Declaration
km ..... kilometers
Ldn ..... day/night sound level
Lmax ..... maximum instantaneous noise level
LOA ..... Live Oak Associates, Inc.
MCAB ..... Mountain Counties Air Basin
MCAPCD ..... Mariposa County Air Pollution Control District
MMRP ..... Mitigation Monitoring and Reporting Program
MND ..... Mitigated Negative Declaration
MPUD ..... Mariposa Public Utility District
NAHC ..... Native American Heritage Commission
ND ..... Negative Declaration
NEPA ..... National Environmental Policy Act
NO_2 ..... Nitrogen Dioxide
NOx ..... Nitrogen Oxides
NPDES ..... National Pollutant Discharge Elimination System
NWPR ..... Navigable Waters Protection Rule
O_3 ..... Ozone
O&M ..... Operation and Maintenance
OPR ..... Governor's Office of Planning and Research
Pb ..... Lead
PG&E ..... Pacific Gas and Electric
PM_{10} ..... particulate matter 10 microns in size
$PM_{2.5}$ ..... particulate matter 2.5 microns in size
ppb ..... parts per billion
ppm ..... parts per million

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

PPV ..... Peak Particle Velocity

Project ..... Mariposa Creek Parkway Phase III and Trailhead Project

ROG ..... Reactive Organic Gases

RWQCB ..... Regional Water Quality Control Board

SB ..... Senate Bill

SO_2 ..... Sulfur Dioxide

sq, ft ..... square feet

SR ..... State Route

SRA ..... State Responsibility Area

SWPPP ..... Storm Water Pollution Prevention Plan

SWRCB ..... State Water Resources Control Board

TPA ..... Town Planning Area

USACE ..... United States Army Corps of Engineers

USC ..... United States Code

USDA ..... United States Department of Agriculture

USEPA ..... United States Environmental Protection Agency

USFWS ..... United States Fish and Wildlife Service

UST ..... Underground storage tanks

µg/m3 ..... micrograms per cubic meter

VMT ..... vehicle miles traveled

WDR ..... Waste Discharge Requirements

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

CHAPTER 1 INTRODUCTION

Provost & Pritchard Consulting Group (Provost & Pritchard) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of Mariposa County (County) to address the environmental effects of the Mariposa Creek Parkway Phase III and Trailhead Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. Mariposa County is the CEQA lead agency for this Project.

The site and the Project are described in detail in Chapter 2 Project Description.

1.1 REGULATORY INFORMATION

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*)-- also known as the CEQA Guidelines--Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or
b. The IS identified potentially significant effects, but:
    1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
    2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as *revised* may have a significant effect on the environment.

1.2 DOCUMENT FORMAT

This IS/MND contains six chapters. Chapter 1 Introduction, provides an overview of the Project and the CEQA process. Chapter 2 Project Description, provides a detailed description of proposed Project components and objectives. Chapter 3 Determination, provides the Lead Agency's determination based upon this initial evaluation. Chapter 4 Environmental Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 5 Mitigation, Monitoring, and Reporting Program (MMRP),

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

provides the proposed mitigation measures, implementation timelines, and the entity/agency responsible for ensuring implementation. Chapter 6 References, details the documents and reports this document relies upon to provide its analysis.

The California Emissions Estimator Modeling (software) (CalEEMod) Output Files, Biological Evaluation, Phase I Cultural Resources Survey, and the Aquatic Resources Delineation are provided as technical Appendix A, Appendix B, Appendix C, and Appendix D, respectively, at the end of this document.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

CHAPTER 2 PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND

2.1.1 Project Title

Mariposa Creek Parkway Phase III and Trailhead Project

2.1.2 Lead Agency Name and Address

County of Mariposa
4639 Ben Hur Road
Mariposa, CA 95338

2.1.3 Contact Person and Phone Number

Lead Agency Contact

Mikey Goralnik
Senior Community Design and Development Planner
(209) 742-1222

CEQA Consultant

Provost & Pritchard Consulting Group
Briza Sholars, Environmental Project Manager
(559) 449-2700

2.1.4 Project Location

The Project is located in within the unincorporated community of Mariposa in Mariposa County, California, approximately 110 miles southeast of Sacramento and 150 miles northwest of Bakersfield (see Figure 2-2 and Figure 2-3). The centroid of the Project site is 37° 29' 14.40" N, 119° 58' 11.91" W.

2.1.5 General Plan Land Use and Zoning Designation

The Project is located within Mariposa County. The General Plan Land Use Designation is: Planning Area, Mariposa – Town Planning Area Specific Plan. Table 2-1 below describes the Project APNs, their zoning designation, and the owner and ownership type.

Table 2-1: Description of Project Parcels

APN	Zoning	Owner	Ownership
012-143-004-000	SR-20	County of Mariposa	County
012-143-001-000	MFR	County of Mariposa	County
013-130-045-000	GC	County of Mariposa	County
013-130-006-000	GC	County of Mariposa	County
~~013-240-022-000~~	~~GC~~	~~Bridges Lester & Barbara Tr~~	~~Private~~

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APN	Zoning	Owner	Ownership
013-130-077-000	GC	County of Mariposa	County
013-130-078-000	SPLIT	County of Mariposa	County
013-230-053-000	SFR-9K	County of Mariposa	County
013-230-046-000	SFR-9K	Shoor Brian & Jennifer	Private
013-230-054-000	SFR-9K	Clark Richard Tr	Private
013-230-021-000	SFR-9K	Jones Morris II	Private
013-230-047-000	P/Q-P	County of Mariposa	County
013-230-028-000	MFR	Act Holding Inc	Private
012-143-003-000	PO	Clark Richard Tr	Private

GC: General Commercial
MFR: Multi-Family Residential
P/Q-P: Public/Quasi-Public
PO: Professional Office

SFR 9,000: Single-Family Residential (9,000 sq. ft. lots)
SPLIT: Split Zoning
SR-20: Scenic Resource (20-acre lots)

See Figure 2-5 for the specific locations of the Project parcels. Figure 2-6 shows the Project's General Plan Land Use Designation and Figure 2-7 shows each parcel's zoning designations as described by the Planning Area, Mariposa - Town Planning Area Specific Plan.

2.1.6 Description of Project

Project Background and Purpose

The Mariposa Town Planning Area (TPA) Specific Plan identifies the Mariposa Creek Parkway as a priority project with multiple social, economic, and environmental benefits. The Mariposa TPA Specific Plan states the following:

"The Park will provide a pedestrian and bicyclist corridor...wide enough for two-way traffic...for walkers, joggers, or bicyclists...will tie together a number of tourist facilities and destinations...residents near the park will also use the creek trail."

Since it was first described in the Mariposa TPA Specific Plan, the Project has been further recommended and refined in a range of other collaborative planning and design processes, highlighted by the Mariposa Creek Parkway Master Plan. Funded by a grant from Caltrans, the County began work on the master plan in 2018. The master plan process relied on extensive community engagement-to develop a comprehensive vision for the creek corridor, and to define priority actions for implementing that vision. On January 28, 2020, the Mariposa Creek Parkway Master Plan was adopted.

Though the master plan looks at the entire creek corridor, the proposed Project focuses on the Phase III segment, which spans the length of Mariposa Creek between 8th Street and Joe Howard Street, approximately 0.5 miles long. The initial Phases I & II were existing at the time of the master plan preparation. The County is currently in the planning process to development a Phase IV Special Plan which will extend the parkway from Joe Howard Street to the County Jail, and a future Phase V would extend the parkway from the downstream end of Phase I to the County Fairgrounds. The timing and scope of Phase IV and V are both underdetermined at this time and not included in this Project. The planning process for the master plan revealed a preference among the County and stakeholders to focus on the Phase III area, which is contiguous with the current Parkway's terminus and is strategically located in the heart of the Town of

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Mariposa. Accordingly, many of the master plan's recommendations prioritize implementing the Phase III segment.

A portion of the Project is being funded by Senate Bill 1 (SB1) Augmentation of the Cycle 5 Active Transportation Program (ATP) grant program administered through Caltrans Division of Local Assistance with oversight and additional administration from the California Transportation Commission. The grant was awarded to Mariposa County in 2020 to fund the active transportation elements of the Mariposa Creek Parkway Phase III implementation.

In Spring 2022, the County received a grant from the Economic Development Administration to plan and permit the Phase III Trailhead and Destination Park in this segment. The master planning process identified this area as an ideal location for both functional uses (such as parking and wayfinding) and recreational uses, including a nature play area, secondary soft paths, and public art that complement the Parkway's active transportation and mobility functions.

The conceptual design has been developed during the Mariposa Creek Parkway Master Planning process with a significant amount of community input and guidance on aesthetics and ecological performance.

Project Description

Mariposa County proposes to carry out Phase III of the Mariposa Creek Parkway Master Plan. The Project includes the development of a multi-use (bicycle and pedestrian) creek parkway trail and secondary (pedestrian only) trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with 8th Street, State Route (SR) 140/49 and the Joe Howard Bridge. Locally, it will extend the existing trail from the Mariposa County Arts Park to local businesses and a future transit center. Regionally, it will become part of several bicycle routes extending into the national forests and Yosemite National Park.

The Project will implement critical components of the Mariposa Creek Parkway Master Plan, 11th Street Paseo Graphic Enhancement Project, and the Trailhead Project. Specifically, it will construct Phase III of the Mariposa Creek Parkway, an approximately 0.5-mile-long parkway segment between 8th Street and Joe Howard Street; the 11th Street Paseo, an approximately 100-foot-long strategic active transportation linkage between SR 140/49 and Jessie Street; new pedestrian and bicycle facilities along Jessie Street to connect the aforementioned mobility resources and establish a safe bicycle and pedestrian network in this area of Mariposa; and the trailhead area and its associated amenities near Jessie Street and 8th Street.

Mariposa Creek Parkway Phase III Elements

Project elements for the Mariposa Creek Parkway Phase III are divided into three subcategories: Amenities, Trails/Street Improvements, and Vegetation, which are listed below:

Amenities

- Stepstone crossings
- Benches/Resting Nodes
- 11th Street Paseo including shade structures, seating, and a mural
- Wayfinding and interpretative signage
- Stormwater management facilities

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Trails/Street Improvements (see Figure 2-1)

- Primary Parkway Trail Section
  - 14' multi-use pathway
    - 8' wide Paved path
    - 4' wide Decomposed Granite path adjacent to paved path
    - 2' minimum buffers on outside of prepared paths
- Secondary Trail Section
  - 4' – 6' wide earthen path
- Jessie Street Improvements
  - Section A-A: 8'painted pedestrian and bike path with 2' painted buffer on creek side on existing or reconstructed asphalt pavement
    - A physical (i.e., bollard) separation between path and Jessie Street vehicular drive lanes
  - Section B-B: 8' painted pedestrian and bike path with 2' painted buffer on creek side
    - A physical (i.e., bollard) separation between path and Jessie Street vehicular drive lane (converted to one-way traffic between 8th Street and 9th Street or 10th Street)
- Up to two (2) Pedestrian bridges across Mariposa Creek with preceding elevated walkway
- Five (5) parking spaces with one accessible space (as mentioned below under Trailhead Project)
- Painted crosswalk connecting to terminus of Phase II Creek Parkway

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

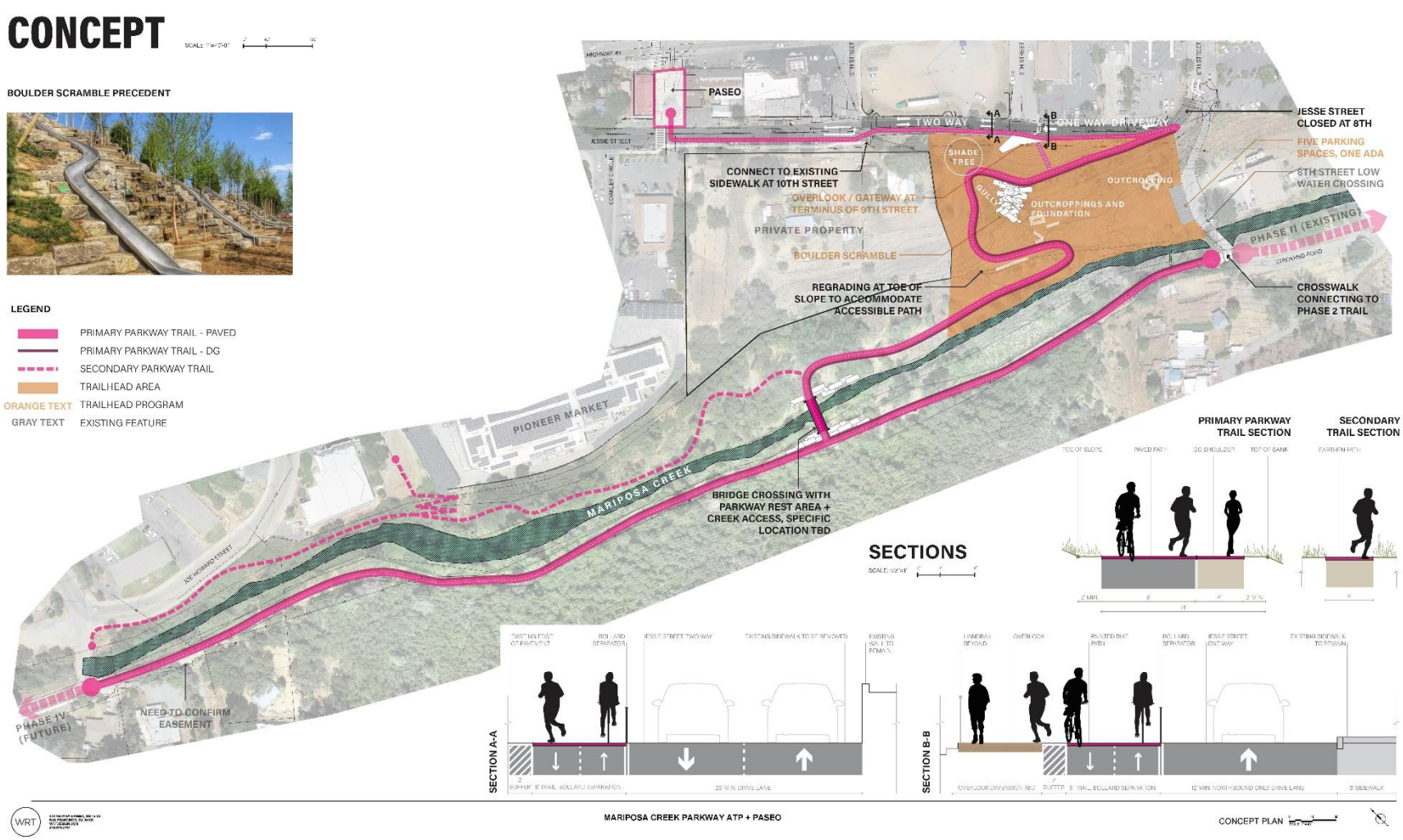


Figure 2-1: Conceptual Plan

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Vegetation

The larger Mariposa Creek Parkway Master Plan views the Mariposa Creek corridor as an ecological, cultural, and recreational asset. As such, it includes elements designed to protect and enhance the corridor, including removal of invasive species, culturally-appropriate prescribed burning, and a large-scale native revegetation effort. These elements will primarily be implemented under the Mariposa Creek Traditional Ecological Restoration Project ("Restoration Project"), which is currently in progress and not part of the Project considered in this CEQA document. However, the current Project is designed to be self-mitigating to the maximum extent possible and will incorporate methods and approaches from the Restoration Project to this end. Specifically, the Project will implement the following conservation strategies:

1. *Special Status Plant Conservation*. Any special status plants that are discovered on site will be treated as an asset and protected to the maximum extent feasible. If special status plants are discovered in areas of the site in which project design cannot be modified to avoid them, they will be salvaged on site. This conservation strategy will be accomplished by:
    a. Retaining a qualified biologist to conduct protocol-level surveys for the slender-stalked monkeyflower (Erythranthe gracilipes) and Madera leptosiphon (Leptosiphon serrulatus) following California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, or most current agency guidance. Surveys will target all suitable habitats of the project site, and will be conducted during appropriate times of year, when local populations of the target species are in bloom and readily identifiable.
    b. Modifying project design, if at all feasible, to avoid any special status plant individuals or populations that are identified in proposed impact areas. A qualified biologist will identify an appropriate buffer around the plants, and no developments or other project-related activities will be permitted within.
    c. Salvaging any special status plant individuals or populations that cannot be avoided. Salvage methods may include seed collection and dispersal, direct transplantation, or other techniques, depending on the ecology of the species in question. The planting area(s) will be located in portions of the site that support suitable habitat and soils for the affected species. Plantings will be protected with fencing and/or interpretive signage and will be maintained and monitored following methods described and depicted in the Habitat Restoration and Management Plan (HRMP) and Mariposa Creek Phase II and III Planting Restoration ("planting plan") for the Restoration Project.

2. *Monarch Butterfly Conservation.* The potential for construction-related mortality of the monarch butterfly (Danaus plexippus), a candidate for listing under the federal Endangered Species Act, will be minimized to the extent feasible, and steps will be taken to ensure there is no net loss of milkweed (Asclepias sp.), the obligatory breeding habitat of this species. This will be accomplished by:
    a. Retaining a qualified biologist to survey all proposed work areas for milkweed plants. The survey will take place during the milkweed growing season when it is readily identifiable, approximately April through October. The objective of the survey will be to tally and map all milkweed plants that could potentially be impacted by project activities.
    b. Avoiding milkweed removal during the period when monarchs are most likely to breed in the project vicinity, April to August.

c. Compensating for project-related loss of milkweed plants at a 3:1 ratio. Plantings will be installed, maintained, and monitored following methods described and depicted in the HRMP and planting plan for the Restoration Project.

3. *Riparian Habitat Conservation.* The project site's mixed riparian woodland habitat will be conserved to the maximum extent feasible, and steps will be taken to ensure there is no net loss of trees or shrubs associated with this habitat type. This will be accomplished by:
   a. Retaining a qualified biologist to survey all portions of the riparian woodland habitat that are proposed for direct impact. All trees and shrubs within these areas will be identified to species and mapped, and their diameter at breast height (DBH) will be recorded. At the end of construction, the survey will be repeated to determine if any trees or shrubs were removed.
   b. Compensating for project-related loss of riparian trees or shrubs with a DBH of 4 inches or greater. Plantings will be installed at a ratio of 3:1 for impacted trees/shrubs with a DBH between 4 and 24 inches, and at a ratio of 10:1 for impacted trees with a DBH greater than 24 inches. Plantings will be installed, maintained, and monitored following methods described and depicted in the HRMP and planting plan for the Restoration Project.

4. *Irrigation.* The Project would require water for temporary irrigation of the revegetated native plants. According to the Habitat Restoration and Management Plan for the Mariposa Creek Parkway Riparian Restoration Project, planted areas would be seasonally watered (typically April through November depending on soil type, aspect, annual precipitation, and temperature). During the first year, the interval between irrigations will be two days per week for two hours, using a two gallon/hour emitter. During the second year the interval between irrigations will be two days per week for one hour, and during the third-year, irrigations will last one hour every other week based on observed need for irrigation during regular inspections. If the plantings appear to be well established after the third year, and all success criteria have been met, the plant protection measures will cease. The plantings will be monitored at least once a week throughout the irrigation months of the three-year establishment period to ensure that the interval between irrigations is suitable for keeping the plantings alive. More frequent irrigation periods and duration may be necessary, particularly in hot weather or low precipitation years. Irrigation will be maintained as needed to repair leaks, cracks or any other impacts to the system. Repairs will be conducted at time of finding or when materials are available.

Phase III Trailhead and Destination Park Area Elements

In addition to the Mariposa Creek Parkway Phase III elements, the Project proposes to construct the trailhead area as mentioned in the Mariposa Creek Parkway Master Plan. The Trailhead and Destination Park area includes the development of the trailhead, and its associated amenities, generally between the creek and Jessie Street, from 8th Street to Joe Howard Street bridge. The Trailhead and Destination Park includes the following elements:

- Creekside nature play area
- Trailhead pavilion (1,200 – 2,400 sq/ft)
  - Beacon, Anchor, Destination
  - Shelter from weather (sun and rain)
  - Restrooms
  - Storage
  - Trail/Parkway information

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

    - Picnic space/small gathering space under roof
- Five (5) parking spaces with one accessible space
- Rock Outcropping Performance Space & Outdoor Classroom
- Downtown connection path
- Creek viewing platforms/Jessie St. overlook
    - Approximately 800 - 1,200 square feet wood & metal structure cantilevered out over slope with staircase for pedestrian access connection to parkway and trailhead site
- Boulder scramble area
- Secondary (pedestrian only) trails between the creek and the town
- Locations and opportunities for public art installations
- Native American interpretive elements
- Creek access points & shade structures
- Fitness stations
- Trail information kiosk (at Joe Howard Street)

For the purposes of this this CEQA document, the area of potential effect and Project area is approximately 11.1 acres

Easements

The Project could require public access easements at the upstream end of the parkway near the Joe Howard Street bridge. The intent is to acquire public access easements from associated property owners over the parcels that are coincident with the existing dirt access road and MPUD sewer easement. If these rights of way are not acquired, the Project would not progress beyond the upstream limit of the county-owned right of way, and a new creek crossing and connection to Joe Howard Street would occur at this location. All project impacts associated with these scenarios have been evaluated in this document.

Zone Amendment

The Project would also require a zone amendment for the Project parcels that are currently not zoned Public Quasi-Public. See Figure 2-6 for the existing zoning for the Project parcels.

Construction Schedule

Construction of the Phase III parkway elements is anticipated to generally occur between June 2025 and September 2026. The time frame for the trailhead and destination park elements is unknown at this time. Generally, work along the creek and within riparian areas will be limited to late spring to early fall with considerations for critical periods of sensitive species. The work along Jesse Street and connections to SR 140/49 and local streets has less restrictions and will generally occur outside of the colder fall and winter months.

Operation and Maintenance

Operation and Maintenance (O&M) of the Project would be handled by the Mariposa County Public Works Department, Road and/or Parks and Recreation Divisions. O&M would include the following:

- Mowing – Mowing each side of trail where applicable.
- Pruning - Prune woody limbs and shrubs near sides of trail.
- Removal of Trees/Limbs - Evaluation/removal of unhealthy or dead trees and limbs. Fallen trees may remain as access control and to minimize disturbance.

- Signage - Maintain directional and informational signs.
- Trail Surface – Restore, regrade, clean and/or resurface when necessary.
- Drainage Structures - Clean inlets, keep swales clear of debris.
- Litter Pick Up - Trailside-litter pickup. Access area litter pickup. Encourage continued user "carry-in, carry-out" policy.
- Trash Collection - Removal of trash from receptacles at access areas.
- Bridge and structure Inspection - Maintenance of bridge, overlook and trailhead structures to ensure structural integrity and public safety.
- Lighting – maintain functional safety lighting (replace luminaires, repair outages)
- Restriping and Bollard Repairs – as necessary when pavement markings have faded or bollards are damaged.

2.1.7 Other Public Agencies Whose Approval May Be Required

- California Department of Fish and Wildlife
- California Department of Water Resources
- California Regional Water Quality Control Board
- California State Water Resources Control Board
- California Department of Transportation
- Mariposa Public Utilities District
- United States Army Corps of Engineers

2.1.8 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, *et seq. (codification of Assembly Bill (AB) 52, 2013-14)*) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The County sent consultation letters, pursuant to AB 52, to the list of tribes provided by the Native American Heritage Commission with the Sacred Land File Search results. For this Project, the County sent out AB 52 Tribal consultation letters to 13 tribes. No responses have been received to date. A full list of tribes and further discussion can be found below in Section 4.18.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

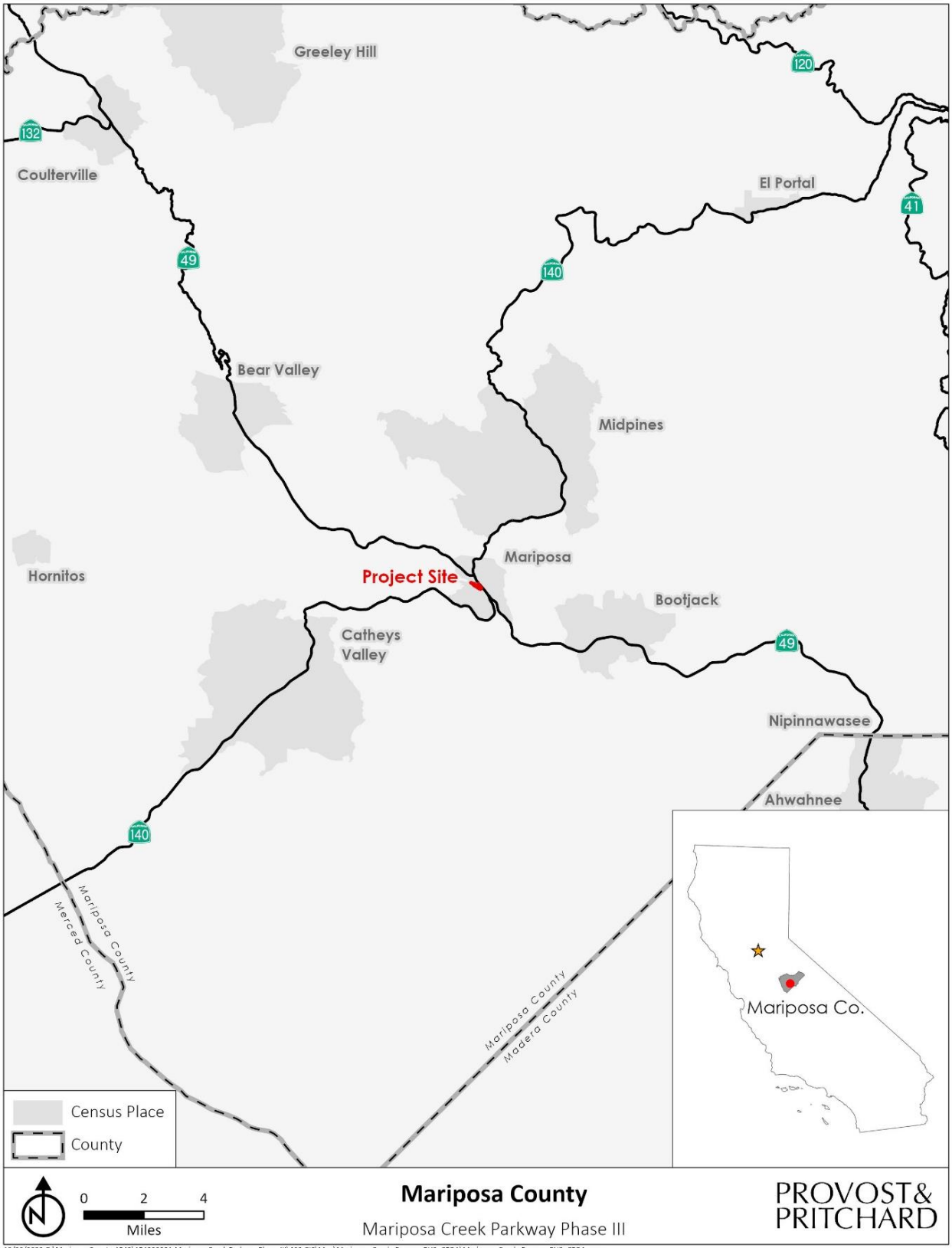


Figure 2-2: Regional Location Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

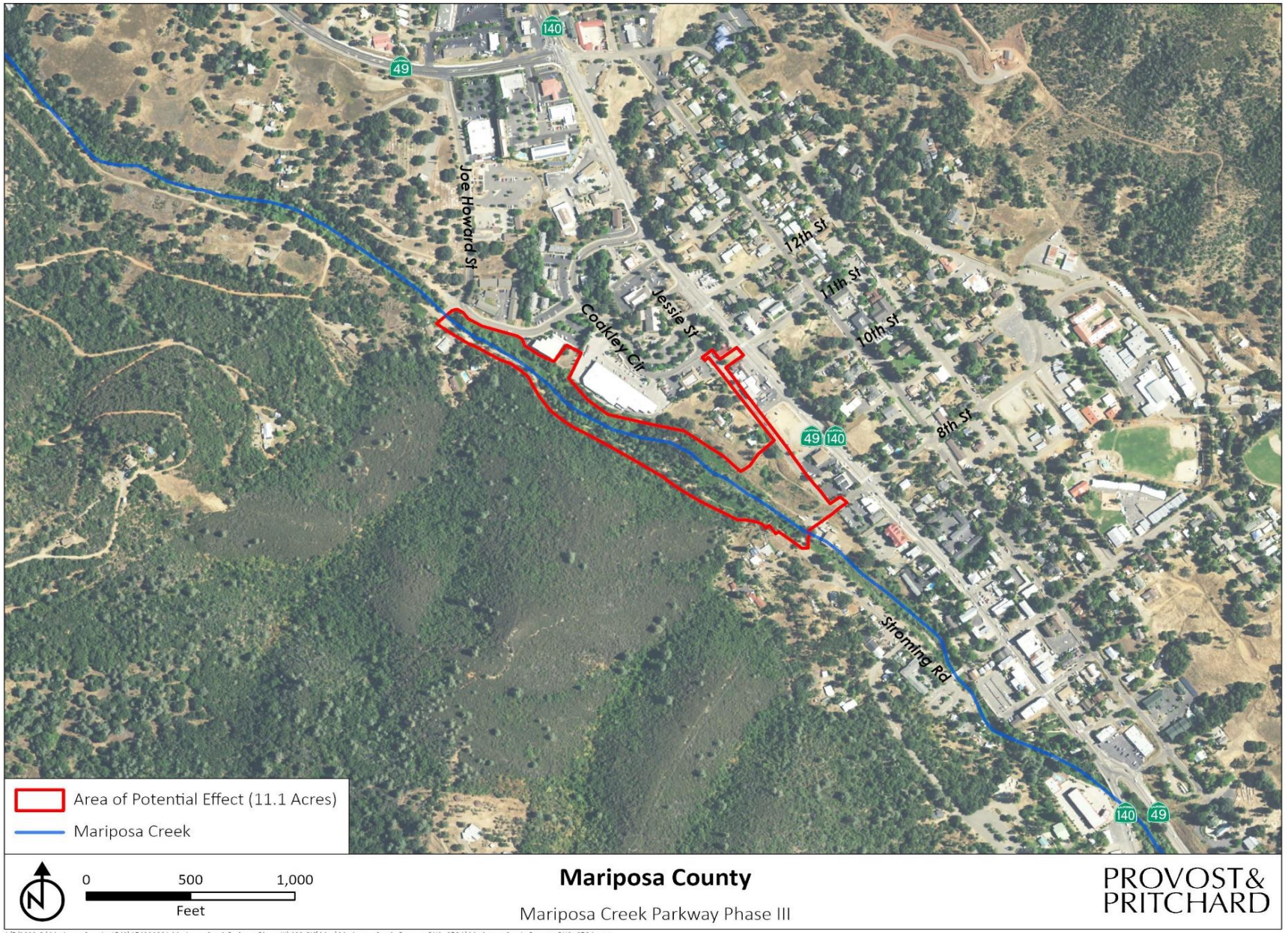


Figure 2-3: Area of Potential Effect Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

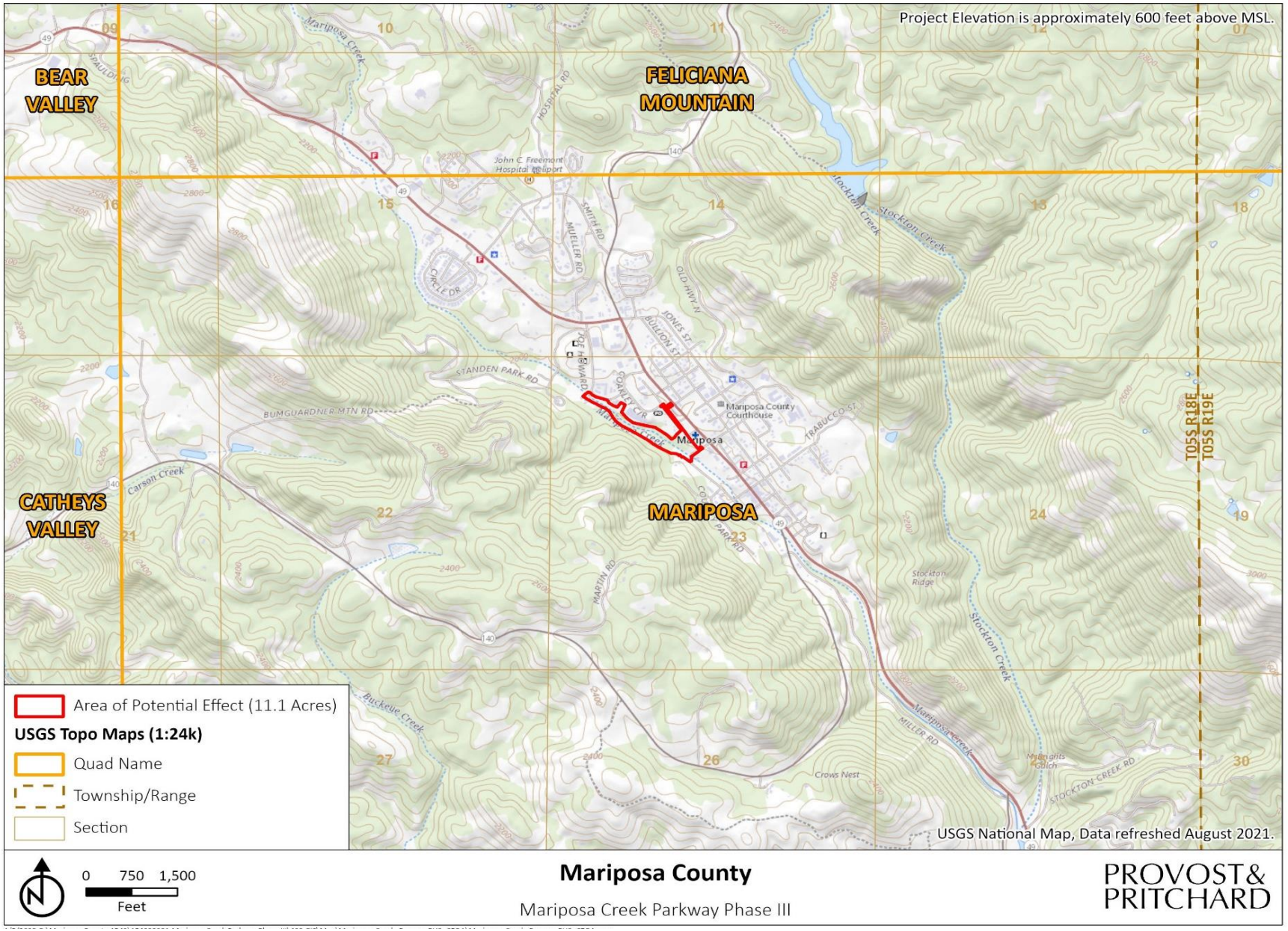


Figure 2-4: Topographic Quadrangle Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

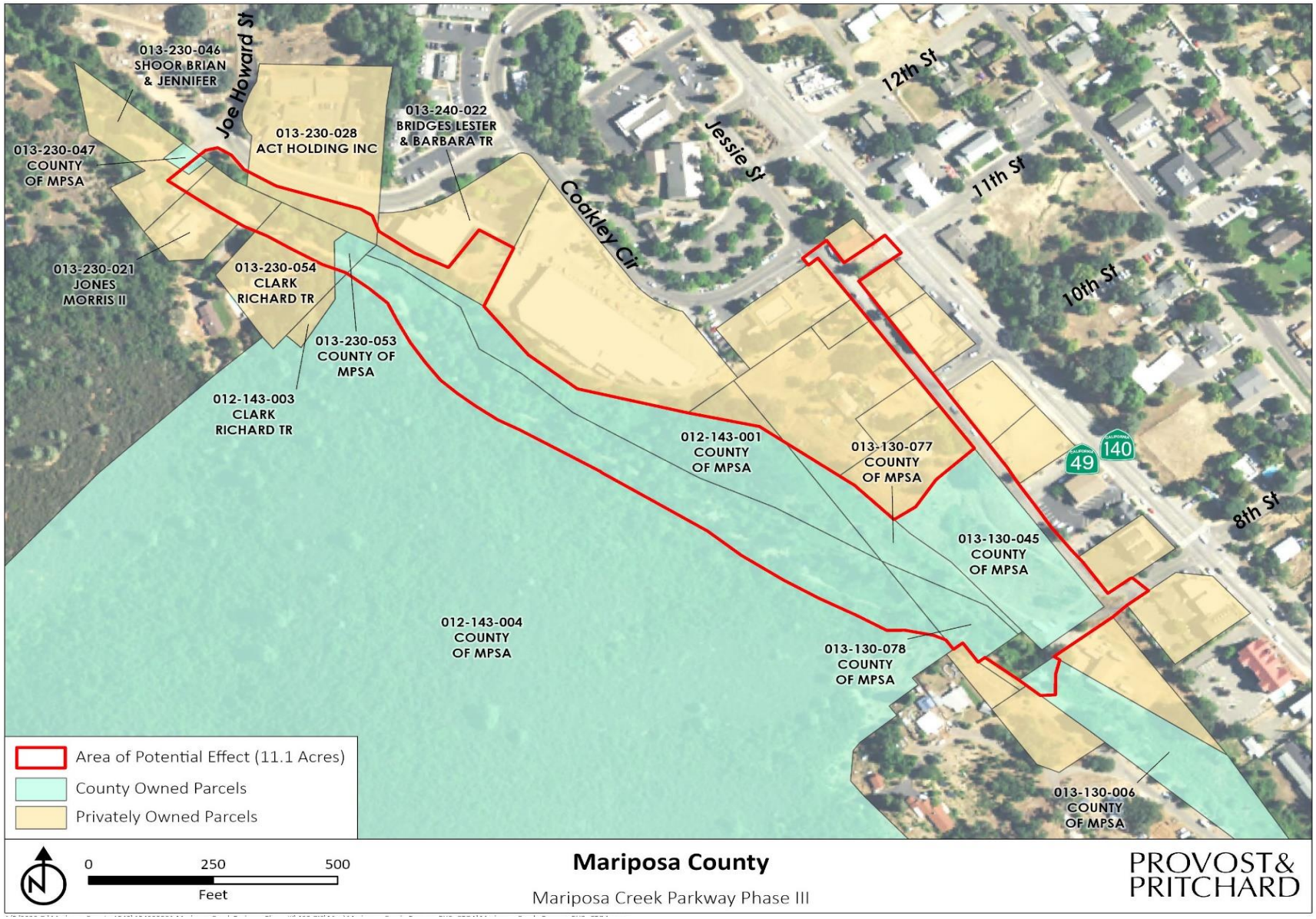


Figure 2-5: APN Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

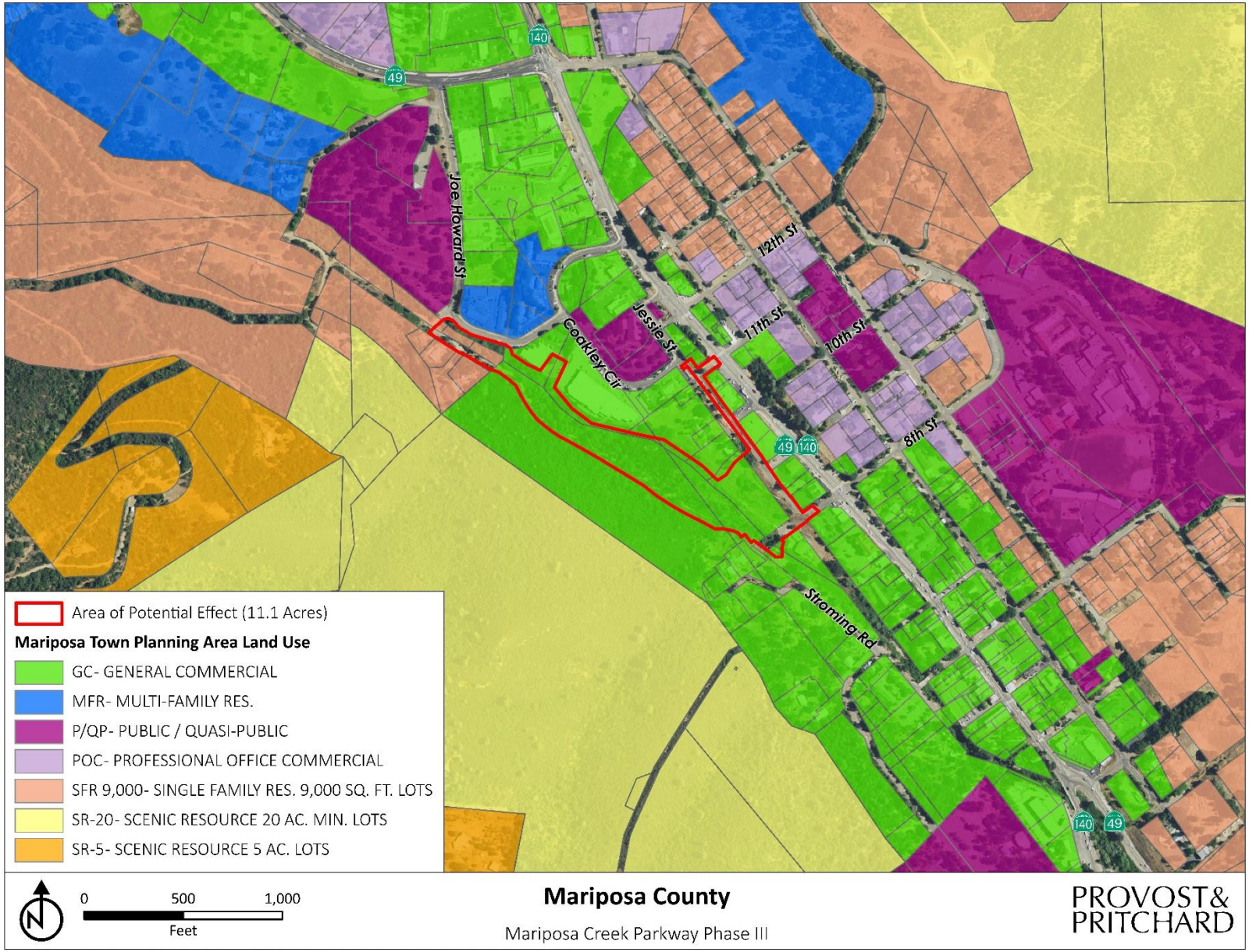


Figure 2-6: Mariposa Town Planning Area Land Use Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

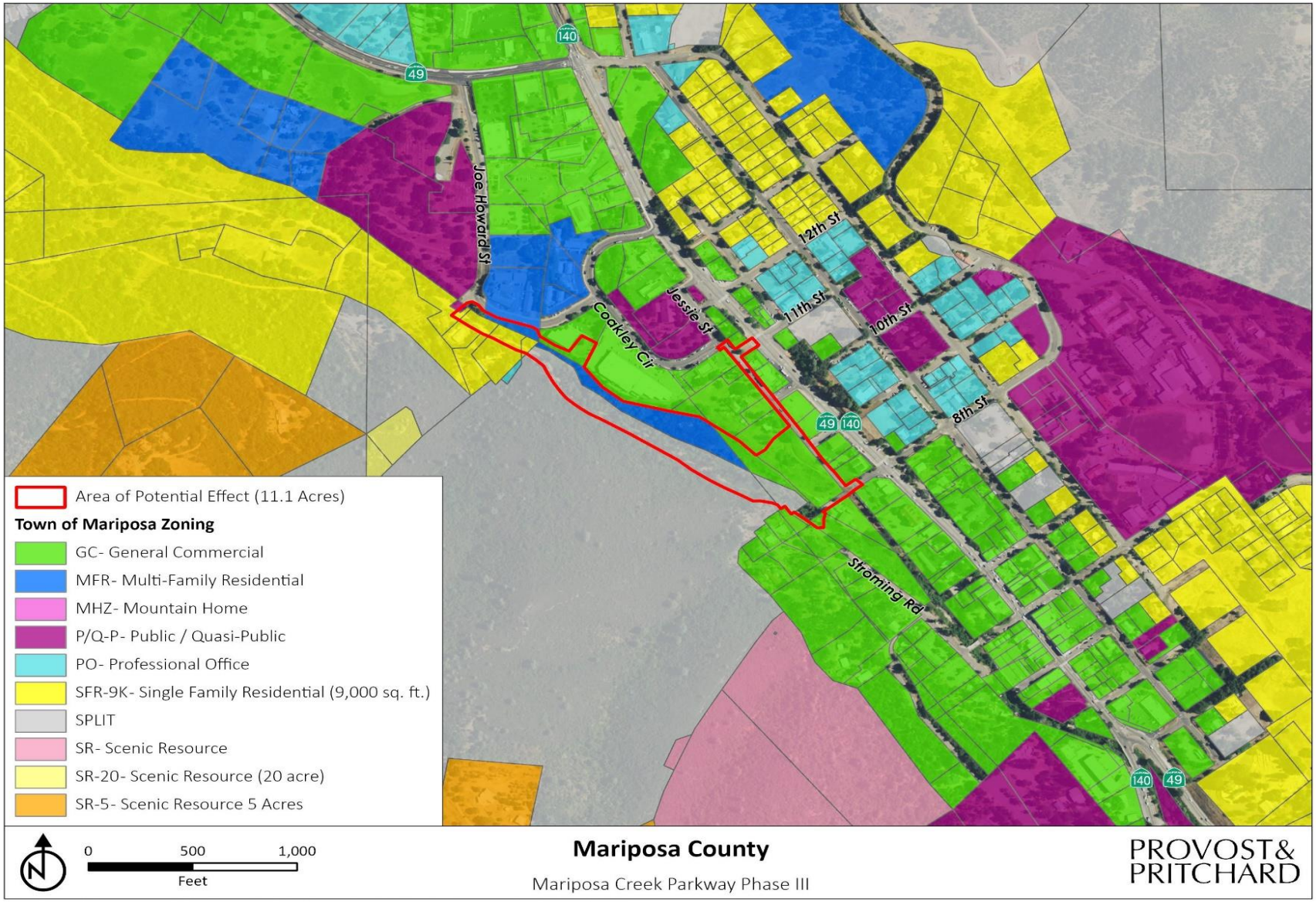


Figure 2-7: Zoning Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

CHAPTER 3 DETERMINATION

3.1 POTENTIAL ENVIRONMENTAL IMPACTS

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

☒ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities and Service Systems	☒ Wildfire	☐ Mandatory Findings of Significance

The analyses of environmental impacts in Chapter 4 Impact Analysis result in an impact statement, which shall have the following meanings.

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less than Significant with Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less than Significant Impact. This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3.2 DETERMINATION

On the basis of this initial evaluation (to be completed by the Lead Agency):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____

Printed Name/Position

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

CHAPTER 4 ENVIRONMENTAL IMPACT ANALYSIS

4.1 AESTHETICS

Table 4-1: Aesthetics Impacts

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have substantial adverse effect on a scenic vista?	☐	☐	☐	f☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

4.1.1 Baseline Conditions

The visual quality of Mariposa County is defined by its natural and constructed scenery, with an overall rural character. The Project area itself is located within the town of Mariposa along the Mariposa Creek. Mariposa is a mountain community surrounded by a mix of chaparral and woodland habitats. The Project area spans the distance of Mariposa Creek between 8th Street and Joe Howard Street. Flow levels in Mariposa Creek fluctuate on a seasonal basis and during storms. During large rain events, the creek can flood, and during dryer times, typically towards the end of summer, the creek tends to be significantly lower. At 8th Street, Mariposa Creek is diverted into a culvert, which is multipurposed to act as a bridge crossing for trail users utilizing the existing segment of the Mariposa Creek Parkway. Various vegetation types, native and non-native, lie along the creek bed in the Project area. East of the Project lies several commercial establishments. These businesses front SR 140/49 on the non-creek side. There are several smaller local roadways that connect these businesses to the highway. To the west of the Project area is primarily woodland and riparian habitat along Mariposa Creek, with the exception of a few scattered residences. The Project area does not include any designated scenic vistas.

There is one designated State Scenic Highway (SR 140 from Mariposa to Yosemite National Park), one designated National Scenic Byway (SR 120 in Yosemite National Park), and two State highway segments that are eligible for designation as State Scenic Highways under Caltrans guidelines (SR 49 through the

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

County and SR 41 from Yosemite National Park to Oakhurst where only a short portion of the latter route is located in Mariposa County).

4.1.2 Impact Analysis

a) Have substantial adverse effect on a scenic vista?

No Impact. Although the Project area, including most of the County, is considered visually pleasing and scenic, it does not contain a County-designated scenic vista. The natural landscape of Mariposa Creek and its natural surroundings is mostly intact despite the commercial and residential developments in the Project vicinity (see Figure 4-1). In addition to the provision of recreational amenities for residents and tourists, the Project would facilitate existing and future development to tie to the aesthetic nature of Mariposa Creek. Development such as hotels, motels, and restaurants could harness the creek's aesthetic character by providing an intentional connection to development, allowing tourists to enjoy the natural landscape and get a unique experience which plays a role in encapsulating the historic and natural character and identity that is Mariposa.

The Project would incorporate restoration of the riparian corridor by removing non-native plants and replacing them with native species.

"This approach is intended to increase the resilience of the Mariposa Creek riparian corridor through strengthening overall ecosystem capacity, ultimately leading to enhanced watershed function, wildlife habitat, improved connectivity, and a substantial increase in native biodiversity. It is also intended to encourage Mariposans, including Indigenous peoples from the Southern Sierra Miwuk Nation, to connect with a restored riparian landscape that holds cultural value important to the Tribe and the community at large".[1]

Improving the riparian habitat would enhance the Project area and Mariposa Creek, in general. This would allow the Project area landscape to return to its natural form.

In addition to the creek parkway trails, the Project would include trailway amenities such as benches, shade structures, and creek access elements to provide users additional features to utilize in order to take advantage of Mariposa's scenery and natural amenities. Overall, the Project would not result in a substantial adverse effect on a scenic vista but would rather improve and complement the scenic qualities that already exist. Therefore, there would be no impact.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The Project would not damage scenic resources within a State Scenic Highway. The nearest State Scenic Highway is SR 140, which is located adjacent to the nearest portion of the Project area, the proposed paseo at 11th Street. Although a State Scenic Highway is located within proximity to the Project, no feature of the Project, or the Project as a whole, would damage a scenic resource. The paseo would provide pedestrian access to the parkway trail by connecting SR 140 to Jessie Street, and then from Jessie Street to the trail head near 8th Street. There would be no substantial impact to a scenic resource through implementation of the Project during construction or operation. As mentioned in Impact Analysis "a" above, the Project would complement the scenic qualities in the Project area by providing an extension

[1] (Sierra Foothill Conservancy 2021).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

of the creek parkway trail, various amenities, and revegetation to the riparian corridor. There would be no impact.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No Impact. The Project would enhance the visual character of the area. The Project would restore the riparian habitat by removing non-native species and replacing them with native ones. The Project would also clear any debris and trash from the area, helping combat any degradation that currently exists on-site. New landscaping, pavement, and amenities listed in Chapter 2 Project Description would complement the natural character of the Project area. The Project would highlight Mariposa Creek, which has been a significant natural landmark for the town of Mariposa since its establishment during the gold rush. There would be no impact.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact with Mitigation Incorporated. The Project would provide new sources of light and glare by installing trail lighting fixtures. These lighting fixtures are proposed to illuminate the trail and the surrounding environment during low light times. The Conservation and Open Space Element of the Mariposa County General Plan contains a policy and implementation measure relating to limiting light and glare impacts from new development. It states:

> *Policy 11-1d: Ensure that light sources in new development are compatible with rural character and that the light sources do not produce glare that interferes with vision.*

In order to implement Policy 11-1d, AES-1 will be incorporated in order to reduce light and glare impacts to a less than significant level.

Note about Dark Sky goals: night-pollinator species kept away from light fixtures (WRT)

4.1.3 Mitigation

AES-1 All outdoor lighting shall adhere to International Dark Sky Association standards, including the requirement that all outdoor lighting shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent properties.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III





Figure 4-1: Project Site Photos

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.2 AGRICULTURE AND FORESTRY RESOURCES

Table 4-2: Agriculture and Forest Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☒	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

4.2.1 Baseline Conditions

The Project area is designated Multi-Family Residential and General Commercial by the Mariposa County-adopted Mariposa TPA Specific Plan. The Project area contains both developed and ruderal land and natural land. The surrounding areas are also designated for residential and commercial uses.

Farmland Mapping and Monitoring Program (FMMP): The FMMP produces maps and statistical data used for analyzing impacts to California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The California Department of Conservation's (DOC) 2018 FMMP is a non-regulatory program that produces "Important Farmland" maps and statistical data used for analyzing impacts on California's agricultural resources. The Important Farmland maps identify eight land use categories, five of which are agriculture related: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and grazing land — rated according to soil quality and irrigation status. Each is summarized below:

- PRIME FARMLAND (P): Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- FARMLAND OF STATEWIDE IMPORTANCE (S): Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non- irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. The minimum mapping unit for Grazing Land is 40 acres.
- URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
- WATER (W): Perennial water bodies with an extent of at least 40 acres.

As demonstrated in Figure 4-2, the FMMP for Mariposa County designates the Project site as Grazing Land and Urban and Built-Up Land.[2]

4.2.2 Impact Analysis

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project area is designated Grazing Land and Urban and Built-Up Land. There are no lands within the Project area determined to be Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; therefore, there would be no impact.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project area is not designated, zoned, or used for agricultural related purposes, nor are the Project lands subject to a Williamson Act contract. Therefore, there would be no impact.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

[2] (California Department of Conservation 2016)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

No Impact. There are no lands zoned for forest or timberland use in the Project area. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned - timberland production. There would be no impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Less than Significant Impact. Mariposa County is full of forested lands. The Project area itself consists primarily of mixed riparian woodland habitat (see Figure 4-3). Some riparian trees and shrubs will likely need to be removed to accommodate project design. Although a few trees may be removed, numerous similar trees and vegetation will remain available along the Mariposa Creek corridor and elsewhere in the project vicinity. In addition, Project plantings would be installed at a ratio of 3:1 for impacted trees with a DBH between four and 24 inches and at a ratio of 10:1 for impacted trees with DBH greater than 24 inches. Provided trees at a higher rate of removal would ensure that impacts to forest land would be less than significant.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less than Significant Impact. The Project does not contain any land designated for farmland. As mentioned above in Impact analysis “d”, the Project would ensure that any removal of trees would be replace with more at a higher rate. The Project does not include any element that would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. Impacts would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

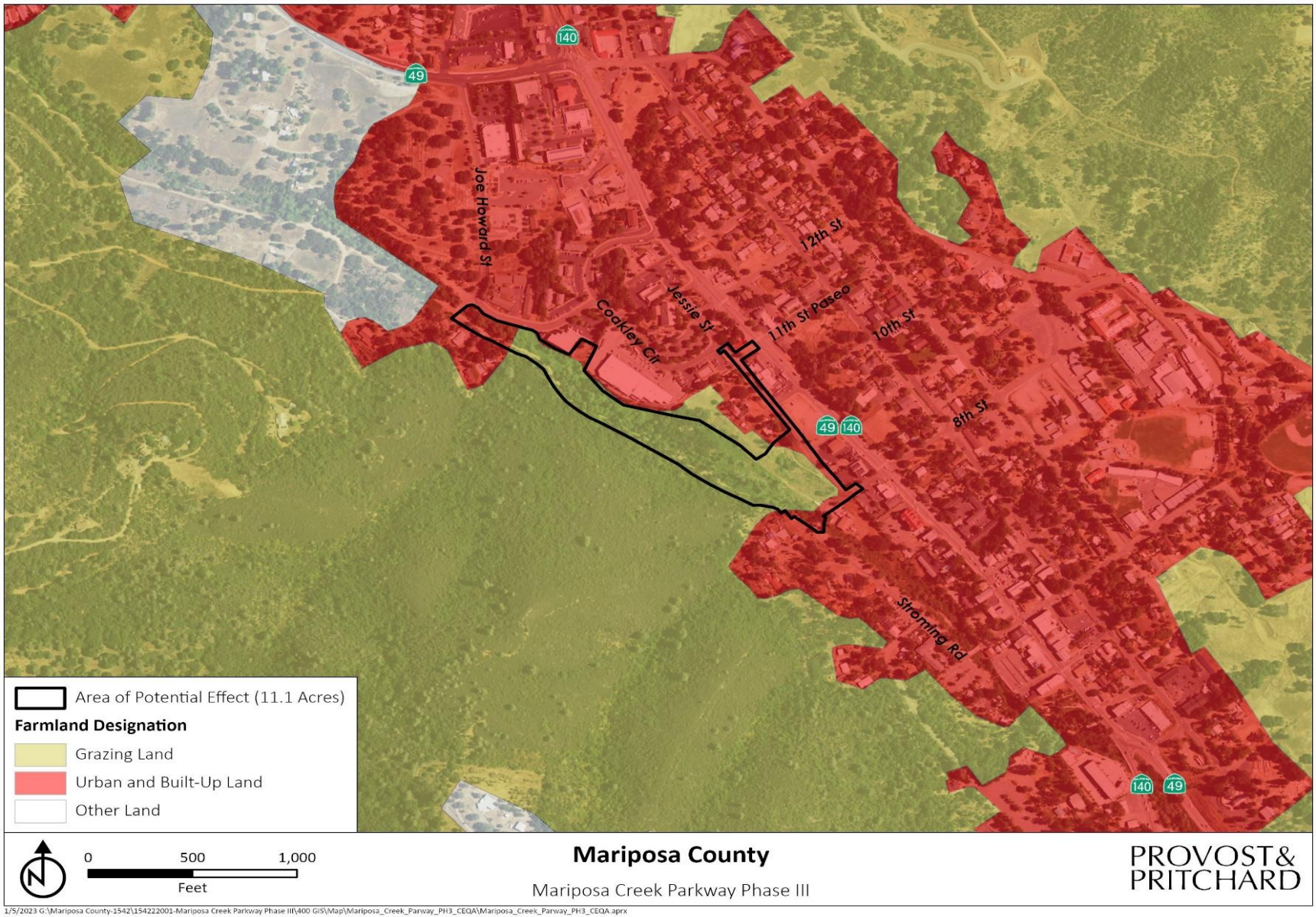


Figure 4-2: Farmland Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for





Figure 4-3. Project Site Photos

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.3 AIR QUALITY

Table 4-3: Air Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.1 Baseline Conditions

The Project would be located in unincorporated community of Mariposa within the boundaries of the Mariposa County Air Pollution Control District (MCAPCD) and the Mountain Counties Air Basin (MCAB). The MCAB boundaries align with those of Mariposa County. Mariposa County is bounded by Madera County to the east and south, Merced County and Stanislaus County to the west, and Tuolumne County to the north. The western portion of the county contains foothills which lead into the San Joaquin Valley while the central and northeastern portions of the county include the Sierra Nevada Mountain Range and Yosemite National Park.

Regulatory Attainment Designations

Under the California Clean Air Act (CCAA), the California Air Resources Board (CARB) is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The United States Environmental Protection Agency (USEPA) designates areas for ozone, CO, and NO_2 as "does not meet the primary standards," "cannot be classified," or "better than national standards." For SO_2, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently used. The USEPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, USEPA assigned new

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

nonattainment designations to areas that had previously been classified as Group I, II, or III for PM_{10} based on the likelihood that they would violate national PM_{10} standards. All other areas are designated "unclassified."

According to the USEPA MCAPCD was not in non-attainment for two pollutant concentrations, with 8-hour Ozone (2008) classified as moderate non-attainment and 8-hour Ozone (2015) classified as marginal non-attainment as of October 31st, 2022.[3]

Construction-Generated Emissions

Construction of the Project is assumed to be completed over approximately 18 months within the model. Emissions associated with the Project were calculated using CalEEMod Air Quality Model, Version 2020.4.0. The emissions modeling includes emissions generated by off-road equipment, haul trucks, and worker commute trips. Emissions were quantified based on anticipated construction schedules and the default parameters contained in the model. Localized air quality impacts associated with the Project would be minor and were qualitatively assessed. Modeling assumptions and output files are included in Appendix A.

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the MCAPCD has published the *Mariposa County Air Pollution Control District Rules and Regulations*.[4] This document includes thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, these thresholds of significance are used to determine whether implementation of the Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The threshold for any criteria air contaminant or precursor is 100 tons per year. Odor impacts associated with the Project would be considered significant if the Project has the potential to frequently expose members of the public to objectionable odors.

Impact Assessment

Short-Term Construction-Generated Emissions

Estimated construction-generated emissions and operational emissions are summarized in Table 4-4, and Table 4-5, respectively.

Table 4-4: Unmitigated Short Term Construction Related Emissions of Criteria Air Pollutants*

	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Project Construction Emissions (2023)	0.3197	2.4758	2.5874	5.9200e-003	0.4862	0.2323
Project Construction Emissions (2024)	0.3040	1.9478	2.3749	5.5800e-003	0.2566	0.1104
Maximum Annual Project Construction Emissions	0.3197	2.4758	2.5874	5.9200e-003	0.4862	0.2323
MCAPCD Threshold	*100*	*100*	*100*	*100*	*100*	*100*
Threshold Exceeded?	No	No	No	No	No	No

[3] (United States Environmental Protection Agency 2022)
[4] (Mariposa County 2021)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Table 4-5: Unmitigated Long Term Operational Emissions of Criteria Air Pollutants*

	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Project Operational Emissions (Max/Year)	0.0298	0.0204	0.1056	1.3000e-004	0.0112	3.1600e-003
MCAPCD Threshold	*100*	*100*	*100*	*100*	*100*	*100*
Threshold Exceeded?	No	No	No	No	No	No

4.3.2 Impact Analysis

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The Project would not conflict with or obstruct implementation of the applicable air quality plan. The Project would align with the standards and guidelines set by the MCAPCD. Therefore, there would be no impacts.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact. The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard. As shown in Table 4-4, and Table 4-5, the Project would not be in exceedance of an emission threshold for any pollutant identified by the MCAPCD. However, cumulative impacts could result if the Project's incremental effect combined with impacts of other past, present, and reasonably foreseeable future projects exceeds the MCAPCD's thresholds. Cumulative impacts from the Project when considered with other nearby, reasonably foreseeable projects have been deemed less than significant in nature because no other projects are known to be occurring in the vicinity of the Project that would cause potential cumulative impacts. Therefore, impacts would be less than significant.

c) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Implementation of the Project would not result in significant long-term operational emissions as shown in Table 4-5. Short-term construction activities however could result in temporary increases in pollutant concentrations that could impact nearby sensitive receptors such as the residential dwellings near the Project site. Pollutants of primary concern commonly associated with construction-related activities include toxic air contaminants (i.e., diesel particulate matter), asbestos, and fugitive dust. The potential impact to sensitive receptors diminishes as distance from the source increases. Given that construction would occur over a large area and construction activities would not remain in one place, the potential impact of the pollutants mentioned above would be less than significant in nature. Therefore, impacts would be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. During construction activities, construction equipment exhaust and application of asphalt, structural coating and other construction applications would temporarily emit odors. Construction would be completed within the community of Mariposa and would have an effect on some residences that would be located near the construction area of the Project. Construction of the Project would be temporary, and odors would not remain after Project completion. Therefore, impacts would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.4 BIOLOGICAL RESOURCES

Table 4-6: Biological Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

4.4.1 Baseline Conditions

The Project site is located within the mountain community of Mariposa in the western foothills of the Sierra Nevada. The surrounding landscape is extremely rugged and characterized by a mix of chaparral and woodland habitats. The site is adjoined to the south by a steep, undeveloped hillside and, beyond that, rural residential uses. It is adjoined on all other sides by commercial and municipal uses associated with the town of Mariposa.

Average annual precipitation in the general vicinity is approximately 30 inches, 85% of which falls between the months of October and March. Stormwater readily infiltrates into the soils, but when field capacity has been reached or bedrock is encountered, stormwater runs off into drainages.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

The primary drainage in the Project vicinity is Mariposa Creek, which flows in a southeasterly direction through the site. Mariposa Creek originates approximately four miles northwest of the site at an elevation of 3,000 feet above sea level. Downstream of the site, it flows generally south and west, ultimately entering the Central Valley, where it feeds a network of sloughs. It was historically, and is presumably still, tributary to the San Joaquin River.

Soils

The Project site contains three soil mapping units: Riverwash and tailings; Loafercreek and Bonanza complex, 3 to 15 percent slopes; and Gardellones, Gopheridge, Motherlode complex, 30 to 60 percent slopes. One of these mapping units, Riverwash and tailings, is classified as hydric, meaning it has the propensity to pond water and support the growth of wetland vegetation.

Land Uses/Biotic Habitats

Three biotic habitats / land uses were identified within the project site: mixed riparian woodland, riverine, and ruderal/developed.

4.4.2 Methodology

Reconnaissance-level field surveys of the Project site were conducted by Live Oak Associates, Inc. (LOA) ecologists on March 11, 2019 and July 28, 2022. The 2019 survey was conducted in support of an earlier stage of Project design and did not include the 11th Street Paseo or Jessie Street improvement areas. The 2022 survey encompassed all areas proposed for impact under current Project design. Both surveys consisted of walking and driving through the Project site while identifying its principal land uses, biotic habitats, flora, and fauna, and assessing its potential to support special status species and other sensitive resources.

LOA conducted an analysis of potential Project impacts based on the known and potential biotic resources of the Project site. Sources of information used in the preparation of this analysis included: (1) the California Natural Diversity Data Base (CNDDB), (2) the Online Inventory of Rare and Endangered Vascular Plants of California, and (3) manuals, reports, and references related to plants and animals of the Project vicinity.[5]

LOA also conducted a field investigation of the site's aquatic resources and prepared an associated Aquatic Resources Delineation (ARD) report (see Appendix D). This investigation built upon an earlier ARD conducted by LOA for a riparian restoration project along the Mariposa Creek Parkway. The earlier ARD included the Phase III project segment, but not the 11th Street Paseo or Jessie Street improvements. Accordingly, LOA inspected the latter two improvement areas for tributary waters, features meeting the technical criteria of wetlands, and other aquatic resources potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or the CDFW. This inspection was conducted by LOA ecologist in conjunction with the July 28, 2022 reconnaissance-level survey.

The CNDDB was queried for special status species occurrences in the nine United States Geological Survey 7.5-minute quadrangles containing and immediately surrounding the Project site (Mariposa, Ben Hur, Buckingham Mtn., Feliciana Mountain., Stumpfield Mountain., Horsecamp Mountain, Catheys Valley, Illinois Hill, and Bear Valley).[6] These species, and their potential to occur on site, are listed in Table 4-7.

[5] (California Department of Fish and Wildlife 2022); (California Native Plant Society, Rare Plant Program 2022)
[6] (California Department of Fish and Wildlife 2022)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Table 4-7 also includes several special status species not returned in the CNDDB query but known by LOA to occur in the general vicinity of the Project site.

Table 4-7. List of Special Status Animals with Potential to Occur Onsite and/or in the Vicinity

Species	Status	Habitat	Occurrence on Project SIte
Monarch Butterfly (*Danaus plexippus*)	FC	Overwinters in coastal California and Baja California and breeds throughout California in the spring and summer along its annual migration north and east. The adult monarch lays its eggs on obligate milkweed (*Asclepias* spp.) host plants, which the resultant larvae feed on before pupating and emerging as adults. In addition to milkweed, this species requires abundant nectar resources to nourish migrating adults, and trees for roosting during migratory stopovers.	**Possible.** Narrow-leaf milkweed was observed on one of the project site's vacant lots, and may occur elsewhere on site. Monarchs may reproduce on site, and the site may also support foraging and roosting by migratory adults.
Valley Elderberry Longhorn Beetle (VELB) (*Desmocerus californicus dimorphus*)	FT	Found in mature elderberry shrubs of the Central Valley from Shasta County to Madera County. Historic occurrence records south of Madera County and in the foothills above 500 feet in elevation are now believed to be associated with the closely-related California elderberry longhorn beetle (*D. c. californicus*) (USFWS 2019).	**Absent.** The project site is located well above this species' elevational distribution, based on current scientific understanding (USFWS 2019).
California Tiger Salamander (*Ambystoma californiense*)	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for aestivation.	**Absent.** Suitable habitat is absent from the project site and surrounding lands, and the site is located outside of this species' range.
Limestone Salamander (*Hydromantes brunus*)	CT, CFP	Found in the chaparral belt of the lower Merced River Canyon. Inhabits mossy limestone crevices, typically on steep slopes. Breeds terrestrially.	**Absent.** Suitable habitat is absent from the project site, and the site is located outside of this species' limited range.
Foothill Yellow-legged Frog (*Rana boylii*)	CE	Found in or near rocky streams in a variety of habitats. Uses submerged rocks and debris for cover. Requires gravel or rocks in moving water near stream margins for reproduction.	**Unlikely.** A historical (1899) collection of this species was made in Mariposa, presumably from Mariposa Creek. However, this species is nearly extinct in the Sierra Nevada south of Interstate 80, and the presence of bullfrogs and introduced fish in Mariposa Creek further limits their potential to occur here.
Sierra Nevada Yellow-legged Frog (*Rana sierrae*)	FE, CT	Found in cold mountain lakes and streams, generally from 5,000 to 12,000 feet in elevation. Breeding and egg laying occur after snowmelt from June to August.	**Absent.** The site is below the elevational range of the species.
Bald Eagle (*Haliaeetus leucocephalus*)	CE	Nests and winters on ocean shores, lake margins and rivers. Uses old-growth snags. Mostly forages over water and along shores.	**Unlikely**. This species is associated with large bodies of water, which are absent from the project site and surrounding lands.
Hardhead (*Mylopharodon conocephalus*)	CSC	Found in large, low- to mid-elevation undisturbed streams and reservoirs, in clear, deep pools with sand-gravel-boulder substrates and slow water velocity.	**Unlikely.** The on-site reach of Mariposa Creek is at the upper limits of this stream's perennial flows, and does not appear to offer suitable

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Species	Status	Habitat	Occurrence on Project SIte
			microhabitat conditions for this species.
Western Spadefoot (*Spea hammondii*)	CSC	Occurs in grasslands of the San Joaquin Valley, where it breeds in vernal pools or other seasonal wetlands and aestivates in underground refugia such as rodent burrows.	**Absent.** Suitable habitat is absent from the project site and surrounding lands, and the site is located outside of this species' range.
Western Pond Turtle (*Actinemys marmorata*)	CSC	Found in open, slow-moving water or ponds with rocks and logs for basking. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water.	**Possible.** Suitable habitat occurs on the site in and immediately surrounding Mariposa Creek. Outside of the site's riparian corridor, upland habitats are highly disturbed and unlikely to be used by this species.
Pallid Bat (*Antrozous pallidus*)	CSC	Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees, and buildings. This opportunistic forager gleans a variety of arthropod prey from surfaces, and may also take insects in flight.	**Possible.** The pallid bat could potentially roost in the site's mature trees and snags, and forage on or over the site.
Townsend's Big-eared Bat (*Corynorhinus townsendii*)	CSC	Primarily a cave-dwelling bat that may also roost in buildings, rock crevices, and hollow trees. Forages in edge habitats along streams and within and adjacent to various types of forest and woodland.	**Possible.** The Townsend's big-eared bat could potentially roost in the site's mature trees and snags, and forage on or over the site.
Spotted Bat (*Euderma maculatum*)	CSC	Occurs in a variety of habitats. Roost sites are cracks, crevices, and caves, usually high in fractured rock cliffs.	**Possible.** Spotted bats may forage over the project site from time to time, but roosting habitat is absent.
Western Red Bat (*Lasiurus blossevillii*)	CSC	This mostly solitary bat roosts primarily in trees, 2-40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	**Possible.** The western red bat could potentially roost in the site's trees, and forage on or over the site.
Ringtail (*Bassariscus astutus*)	CFP	Found in a variety of habitats including chaparral, rocky hillsides, and riparian areas. This species dens in rock crevices, boulder piles, underground cavities, and hollow trees.	**Unlikely.** High levels of anthropogenic disturbance would likely preclude this species from occurring on or around the project site.

Table 4-8. List of Special Status Plants with Potential to Occur Onsite and/or in the Vicinity

Species	Status	Habitat	Occurrence on Project SIte
Mariposa Pussypaws (*Calytridium pulchellum*)	FT, CNPS 1B	Known from fewer than ten populations in Mariposa, Madera, and Fresno Counties, where it can be found on granite domes and other exposed sites between 1,320 and 4,000 feet in elevation. Blooms April-August.	**Absent.** Suitable habitat for this species is absent from the project site.
Mariposa Lupine (*Lupinas citrinus var. deflexus*)	CT, CNPS 1B	Known from fewer than ten occurrences in chaparral and woodland habitats near Mariposa Creek, elevations 1,300 to 2,000 feet.	**Unlikely.** Although portions of the site may have once been suitable for the Mariposa lupine, any habitats once present have been eliminated by

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Species	Status	Habitat	Occurrence on Project SIte
		Preferred microhabitat is granitic sand on hilltops and hillsides, mostly with southern exposure. Blooms April-May.	urban development and other forms of anthropogenic disturbance.
Yosemite Onion (*Allium yosemitense*)	CNPS 1B	Occurs in pockets of wet soil, in wet cracks of metamorphic rock, and on slopes and walls within chaparral, woodland, and forest habitats. Elevations between 1,740 and 6,650 feet. Blooms April-June	**Absent.** Suitable habitat is absent from the project site.
Big-scale Balsamroot (*Balsamorhiza macrolepis*)	CNPS 1B	Found in dry, open areas in chaparral, grassland, and woodland habitats, sometimes in serpentine soils. Elevations up to 5,000 feet; blooms March-June.	**Absent.** Suitable habitat is absent from the project site.
Mariposa Clarkia (*Clarkia biloba* ssp. *australis*)	CNPS 1B	Found in chaparral and woodland habitats in serpentine soils. Several occurrences known from the foothill woodland / riparian ecotone. Elevations between 1,000 and 4,800 feet. Blooms April-July.	**Absent.** Serpentine soils are absent from the project site.
Beaked Clarkia (*Clarkia rostrata*)	CNPS 1B	Occurs in oak or pine woodlands, often on north-facing slopes; blooms May-July; elevations 560-3,445 feet.	**Unlikely.** Although portions of the site may have once been suitable for the beaked clarkia, any habitats once present have been eliminated by urban development and other forms of anthropogenic disturbance.
Pleasant Valley Mariposa-lily (*Calochortus clavatus* var. *avius*)	CNPS 1B	Occurs in lower montane coniferous forest in Josephine silt loam or volcanic soils, often in rocky areas; blooms May-July; elevations 1,000-5,900 feet.	**Absent.** Suitable habitat is absent from the project site.
Mariposa Cryptantha (*Cryptantha mariposae*)	CNPS 1B	Occurs in rocky chaparral habitats; serpentine soils; blooms April-May; elevations 660-2,130 ft.	**Absent.** Suitable habitat and soils are absent from the project site.
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B	Occurs in poorly drained, fine, alkaline soils in grassland and Atriplex scrub; blooms March-June; alkaline soils; elevations below 2,500 ft.	**Absent.** Suitable habitat is absent from the project site.
Yellow-lipped Pansy Monkeyflower (*Diplacus pulchellus*)	CNPS 1B	Found in vernally wet or mesic sites in lower montane coniferous forest or meadow habitats; elevations 2,000-6,500 feet. Blooms April-July.	**Absent.** Suitable habitat is absent from the project site, and the site is situated at the lower extent of this species' elevation range.
Koch's Cord Moss (*Entosthodon kochii*)	CNPS 1B	This moss is known from only four occurrences statewide. It grows on the soil in woodland habitats, often on river banks. Elevations between 600 and 3,300 feet.	**Unlikely.** Although portions of the site may have once been suitable for this rare species, any habitats once present have been eliminated by urban development and other forms of anthropogenic disturbance.
Congdon's Woolly Sunflower (*Eriophyllum congdonii*)	CNPS 1B	Occurs in cracks in rock outcroppings and on talus, in chaparral, woodland, lower montane coniferous forest, and grassland habitats. Elevations between 1,590 and 6,000 feet. Blooms April – June.	**Absent.** Suitable habitat is absent from the project site.
Slender-stemmed Monkeyflower (*Erythranthe filicaulis*)	CNPS 1B	Occurs on vernally mesic granitic sand and meadow edges within woodland and coniferous forest	**Absent.** Suitable habitat is absent from the project site, and the site is

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Species	Status	Habitat	Occurrence on Project SIte
		habitats between 2,035 and 5,525 feet in elevation. Blooms April – August.	situated at the lower extent of this species' elevation range.
Slender-stalked Monkeyflower (*Erythranthe gracilipes*)	CNPS 1B	Occurs within disturbed places such as burns and railroad grades; also on thin granitic soil in cracks in large granite rocks. Associated with chaparral, woodland, and lower montane coniferous forest between 1,640 and 4,265 feet. Blooms April – June.	**Possible.** Portions of the project site may offer suitable habitat for this species. There is a historical (1897) occurrence of the slender-stalked monkeyflower in the Mariposa area, generally mapped to Mormon Bar, approximately 1.5 miles southeast of the site
Parry's Horkelia (*Horkelia parryi*)	CNPS 1B	Found in openings in chaparral and woodland habitats at elevations between 260 and 3,500 feet. Especially known from the Ione Formation in Amador County. Blooms April-September.	**Absent.** Suitable habitat is absent from the project site.
Madera Leptosiphon (*Leptosiphon serrulatus*)	CNPS 1B	Occurs in woodlands and lower montane coniferous forests between 100 and 4,200 ft. in elevation. Prefers dry slopes often on decomposed granite in woodlands. Blooms April-May.	**Possible.** A historical (1896) occurrence of the Madera leptosiphon is generally mapped to the town of Mariposa. Urban development and other anthropogenic disturbances since this time have degraded the quality of the site's habitats and limited its potential to support this species. Nevertheless, the Madera leptosiphon's occurrence on site cannot be conclusively ruled out.
Congdon's Lomatium (*Lomatium congdonii*)	CNPS 1B	Found in chaparral and woodland habitats in serpentine soils. Associated species include the gray pine and various chaparral plants. Elevations between 1,000 and 6,900 feet. Blooms March-June.	**Absent.** A historical (1903) occurrence of the Congdon's lomatium is generally mapped to the town of Mariposa. Serpentine soils are absent from the project site itself, and this species does not have the potential to occur on site.
Shaggyhair Lupine (*Lupinus spectabilis*)	CNPS 1B	Found in serpentine chaparral habitats on open, rocky slopes; elevations between 900 and 2,700 feet. Often surrounded by gray pine woodland. Blooms April-May.	**Absent.** Suitable habitat and soils are absent from the project site.

OCCURRENCE DESIGNATIONS AND STATUS CODES

Present: Species observed on the site at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the site, but it could occur there from time to time.
Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the site and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FC	Federal Candidate	CFP	California Fully Protected
		CSC	California Species of Special Concern

CNPS LISTING

1A	Plants Presumed Extinct in California	2	Plants Rare, Threatened, or Endangered in California, but more common elsewhere
1B	Plants Rare, Threatened, or Endangered in California and elsewhere		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.4.3 Thresholds

Threatened and Endangered Species

In California, imperiled plants and animals may be afforded special legal protections under the California Endangered Species Act (CESA) and/or Federal Endangered Species Act (FESA). Species may be listed as "threatened" or "endangered" under one or both Acts, and/or as "rare" under CESA. Under both Acts, "endangered" means a species is in danger of extinction throughout all or a significant portion of its range, and "threatened" means a species is likely to become endangered within the foreseeable future. Under CESA, "rare" means a species may become endangered if their present environment worsens. Both Acts prohibit "take" of listed species, defined under CESA as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86), and more broadly defined under FESA to include "harm" (16 United States Code (USC), Section 1532(19), 50 CFR, Section 17.3). The United States Fish and Wildlife Service (USFWS) commonly interprets "take" to include the loss of habitat utilized by a listed species.

When state and federally listed species have the potential to be impacted by a project, the USFWS and CDFW must be included in the CEQA process. These agencies review the environmental document to determine the adequacy of its treatment of endangered species issues and to make project-specific recommendations for the protection of listed species. Projects that may result in the "take" of listed species must generally enter into consultation with the USFWS and/or CDFW pursuant to FESA and CESA, respectively. In some cases, incidental take authorization(s) from these agencies may be required before the project can be implemented.

Designated Critical Habitat

The USFWS often designates areas of "critical habitat" when it lists species as threatened or endangered. Critical habitat is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

Designated critical habitat is absent from the Project vicinity. The nearest unit of critical habitat is located some 16 miles to the west of the Project site, in the grassland / vernal pool complexes of the lower foothills. It is designated for the protection of a variety of listed vernal pool plant and animal species.

Migratory Birds

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712) prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.

Native birds are also protected under California state law. The California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities. Moreover, the California Migratory Bird Protection Act, enacted in September 2019, clarifies native bird protection and increases protections where California law previously deferred to federal law.

Birds of Prey

Birds of prey are also protected in California under provisions of the State Fish and Game Code, Section 3503.5, 1992), which states that it is "unlawful to take, possess, or destroy any birds in the order

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Nesting Birds

In California, protection is afforded to the nests and eggs of all birds. California Fish and Game Code (Section 3503) states that it is "unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Breeding-season disturbance that causes nest abandonment and/or loss of reproductive effort is considered a form of "take" by the CDFW.

Habitat Conservation Plans and Natural Community Conservation Plans

Section 10 of the federal Endangered Species Act establishes a process by which non-federal projects can obtain authorization to incidentally take listed species, provided take is minimized and thoroughly mitigated. A Habitat Conservation Plan (HCP), developed by the project applicant in collaboration with the USFWS and/or NMFS, ensures that such minimization and mitigation will occur, and is a prerequisite to the issuance of a federal incidental take permit. Similarly, a Natural Community Conservation Plan developed by the project applicant in collaboration with CDFW, provides for the conservation of biodiversity within a project area, and permits limited incidental take of state-listed species.

Wetlands and Other Jurisdictional Waters

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 USC §1344), defined in the CWA as "the waters of the United States, including the territorial seas" (33 USC §1362(7)). The CWA does not supply a definition for waters of the U.S., and that has been the subject of considerable debate since the CWA's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the USEPA and USACE. These definitions have been interpreted, and in some cases, invalidated, by federal courts.

Most recently, waters of the U.S. were defined by the Navigable Waters Protection Rule (NWPR). The new rule was published in the Federal Register on April 21, 2020 and took effect on June 22, 2020. However, on August 30, 2021, in the case of Pascua Yaqui Tribe v. U.S. Environmental Protection Agency, the U.S. District Court for the District of Arizona vacated and remanded the NWPR. In light of this order, the USEPA and USACE have halted implementation of the NWPR and, until further notice, are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime.

The interpretation of waters of the U.S. prior to 2015 generally included:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. USACE decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a jurisdictional water.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the RWQCB issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into waters of the State through the issuance of various permits and orders. Discharges into waters of the State that are also waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all waters of the State, even those that are not also waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a water of the U.S. may require a NPDES permit.

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

4.4.4 Impact Analysis

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated.

Potential Project Impacts to the Western Pond Turtle.

The Project site contains potential aquatic and upland habitat for the western pond turtle. While Project buildout would not result in a significant loss of habitat for this species, construction activities could harm

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

individual turtles resulting in a significant impact. Implementation of Mitigation Measures BIO-1A (Pre-construction Survey), BIO-1B (Relocation), and BIO-1C (Avoidance) will reduce impacts to the western pond turtle to a less than significant.

Potential Project Impacts to Nesting Migratory Birds and Raptors.

The Project site contains suitable nesting habitat for a number of avian species protected under the federal Migratory Bird Treaty Act and related state laws. Any birds or raptors that are nesting within or near work areas at the time of construction would have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project-related injury or mortality of nesting birds and raptors would violate state and federal laws and is considered a potentially significant impact.

Implementation of Mitigation Measures BIO-2A (Avoidance), BIO-2B (Pre-construction Survey), and BIO-2C (Construction-Free Buffers) will reduce potential Project impacts to nesting migratory birds and raptors to a less than significant level under CEQA and will ensure compliance with state and federal laws protecting these species.

Potential Project Impacts to the Pallid Bat, Townsend's Big-eared Bat, Western Red Bat, and other Roosting Bats.

A few native bat species have the potential to breed and rear their young on the Project site. These include the Yuma myotis (Myotis yumanensis) and little brown myotis (Myotis lucifugus), both of which were observed on site during emergence and foraging surveys conducted in 2021, the pallid bat (Antrozous pallidus), Townsend's big-eared bat (Corynorhinus townsendii), and western red bat (Lasiurus blossevillii); the latter three are California Species of Special Concern.[7] During the maternity season, typically April 15 to August 31, these species may roost, sometimes in large numbers, within the site's trees and snags. Removal of trees and snags that contain maternity colonies could lead to the mortality of many bats, which would be considered a significant impact under CEQA.

The Project would not result in a significant loss of roosting or foraging habitat for the pallid bat, Townsend's big-eared bat, and western red bat. Although a few potential roost trees may be removed, numerous similar trees and snags would remain available along the Mariposa Creek corridor and elsewhere in the project vicinity. The project site's foraging value for special status bats will remain virtually unchanged. Any bats that presently forage on site would be expected to continue to do so following Project development.

Implementation of Mitigation Measures BIO-3A (Avoidance), BIO-3B (Pre-construction Survey), and BIO-3C (Construction-Free Buffers) will reduce potential construction-related impacts to maternity roosting bats, including the pallid bat, Townsend's big-eared bat, and western red bat, to a less than significant level under CEQA.

Potential Project Impacts to Special Status Plants.

Eighteen special status plants are known from the Project vicinity. Of these, two species, the slender-stalked monkeyflower and Madera leptosiphon, have some potential to occur in the site's riparian

[7] (Sierra Foothill Conservancy 2021)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

woodland habitat. This habitat is an asset and focal point of the Mariposa Creek Parkway and will be conserved to the maximum extent feasible. Moreover, the Project includes a conservation strategy for special status plants that ensures that, if found on site, the slender-stalked monkeyflower and Madera leptosiphon will be protected in place as a preferred option or salvaged on site if avoidance is not feasible. For these reasons, Project impacts to the slender-stalked monkeyflower and Madera leptosiphon are considered less than significant under CEQA.

The remaining 16 special status plant species are considered absent from or unlikely to occur on the Project site due to an absence of suitable habitat and/or soils, the site's being situated outside of the species' distribution, or a combination thereof. The Project is not expected to adversely affect these species, either directly or indirectly, and impacts are considered less than significant under CEQA. Mitigation measures are not warranted.

Potential Project Impacts to the Monarch Butterfly.

The Project site is located in an area where monarch butterflies are known to occur and provides suitable habitat for this species. Narrow-leaf milkweed, a host plant for monarch reproduction, was observed on one of the site's vacant lots during LOA's July 2022 survey and may occur elsewhere on site. Migrating adults may use the site's trees for roosting and its understory vegetation as a source of nectar. The project is unlikely to result in construction-related injury or mortality of adult monarchs because individuals of this volant life stage would presumably be able to avoid construction disturbance. The Project is also unlikely to adversely affect this species through the loss of foraging or roosting habitat because project-related vegetation removal will be localized and small-scale, and considerable such habitat will remain available to monarchs following project implementation, both on- and off-site. The Project includes a conservation strategy that is geared toward the protection of monarch eggs, larvae, and pupae, which are inherently vulnerable to construction-related mortality due to their non-volant nature. The conservation strategy also ensures there will be no net loss of milkweed plants on the Project site. For these reasons, project impacts to the monarch butterfly are considered less than significant under CEQA. Mitigation measures are not warranted.

Project Impacts to Special Status Animal Species Absent from or Unlikely to Occur on the Project Site.

Fifteen special status animals have been documented in the general vicinity of the Project site or are known to occur regionally. Of these, nine are considered absent or unlikely to occur on the site due to the absence of suitable habitat and/or the site's being situated outside of the species' known distribution. These species are the valley elderberry longhorn beetle (Desmocerus californicus occidentalis), California tiger salamander (Ambystoma californiense), limestone salamander (Hydromantes brunus), foothill yellow-legged frog (Rana boylii), Sierra Nevada yellow-legged frog (Rana sierrae), bald eagle (Haliaeetus leucocephalus), hardhead (Mylopharodon conocephalus), western spadefoot (Spea hammondii), and ringtail (Bassariscus astutus). Because these species have no appreciable potential to occur on site, they are not expected to be affected by the Project, directly or indirectly. Project impacts are considered less than significant under CEQA. Mitigation measures are not warranted.

Project-Related Mortality of Special Status Animal Species that May Occur on the Project Site as Occasional or Regular Foragers but Breed Elsewhere.

One special status animal, the spotted bat (Euderma maculatum), has the potential to forage on the site from time to time but would not breed on site or close enough to the site to be vulnerable to Project-related disturbance at roosting locations. Individuals of this species are unlikely to be injured or killed by

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

construction activities because they are highly mobile foragers and would be expected to simply avoid active work areas. Mitigation measures are not warranted.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact. The Project site contains one sensitive natural community as classified by the VegCAMP system, the mixed riparian woodland habitat associated with Mariposa Creek.[8] This woodland is an asset and focal point of the Mariposa Creek Parkway and will be conserved to the maximum extent feasible. Moreover, the Project includes a conservation strategy that would ensure that there is no net loss of riparian trees or shrubs of 4 inches DBH or greater. For these reasons, Project impacts to riparian woodland habitat are considered less than significant under CEQA.

The Project site does not contain or adjoin habitat designated for the protection of federally listed species. There will be no impacts to designated critical habitat. Overall, impacts would be less than significant.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. Certain Project elements may impact portions of Mariposa Creek that fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. These impacts are expected to be localized and largely temporary, and in some cases may yield ecosystem benefits, as would be expected for planned restoration and native riparian planting activities. Although small areas of the creek may be modified by excavation, placement of "fill," and other activities, the Project is not expected to affect the function and value of this aquatic resource, and project impacts to jurisdictional waters are considered less than significant under CEQA. However, proposed activities in the creek must be conducted in accordance with Clean Water Act Sections 404 and 401 and California Fish and Game Code Section 1602. The Project applicant would acquire permits from the USACE, RWQCB, and CDFW well in advance of any work in the channel. With acquisition of the required permits noted above, any impacts would be less than significant.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. Mariposa Creek is likely to function as an important movement corridor for aquatic and terrestrial wildlife. Construction activities along or near the creek may produce noise, vibration, and other stimuli that may temporarily disturb wildlife using this corridor. Terrestrial wildlife may shift their movements away from work areas; however, the creek's riparian woodland habitat is wide and well-developed, with opportunities for movement on either side of the channel, and it is expected that these species will continue to use the corridor during construction. Similarly, because no water diversions or other major disruptions of the creek's flow are planned, the wetted channel should continue to support the movements of aquatic wildlife while construction is occurring. Any impacts to this movement corridor would be temporary; after construction, both terrestrial and aquatic wildlife would

[8] (California Department of Fish and Wildlife 2021)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

be expected to continue to use the corridor as they do under pre-Project conditions. For these reasons, potential project impacts to wildlife movement corridors are considered less than significant.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The Project appears consistent with those goals and policies of the Mariposa TPA Specific Plan that pertain to biological resources. There would be no impact.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There are no known habitat conservation plans or a Natural Community Conservation Plans in the Project area. There would be no impact.

4.4.5 Mitigation

BIO-1A **(Pre-construction Survey):** A pre-construction survey for western pond turtles will be conducted no more than 24 hours prior to the start of work in Mariposa Creek and the adjoining mixed riparian woodland habitat.

BIO-1B **(Relocation):** A qualified biologist will capture and relocate any turtles found within areas planned for direct impact. Turtles will be relocated to suitable alternative habitat within the Mariposa Creek corridor, outside of project boundaries.

BIO-1C **(Avoidance):** If any turtles are observed on site while work is occurring, work in the immediate area will cease and turtles will be allowed to leave the construction zone of their own volition, if feasible. If necessary, a qualified biologist will capture and relocate such turtles as described above under Mitigation Measure BIO-2b.

BIO-2A **(Avoidance):** To avoid impacts to nesting birds and raptors, construction will occur, where possible, outside the February 1-August 31 nesting season.

BIO-2B **(Pre-construction Survey):** If construction must occur during the February 1-August 31 nesting season, a qualified biologist will conduct pre-construction surveys for active bird and raptor nests within 10 days of the onset of these activities. Nest surveys will encompass the work area and surrounding lands within 250 feet. Nest surveys will be repeated whenever there is a lapse in construction of 10 days or more during the nesting season.

BIO-2C **(Construction-Free Buffers):** Should any active nests be discovered in or near proposed construction zones, a qualified biologist will identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.

BIO-3A **(Avoidance):** To avoid potential impacts to maternity bat roosts, removal of mature trees and snags shall occur outside of the period between April 15 and August 31, the time frame within which colony-nesting bats in the vicinity generally assemble, give birth, nurse their young, and ultimately disperse.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

BIO-3B **(Pre-construction Survey):** If removal of mature trees and/or snags is to occur between April 15 and August 31, then within 10 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.

BIO-3C **(Construction-Free Buffers):** Should any active maternity bat roosts be discovered in trees or snags to be impacted the biologist will identify a suitable construction-free buffer around the maternity roost. The buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the nursery is no longer active.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.5 CULTURAL RESOURCES

Table 4-9: Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

4.5.1 Baseline Conditions

Mariposa was originally founded as a mining camp on Agua Fría Creek approximately 6-mi west of present-day Mariposa. The town was moved to its current location in 1850 due to dwindling gold returns in Agua Fría Creek and frequent fires and flooding. The Frémont adobe, built as Frémont's office in 1850, was one of the first permanent structures in the new town that would become the county seat of Mariposa County the following year. The Mariposa courthouse was constructed in 1854 and is still in operation (Durham 1998). The town has many additional structures, a few of which are the Mariposa Meat Market (1859), the Bogan Building (1850s), the International Order of Oddfellow's Hall (1855), and the Capitol Saloon (1867). The Masonic Hall was constructed in 1851 and after fires in 1858 and 1866, the hall was rebuilt again in 1917. It has been recently renovated. The present-day Mariposa Hotel was originally Gallison's Hotel housed in the Stolder Building from 1877 until it burned in 1887. It was rebuilt in 1901 (See Appendix C).

While tourism has played a part in the economy of Mariposa since the 1870s, it wasn't until the route now known as Highway 140 was completed in 1926 that it really took off. For the first time, Yosemite travelers were passing through the heart of Mariposa. At the same time, the increasing affordability of automobiles meant that more people than ever were able to travel at their leisure. Tourism still plays a major role in Mariposa's economy, with over 50 percent of the population employed in tourism related industries (See Appendix C).

Records Search -

In order to determine whether the study area had been previously surveyed for cultural resources, and/or whether any such resources were known to exist on any of them, an archival records search was conducted by ASM Affiliates staff of the Central California Information Center (CCIC) on June 14, 2022. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study areas; (ii) if the project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the field project was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the National Register of Historic Places, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

According to the CCIC record search, three previous surveys have been conducted within the study area. An additional 13 studies have been completed within a 0.25-mi radius of the study area, resulting in the

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

recording of forty-eight cultural resources within that radius. Details of these studies and recorded resources can be found in Appendix C. Details of the resources (previously recorded and newly recorded) identified during the cultural survey for this Project, can be found below in Table 4-10 and Table 4-11 below.

Table 4-10: Previously Recorded Cultural Resources within Project Area

Primary No.	Description
P-22-001393	milling station
P-22-002016	historic district
P-22-002068	mining features and refuse

Native American Outreach

The Native American Heritage Commission (NAHC) in Sacramento was contacted in July 2022. They were provided with a brief description of the Project and a map showing its location and requested that the NAHC perform a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate Project area. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act, among many other powers and duties. NAHC provided a current list of Native American Tribal contacts in the Project area to notify of the proposed project.

The results of the search indicated that no known sacred sites or tribal cultural resources were located within the Project area. Mariposa County sent outreach letters by certified mail to all the tribes listed on the NAHC contact list. Details of those outreach letter can be found below Section 4.18. No responses have been received to date.

Phase I Pedestrian Cultural Resources Survey

An intensive Phase I Cultural Resourced survey of the Project area was conducted by ASM Associate Archaeologist in September and October of 2022. The field methods employed included intensive pedestrian examination of the ground surface for evidence of archaeological sites in the form of artifacts, surface features (such as bedrock mortars, historical mining equipment), and archaeological indicators (e.g., organically enriched midden soil, burnt animal bone); the identification and location of any discovered sites, should they be present; tabulation and recording of surface diagnostic artifacts; site sketch mapping; preliminary evaluation of site integrity; and site recording, following the California Office of Historic Preservation Instructions for Recording Historic Resources (See Appendix C).

The Phase I survey fieldwork conducted in September and October 2022 employing parallel transects spaced at 15-meter intervals walked across the approximately 11.1-ac survey area. The survey area includes approximately 0.4-miles of Mariposa Creek and a 0.2-miles connecting corridor of existing rights-of-way along Highway 49. Figure 4-4 and Figure 4-5 were taken during the survey efforts. This survey resulting in the identification and recordation of two new cultural resources. Table 4-11 below provides a summary and a brief description of those resources. Full details can be found in Appendix C.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 956



Figure 4-4: Project study area, looking south.

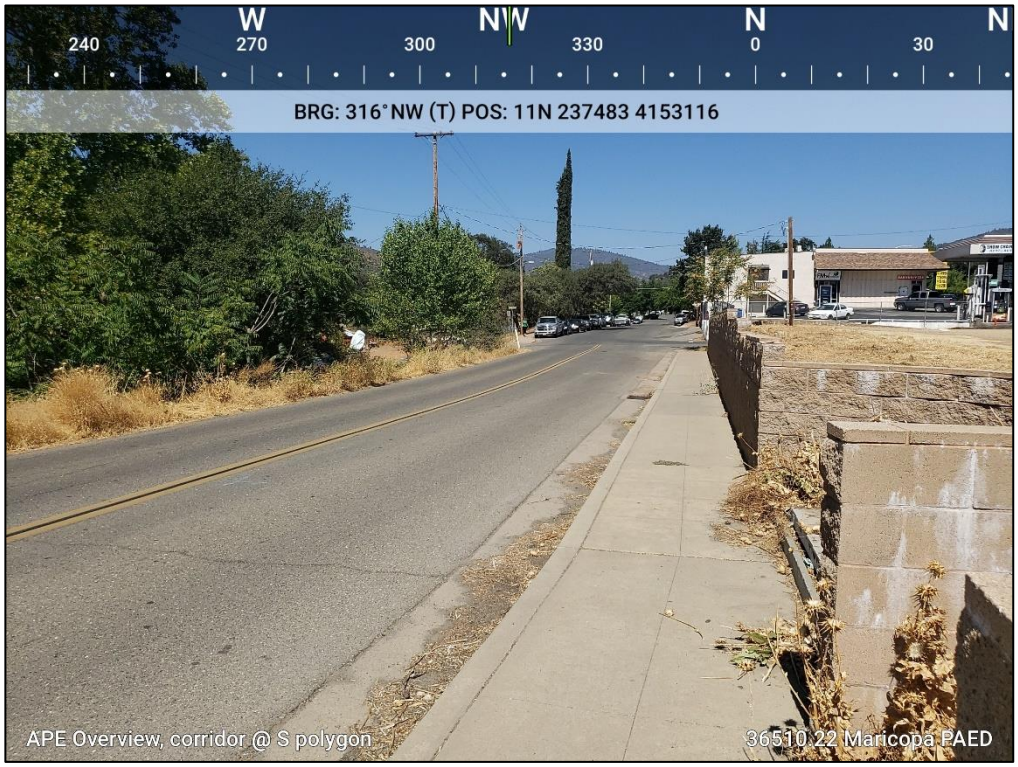


Figure 4-5: Project study area, looking northwest.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Table 4-11: Newly Recorded Cultural Resources Identified within Project Area during survey

Temporary Site Designation	Description
MARIPOSA-SITE-1	The resource consists of bedrock milling site with a petroglyph panel situated along Mariposa Creek.
MARIPOSA-SITE-2	The resource consists of water conveyance and possible mining features situated along Mariposa Creek and within the City of Mariposa. The site measures 97-ft (northwest-southeast) by 62-ft (northeast-southwest) and is situated at an elevation of 1,952-ft amsl. The site is in good condition.

4.5.2 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

a and b) Less than Significant Impact with Mitigation Incorporated. An archival records search was performed at the CCIC and the results indicated that three previous resources were known to exist within the Project area: P-22-001393 (milling station), P-22-002016 (historic district), and P-22-002068 (mining features and refuse). A list of the resources and a brief description can be found above in Table 4-10.

Of the three previously recorded resources, P-22-001393 was inaccessible at the time of the survey due to overgrowth; no elements of P-22-002016 were identified within the survey area, and the portion of P-22-002068 within the survey area was found to have been destroyed (See Appendix C).

In addition, two new resources were identified during the Phase I survey and given the temporary field designations MARIPOSA-SITE-1 and MARIPOSA-SITE-2. These two new resources and a brief description can be found above in Table 4-11. Site MARIPOSA-SITE-2 specifically is recommended as not eligible for inclusion in the California Register of Historical Resources (CRHR) due to a lack of integrity and research potential. Any development or use of the site locations will not have an adverse impact on significant or unique historical resources.

With the implementation of ~~CUL-3~~TCR-1 (See Section 4.18.3) for previously recorded resource P-22-001393 and newly recorded resource MARIPOSA-SITE-1, any impacts would be reduced to less than significant in nature.

It is further recommended that, in the unlikely event that any unanticipated cultural resources are encountered during any construction or use of the Project area, implementation of mitigation measure CUL-1 outlined below to reduce any impacts to unanticipated discovery to less than significant.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated. There is no evidence or record that the Project has the potential to be an unknown burial site or the site of buried human remains. In the unlikely event of such a discovery, mitigation shall be implemented. With incorporation of mitigation measure CUL-2 outlined below, impacts resulting from the discovery of remains interred on the Project site would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.5.3 Mitigation

CUL-1 (Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.

CUL-2 (Human Remains): In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During any construction activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the project proponent. Protection measures for the site may include, but not be limited to, requiring the project proponent to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

~~**CUL-3** (Avoidance/Preservation): Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, the recorded site location shall be avoided and preserved in place. If avoidance is not possible, a qualified archaeologist shall monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, the site shall be subject to a formal evaluation for eligibility to the CRHR.~~

~~The MARIPOSA-SITE-1 shall be avoided and preserved in place. To ensure the site is avoided, project activities shall not occur within 10 meters (33 feet) of the site boundary if possible. If avoidance by project design is not possible, the site shall be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).~~

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.6 ENERGY

Table 4-12: Energy Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

4.6.1 Baseline Conditions

California's major sources of energy are petroleum products (i.e., gasoline, diesel, and oil), electricity, and natural gas.

Pacific Gas and Electric (PG&E) supplies electricity to the Project area. PG&E obtains its power through hydroelectric, thermal (natural gas), wind, and solar generation of purchases. PG&E continually produces new electric generation and natural gas sources and implements continuous improvements to gas lines throughout its service areas to ensure the provision of services to residents. New construction would be subject to Titles 20 and 24 of the California Code of Regulations which each serve to reduce demand for electrical energy by implementing energy-efficient standards for residential, as well as non-residential buildings.

4.6.2 Impact Analysis

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. Implementation of the Project would require the temporary use of energy resources for removal of existing features and construction of new trail features. This energy use would primarily be in the form of petroleum products and electricity used to operate construction equipment and consumed during vehicle trips associated with material delivery/debris hauling and commuting workers. Indirect energy use would also occur and include the extraction, production, and transportation of goods and materials needed for construction. While construction activities would result in the temporary consumption of energy resources in the form of vehicle and equipment fuels (gasoline and diesel fuel) and electricity (directly or indirectly), such consumption would be incidental and temporary and would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Maintenance of these structures would require minimal energy use, similar to existing County infrastructure maintenance activities. These activities would occur on an as-needed basis. Additionally, the Project does not involve constructing habitable structures; therefore, no energy efficiency policies apply. For these reasons, energy impacts during Project construction, maintenance, and operation would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would not conflict with or obstruct a plan for renewable energy or energy efficiency. The Project, by improving the active transportation network, would result in an overall reduction in motor vehicle trips and an improvement in energy efficiency. The Project would follow any applicable State or local plan regarding renewable energy or energy efficiency. There would be no impact.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.7 GEOLOGY AND SOILS

Table 4-13: Geology and Soils Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐

4.7.1 Baseline Conditions

Geology and Soils

Mariposa is situated in the western foothills of the central section of the Sierra Nevada mountain range. The Sierra Nevada mountain range is a granitic batholith formed by the uplifting of metamorphic and igneous rocks. The Mariposa TPA, including the Project area, is primarily underlain by metamorphic rocks.[9] The soils onsite consist of extremely gravelly sandy and loam (see Figure 4-6).

[9] (County of Mariposa n.d.)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Faults and Seismicity

The Foothills Fault System traverses Mariposa County. This fault system has a total length of more than 200 miles, located primarily along the western front of the Sierra Nevada foothills and consists of two major parallel fault and fracture zones that run northwest-southeast across Mariposa County: the Bear Mountains Fault Zone and the Melones Fault Zone. The Bear Mountains Fault Zone crosses the northern Mariposa County line at Highway 132 near the northwest corner of Lake McClure. It runs south-southeast over the lake near New Exchequer Dam, but does not to continue more than a few miles to the southeast beyond the lake. The Melones Fault Zone also runs southeast across the County closely following SR 49 from the area of Jamestown through Bear Valley to the town of Mariposa. Although, the Foothills Fault System is considered active (since the 1975 Oroville Earthquake, the majority of the County, including the Project area falls within the low-risk category for seismic activity.[10]

Liquefaction

The potential for liquefaction, which is the loss of soil strength due to seismic forces, is dependent on soil types and density, the groundwater table, and the duration and intensity of ground shaking. Soil conditions are key factors in selecting locations for direct groundwater recharge projects. Using the United States Department of Agriculture Natural Resources Conservation Service soil survey of Mariposa County, an analysis of the soils onsite was performed. The Mariposa County General Plan deems the dangers of liquefaction in the County as minimal.[11]

Subsidence

Subsidence occurs when a large land area settles due to over-saturation or extensive withdrawal of ground water, oil, or natural gas. These areas are typically composed of open-textured soils that become saturated. These areas are high in silt or clay content. The soils onsite, listed above have a low to moderate risk of subsidence.

Dam and Levee Failure

The Project area is outside of the Stockton Creek Dam Failure Inundation Boundary.[12]

4.7.2 Impact Analysis

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. According to the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, the Project area is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site.[13] There would be no impact.

[10] (Mariposa County n.d.)
[11] Ibid.
[12] (California Department of Water Resources n.d.)
[13] (California Department of Conservation 2021)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

ii. Strong seismic ground shaking?

No Impact. The Project area is not likely to be impacted by strong seismic ground shaking. Therefore, there would be no impact.

iii. Seismic-related ground failure, including liquefaction?

No Impact. The Project is not located in or near a fault zone and the underlying soil is not susceptible to liquefaction.[14] There would be no impact.

iv. Landslides?

Less than Significant Impact. Landslides occur when masses of rock, earth, or debris move down a slope, including rock falls, deep failure of slopes, and shallow debris flows. Often, they accompany other natural hazards such as floods and earthquakes. The Mariposa Creek channel is sloped along the banks, but the Project is not affected by a known active fault that could increase the risk for landslides Therefore, impacts would be less than significant.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact with Mitigation Incorporated. Project activities such as grading and removal of plant species along the riparian corridor has the potential to loosen surface soils and make them susceptible to erosion. This could cause the potential for sediment to make its way into Mariposa Creek. However, all construction activity would be subject to the erosion control requirements set forth by the NPDES Storm Water Construction General Permit (CGP) (Order No. 2009-0009-DWQ). In addition, the Mariposa TPA Specific Plan Draft Environmental Impact Report (DEIR) includes mitigation measures **GEO-1**, **GEO-2**, and **GEO-3** to reduce any impacts due to Project grading. Compliance with existing regulations and said mitigation measures, impacts in regard to soil erosion or loss of topsoil would be reduced to a less than significant level.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant Impact. As discussed above, the Project is not subject to a substantial risk of landslides. The Project would not introduce habitable structures that are vulnerable to seismic-related ground failure. Therefore, the Project would not increase the existing risk of liquefaction and lateral spreading along Mariposa Creek. The proposed parkway trail extension and recreational features also would not involve major excavation or grading that could increase the instability of underlying geologic units or soil. Therefore, the Project would have a less than significant impact related to geologic or soil instability.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. The Project is not located on expansive soil, as defined in Table 18-1-8 of the Uniform Building Code (1994). There would be no impact.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

[14] Ibid.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

No Impact. The Project would not include permanent work or living facilities and thus would not require the use of septic tanks or alternative wastewater disposal systems. There would be no impact.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact with Mitigation Incorporated. No known paleontological resources have been identified at the Project area. However, if a paleontological resource is found, then construction can result in a significant impact unless mitigated properly. GEO-4 will be implemented in the unlikely event that paleontological resources are encountered during Project construction.

4.7.3 Mitigation

GEO-1 An engineered grading plan, erosion control plan, and stormwater drainage plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading, including road work, on slopes 15% or greater.

GEO-2 A sedimentation control plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading requiring a grading permit and conducted between the November 1 and April 1.

GEO-3 All exposed and/or disturbed soils for grading which requires a grading permit shall be watered down or suppressed in other manners during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.

GEO-4 Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to Mariposa County for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

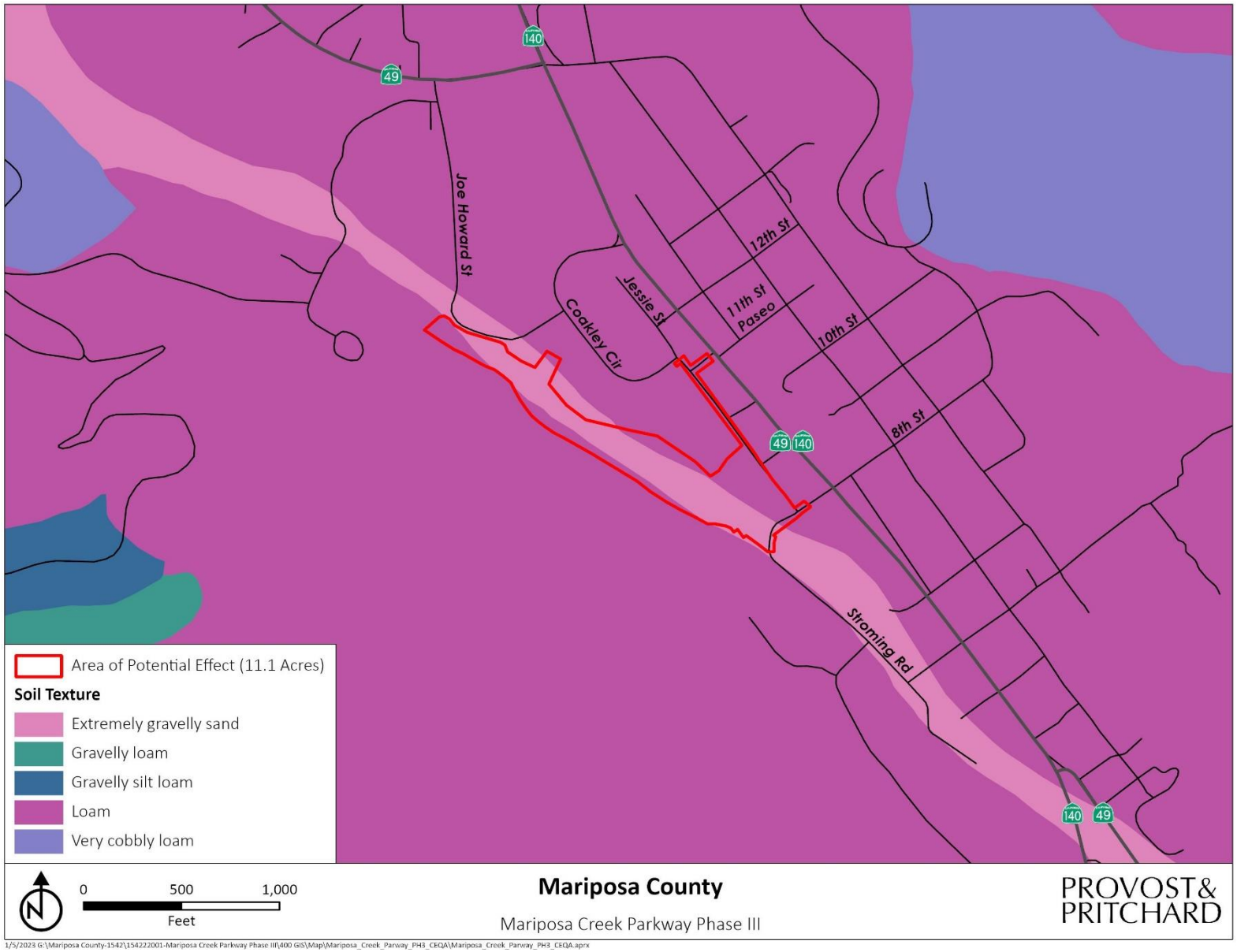


Figure 4-6: On-site Soils Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

4.8 GREENHOUSE GAS EMISSIONS

Table 4-14: Greenhouse Gas Emissions Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

4.8.1 Baseline Conditions

Commonly identified Green House Gas (GHG) emissions and sources include the following:

Carbon dioxide (CO_2) is an odorless, colorless natural greenhouse gas. CO_2 is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources include the burning of coal, oil, natural gas, and wood.

Methane (CH_4) is a flammable greenhouse gas. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.

Nitrous oxide (N_2O), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.

Water vapor is the most abundant, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.

Ozone (O_3) is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. O_3 is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.

Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About three-quarters of human emissions of CO_2 to the global atmosphere during the past 20 years are due to fossil fuel burning. Atmospheric concentrations of CO_2, CH_4, and N_2O have increased by at least 40 percent, 150 percent, and 20 percent respectively since the year 1750.[15] GHG emissions are typically expressed in carbon dioxide-equivalents (CO_2e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 25 tons of CO_2. Therefore, CH_4 is a much more potent GHG than CO_2.In accordance with MCAPCD's the *County of Mariposa General Plan – Volume IV Environmental Impact Report*[16], proposed projects would be required to meet a CO2 emissions threshold of 500 tons per year. Projects exceeding this threshold would be deemed to have a significant impact on the environment.

Construction-Generated Emissions

Emissions associated with the Project were calculated using CalEEMod Air Quality Model, Version 2020.4.0. The emissions modeling includes emissions generated by off-road equipment, haul trucks, and worker commute trips. Emissions were quantified based on an anticipated construction schedule of approximately 18 months. All remaining assumptions were based on the default parameters contained in the model. Localized air quality impacts associated with the Project would be minor and were qualitatively assessed. Modeling assumptions and output files are included in Appendix A.

[15] (California Air Resources Board 2014)
[16] (Mariposa County n.d.)

Packet Pg. 968

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Impact Assessment

Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Project were calculated using CalEEMod, Version 2020.4.0. Emissions' modeling was assumed to occur over an approximate 18-month period. Remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in Appendix A. Estimated construction-generated emissions are summarized in Table 4-15. GHGs impact the environment over time as they increase and contribute to climate change. The maximum annual short-term construction related emissions have been amortized over 30 years, showing that the Project would not have an impact on the environment over the long-term duration of the project.

Table 4-15: Short Term Construction Generated GHG Emissions

	Emissions (MT CO2e)
Maximum Annual Construction CO2e Emissions	540.7806
Maximum Annual Construction C02e Emissions Amortized over 30 years	*18.0260*
MCAPCD (tons per year)	*500*
Threshold Exceeded?	No

Long-Term Operational Emissions

Long-term construction emissions associated with the Project were calculated using CalEEMod, Version 2020.4.0. Long-term emissions of the Project are considered and take into account expected emission levels the Project would emit after construction is completed. Modeling assumptions and output files are included in Appendix A. Estimated long-term operational emissions are summarized in Table 4-16.

Table 4-16: Long Term Operational GHG Emissions

	Emissions (MT CO2e)
Estimated Annual Operational CO2e Emissions	17.6158
MCAPCD (tons per year)	*500*
Threshold Exceeded?	No

4.8.2 Impact Analysis

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. As shown in Table 4-15 and Table 4-16.

, the Project is not expected to result in the generation of GHG emissions that would exceed the MCAPCD threshold of 500 MT CO_2e annually during both construction and operational activities. Therefore, impacts would be less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The Project would be in compliance with all MCAPCD policies and regulations and would not exceed an applicable threshold for GHG emissions. Therefore, there would be no impacts.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.9 HAZARDS AND HAZARDOUS MATERIALS

Table 4-17: Hazards and Hazardous Materials Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☒	☐	☐

4.9.1 Baseline Conditions

Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data (DTSC, 2010). In addition to the EnviroStor database, the State Water Resources Control Board (SWRCB) Geotracker database provides information on regulated hazardous waste facilities in California,

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

including underground storage tank (UST) cases and non-UST cleanup programs, including Spills-Leaks-Investigations-Cleanups (SLIC) sites, Department of Defense sites, and Land Disposal program. A search of the DTSC EnviroStor database and the SWRCB Geotracker performed on June 21, 2022 determined that there are no known active hazardous waste generators or hazardous material spill sites within the Project area or immediate surrounding vicinity.[17] The nearest historical hazardous material spill site was located near Jessie Street and 10th Street. The case was resolved and has been closed since April 3, 2006.

Airports

The nearest active public airport is the Mariposa Yosemite Airport, approximately 3.5 miles northeast of the Project area.

Emergency Response Plan

Mariposa County manages and coordinates its emergency response activities in conjunction with the California State Standardized Emergency Management System.

Sensitive Receptors

Sensitive receptors, consisting of residences and schools, are located on lots adjacent to the Project. The nearest is located less than 100 feet away near the upstream portion of the Project area see. The nearest school to the Project area is the Where the Wild Things Play Preschool (Figure 4-7).

4.9.2 Impact Analysis

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

A and b) Less than Significant Impact. Construction of the Project would potentially require the use of various types and quantities of hazardous materials. Hazardous materials that are typically used during construction include, but are not limited to, hydraulic oil, diesel fuel, grease, lubricants, solvents, paint, asphalt, and adhesives. Although equipment used during construction activities has the potential to contain various hazardous materials, these materials would be used in accordance with the manufacturers' specifications and all applicable regulations, including California Department of Occupational Safety and Health Administration regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances on-site. Furthermore, any potential accidental hazardous materials spills during construction are the responsibility of the contractor to remediate in accordance with industry Best Management Practices (BMP) and State and county regulations.

In terms of Project operations, there would be no routine storage or use of hazardous materials. All in all, impacts would be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

[17] (California Department of Toxic Substances Control 2020); (State of California 2020)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Less than Significant Impact. The Project is located within a quarter-mile of the Where the Wild Things Play Preschool, but it wouldn't be close enough to be impacted by any potential hazardous substances from the Project. Any potential accidental hazardous materials spills during construction would comply with industry BMPs and State and county regulations to ensure that impacts would be less than significant.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The Project does not involve land that is listed as an active hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by DTSC. Both the SWQCB's GeoTracker and DTSC's EnviroStor websites were queried on June 21, 2022 for contaminated groundwater or sites in the area with negative findings. Once the Project is fully constructed, there would be no need for the transport, use, or disposal of hazardous materials and the land area proposed for the Project has not been identified as active hazardous waste generators or hazardous material spill sites. Impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project is not located within an adopted airport land use plan or within two miles of a public airport or public use airport. The nearest airport to the Project is the Mariposa Yosemite Airport, approximately 3.5 miles away. There would be no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project does not involve any physical barriers or interfere any roadways in such a way that would impede emergency or hazards response; therefore, the Project would not interfere with implementation of an emergency response plan or evacuation plan. There would be no impact.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact with Mitigation Incorporated. The Project would be located in an area of increased wildland fire risk. Implementation of mitigation measures WLD-1 and WLD-2 would lessen any potential significant impacts to a less than significant level. Wildland fire impacts and risks, as well as the two mitigation measures mentioned above, are discussed further in Section 4.20 Wildfire.

4.9.3 Mitigation

HAZ-1 See WLD-1 and WLD-2 .

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

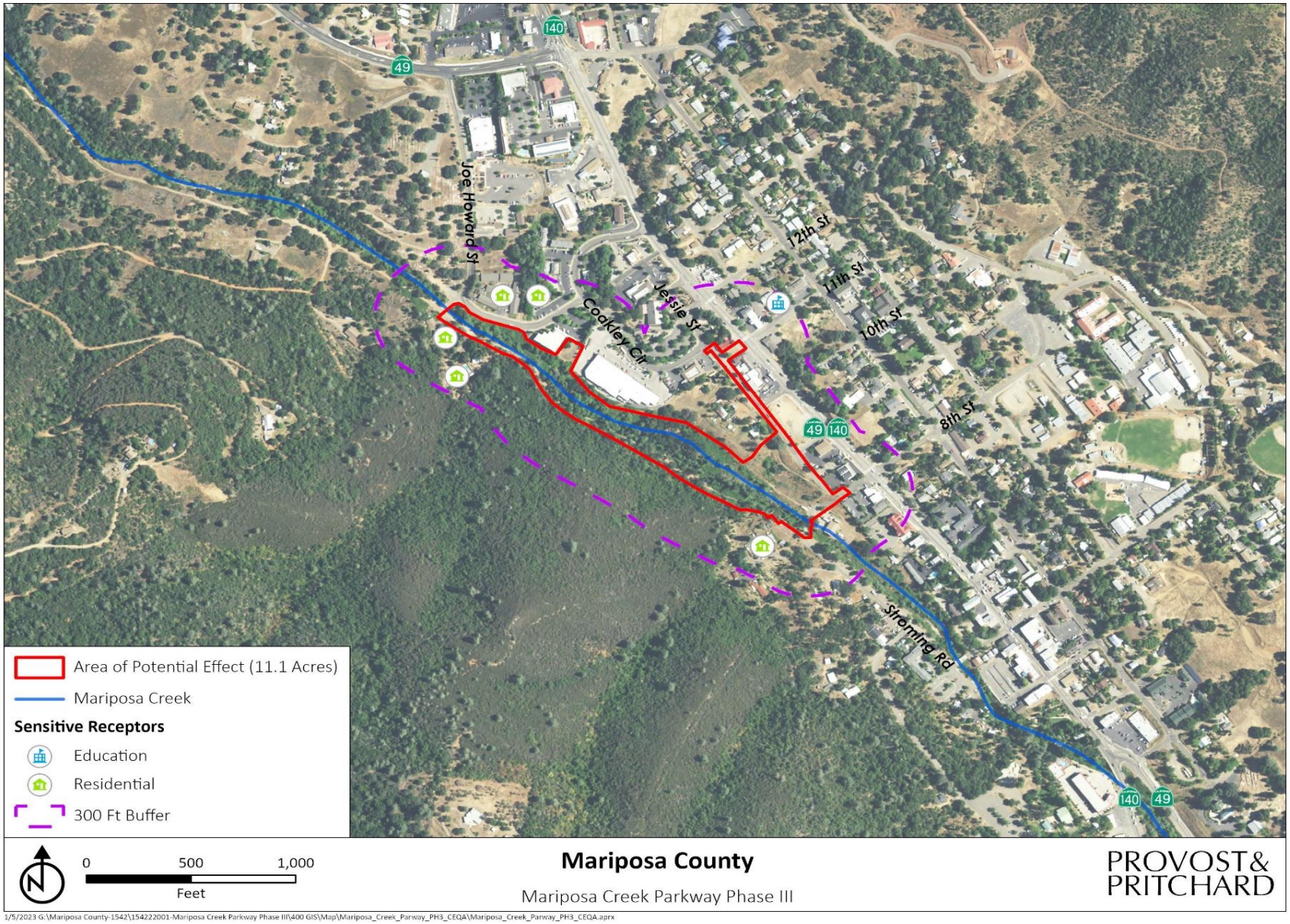


Figure 4-7: Sensitive Receptors Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

4.10 HYDROLOGY AND WATER QUALITY

Table 4-18: Hydrology and Water Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

4.10.1 Baseline Conditions

Similar to the rest of California, Mariposa County experiences a Mediterranean type of climate with equally pronounced summers and winters. The majority of the precipitation is rainfall, though Mariposa does receive snowfall multiple times during the winter when temperatures are low enough. The average annual precipitation level reaches approximately 30 inches with most of the precipitation falling between November and April.[18] The major hydrological feature within Mariposa, which includes the Project area, is Mariposa Creek. Mariposa Creek begins approximately three miles north of the Mariposa TPA within the mountain ridges of the Sierra Nevada mountains. Downstream below the Mariposa TPA, various tributaries

[18] (County of Mariposa n.d.)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

flow into Mariposa Creek, one being Stockton Creek. The Mariposa Public Utility District (MPUD) owns and operates a 440-acre foot reservoir on Stockton Creek known as the Stockton Creek Reservoir.[19] MPUD also provides wastewater services to the residents and businesses in the Mariposa TPA.

4.10.2 Impact Analysis

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. During construction of the proposed creek way extension and renovation, Project grading and potential vegetation removal would disturb soils in the Project corridor. Unless measures are taken to prevent erosion of disturbed soils, rain events could wash loose soil into the adjacent Mariposa Creek, causing sedimentation. Stormwater runoff could also carry pollutants like nutrients, heavy metals, pesticides and herbicides, toxic chemicals, oils and fuels, and lubricants into the creek. The primary stormwater pollutant at the construction sites would be excess sediment. Excess sediment could be mobilized anywhere earthwork occurs. Additionally, removal of any existing vegetation along the creek banks would expose underlying soils that were previously not as susceptible to erosion. Contact with loose bare soil could entrain sediments into the runoff causing sedimentation of the water which could impact water quality in receiving waters downstream.

As previously described in Section 4.7 Geology and Soils, the County would ensure the construction contractor employ the appropriate water quality and erosion control BMPs to minimize the potential for offsite erosion and sedimentation in accordance with the construction specifications and with the NPDES CGP for Storm Water Discharges associated with construction activity. These BMPs would be in accordance with Caltrans's Construction Site Best Management Practices Manual[20] and would ensure no water quality standards or waste discharge requirements would be violated. Impacts would be less than significant.

Operation of the project would involve continued recreational use of the creek corridor. It would not introduce new uses that discharge additional water pollutants relative to existing conditions. Therefore, compliance with existing regulatory requirements would ensure that the Project does not violate water quality standards or waste discharge requirements and would not create substantial runoff water or otherwise degrade water quality. Impacts would be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The Project includes no use of groundwater and would not result in any impacts associated with the depletion of groundwater supply or recharge. There would be no impact.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in substantial erosion or siltation on- or off-site;

[19] (Mariposa Public Utility District 2021)
[20] Caltrans's Construction Site Best Management Practices Manual can be found here: Microsoft Word - CSBMP-May-2017-Final-122917 (ca.gov)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv. impede or redirect flood flows?

c-i – c-iv) Less than Significant Impact. Construction activities would involve excavation, filling and grading of soils, which would expose areas to potential erosion during construction. Grading activities would be performed in accordance with Mariposa County standards. BMPs will be implemented during construction to further reduce potential impacts of erosion or siltation on or off site. Areas disturbed during construction would be restored. A SWPPP will be prepared to comply with the conditions of the NPDES general stormwater permit for construction activities.

As identified in the Project description, the Project would construct a pedestrian bridge over Mariposa Creek. Construction of the bridge would take place during no-flow or low-flow conditions, when there are small amounts of water in the creek. Sediment and erosion control BMPs, appropriate to aquatic conditions will be employed when working in no-flow or low-flow conditions. Project work is anticipated to be started within the dry season. However, in the unlikely event that work may need to occur when normal flows are present within the work area, a flow bypass system/cofferdams would be installed. All work done in the creek bed would comply with the BMPs, which would reduce any potential impacts to the flow in the creek bed to less than significant. Any rainfall runoff events that happen during the in-channel work window would not be controlled by the cofferdams. In the unlikely event of stormflows in Mariposa Creek in the summer months or early fall, construction crews would not work in the creek until flows have subsided.

The bridge itself would not increase the rate or amount of surface runoff or result in flooding. Any stormwater flows would flow to and through the creek bed. The bridge would be designed to handle most flow rates through the Mariposa Creek during stormflow situations. As discussed above, no construction would be done in the creek when there are stormflows. Lastly, the Project would not add sources of polluted runoff. Therefore, any impacts would be less than significant with the incorporation of Mariposa County standards and construction BMPs.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

Less than Significant Impact. The Project area contains a regulatory floodway (Mariposa Creek) and is within portions of a 1% Annual Chance Flood Hazard zone (see Figure 4-8). Construction of the Project elements would not occur during times when the potential for flooding is high. This would prevent the potential release of pollutants into Mariposa Creek. During operation, the Project would not contain pollutants; therefore, no pollutants would be at risk of releasing into the creek during inundation periods. Impacts would be less than significant.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The Project would not affect the implementation of the water quality control plan or the groundwater sustainability plan as no new water sources or discharges would be developed as part of the Project. There would be no impact.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Figure 4-8: FEMA Flood Map

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

4.11 LAND USE AND PLANNING

Table 4-19: Land Use and Planning Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

4.11.1 Baseline Conditions

The Project is located within Mariposa County, which is known for its rural and natural character. The Project area, which spans multiple parcels of land, is designated and zoned General Commercial, Single-Family Residential, Multi-Family Residential, Scenic Resource, Split zoning, Public Quasi-Public, and Design Review Overlay by the Mariposa County-adopted Mariposa TPA Specific Plan (see Figure 2-5 and Figure 2-6). The Project area contains both developed and ruderal land and natural land. The surrounding areas are also designated for residential and commercial uses.

4.11.2 Impact Analysis

a) Would the project physically divide an established community?

No Impact. The Project proposes to extend a portion of the existing Mariposa Creek Parkway. The overall character of the area would not change, and the Project would provide a benefit to the region by creating a new linkage between the community, along with other regional trails and bicycle systems. The Project would improve safety for non-motorized trail users by constructing a pathway along Mariposa Creek, benefiting those who live and travel through the Project area. Implementation of the Project would not physically divide an established community, but rather connect two points of a single community. There would be no impact.

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project would require a zone amendment to change all the Project parcels' zone designation to the Public Quasi-Public Zone district. The Public Quasi Public zone district includes recreation areas and parkways as permitted uses. With implementation of the zone amendment, the Project would be consistent with the applicable State and local goals and policies. Impacts would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.12 MINERAL RESOURCES

Table 4-20: Mineral Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

4.12.1 Baseline Conditions

Mariposa County is situated astride the southern extreme of the mineralized fault belt running through the Central Sierra Mountains, which is commonly referred to as the "Mother Lode." While it is generally recognized that the richest portion of the Mother Lode Fault System is north of Mariposa County, the County has a historic record of precious metal mining production.

Mariposa County has one active slate quarry — Yosemite Slate Quarry, located off of Highway 140 on Agua Fria Road approximately 2.5 miles west of the Project area. With the exception of sand and gravel extraction and processing, most mines in the County are now closed or only intermittently active.

4.12.2 Impact Analysis

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

a and b) No Impact. The Project area is not identified as containing any mineral resources. As a result, the Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, there would be no impact.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.13 NOISE

Table 4-21: Noise Impacts

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

4.13.1 Baseline Conditions

Terminology

Noise can be defined as unwanted and objectionable sound. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. The method commonly used to quantify environmental sounds consists of evaluating all frequencies of a sound in accordance with a filter that reflects the fact that human hearing is less sensitive at very low and very high frequencies compared to mid-range frequencies. This is called "A" weighting, and the dB level measurement is called the A-weighted sound level (dBA).

A-weighted sound level (dBA) is expressed on a logarithmic (power of 10) scale using a frequency weighted pattern that duplicates the human ear's sensitivity to sound. A 70-dBA sound level is approximately twice as loud as a 60-dBA sound level and four times as loud as a 50-dBA sound level.

Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for many various sound level metrics, including the day/night sound level (Ldn) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level (Leq) is the average sound energy of time-varying noise over a sample period and the (Lmax) is the maximum instantaneous noise level occurring over a sample period

Local Noise Regulations

The Mariposa County General Plan does not specifically limit hours during which construction may occur; however, it is common practice to limit hours of construction activity to minimize construction noise impacts in residential areas during the early morning and late evening hours, and on weekends and

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

holidays. Although not specifically stated in the County's General Plan Noise Element, it is also a standard requirement of many jurisdictions that all construction equipment be properly maintained and muffled to minimize noise generation at the source.

Some guidance on construction-related noise is provided by Section 14-8.02 of the Caltrans Standard Specifications document which suggests that construction equipment not exceed 86 dB (Lmax) at a distance of 50 feet from job site activities from 9 p.m. and 6 a.m.[21]

Mariposa County does not have any established performance standards regarding ground borne vibration levels from construction activities. However, the Mariposa County General Plan Noise Element does include Implementation Measure 15.1a (3) which requires the County to implement standards that will reduce vibration from construction activities to a level that is less than perceptible at adjacent property lines. Therefore, for purposes of this analysis, the "severe" impact criterion of 0.4 inch per second peak particle velocity (PPV) for vibration is utilized from the Caltrans 2020 Transportation and Construction Vibration Guidance Manual.[22]

Existing Noise Setting

Land uses surrounding the Project area consist of scattered low density residential uses, commercial buildings, and open space uses including Mariposa Creek. The existing noise environment in the immediate Project area is dominated by songbirds, residential maintenance equipment, and sporadic vehicle traffic along Jessie Street and SR 140/49. Some land uses are considered more sensitive to ambient noise levels than others because of the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved for those uses. Residences, schools, day cares, rest homes, hospitals, and churches are generally more sensitive to noise than commercial and industrial land uses. The scattered residences in the Project area, in addition to the educational facility, are the primary sensitive receptors (see Figure 4-7).

Typical Construction Noise Levels

Table 4-22. Typical Construction Noise Levels

Equipment	50 feet from Source (dBA L_{eq})	100 feet from Source (dBA L_{eq})	200 feet from Source (dBA L_{eq})	300 feet from Source (dBA L_{eq})
Air Compressor	80	74	68	64
Backhoe	80	74	68	64
Concrete Mixer	85	79	73	69
Grader	85	79	73	69
Jack Hammer	88	82	76	72
Loader	80	74	68	64
Paver	85	79	73	69
Roller	85	79	73	69
Saw	76	70	64	60
Scraper	85	79	73	69
Truck	84	78	72	68

Source: Noise level at 50 feet from (John A. Volpe National Transportation Systems Center 2018)
Note: Noise Levels at 100 feet, 200 feet, and 300 feet were extrapolated using a 6 dBA attenuation rate per doubling of distance. Each noise level assumes the piece of equipment is operating at full power for the expected duration to complete the construction activity. The duration varies widely between each piece of equipment. Noise levels also depend on the model and year of the equipment used.

[21] Caltrans Standard Specification document can be found here: Standard Specifications 2018.
[22] (California Department of Transportation 2020)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Noise levels from point sources such as equipment at construction sites typically attenuate at a rate of 6 dBA per doubling of distance. Therefore, only areas within several hundred feet of construction sites would typically be exposed to perceptible construction noise levels. As noted above, the Mariposa County does not establish numeric standards for construction noise. However, construction noise that substantially exceeds existing ambient noise levels could disturb sensitive receptors, such as residences and schools.

4.13.2 Impact Analysis

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation Incorporated. Construction noise levels at and near the Project construction areas would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction-related material haul trips would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used. Noise at the construction site would be intermittent and its intensity would vary. The degree of construction noise impacts may vary for different areas of the Project area and also vary depending on the construction activities. During construction of the Project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction and some of the sensitive receptors surrounding the Project area may be temporarily affected. As mentioned above, most of the construction equipment, other than the jack hammer, would not be expected to exceed Caltrans Standards of 86 dB Lmax at a distance of 50 feet from construction site activities. To ensure these Project-related increases in ambient noise would not exceed applicable noise and land use standards, the noise reducing BMPs pursuant to Mitigation Measures NOI-1, NOI-2, and NOI-3 will be implemented. With the inclusion of said mitigation, impacts would be less than significant with mitigation incorporated.

b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact. Construction activities such as excavation and roadway paving would temporarily increase ground borne vibration and/or ground borne noise levels in the vicinity of the Project area. The nearest vibration-sensitive land use from the Project are adjacent residential properties, located approximately 50 to 300 feet from the boundary of the Project construction footprint. An on-site source of vibration during Project construction would be a vibratory roller or paver, which would be used for pavement compaction for the proposed trail. A vibratory roller or paver would create approximately 0.210 inches per second PPV at a distance of 25 feet.[23] Using the Caltrans criterion of 0.4 inches per second Peak Particle Velocity (PPV) at 25 feet, the approximately 0.210 inches per second PPV vibration impact generated at 25 feet would be less than what is considered a “severe” impact. Therefore, although vibration may be perceptible by nearby residences (the nearest of which would be approximately 50 feet from the closest operation of a vibratory roller or paver), temporary impacts associated (and other potential equipment) would be less than significant.

[23] (California Department of Toxic Substances Control 2020)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 982

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Mariposa-Yosemite Airport is located approximately 3.5 miles northwest of the Project area. According to the Mariposa-Yosemite Airport Comprehensive Land Use Plan, the Project area is not located in close enough proximity to be affected by airport noise.[24] Therefore, there would be no impact.

4.13.3 Mitigation

NOI-1 The County shall ensure the construction contractor implement the following construction noise reducing measures:

- The construction contractor shall ensure that all noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise sensitive receptors nearest the project site during construction.

- The construction contractor shall ensure that all equipment will have sound control devices that are no less effective than those provided on the original equipment. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as deemed to be in the public interest, considering the available technology and economic feasibility.

NOI-2 The County shall ensure that equipment and trucks used for construction of the Project utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).

NOI-3 The County shall ensure that impact equipment (e.g., jack hammers, etc.) used for construction of the Project be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.

[24] (Aries Consultant Ltd. 1995)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.14 POPULATION AND HOUSING

Table 4-23: Population and Housing Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for Sample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

4.14.1 Baseline Conditions

According to the U.S. Census Bureau, as of April 1, 2020, the estimated population for Mariposa County was 17,131.[25] The County has seen a decrease of approximately 6.1% since the last census was conducted in 2010. The County is characterized as natural and scenic and is sparsely populated due to its characterization. The Project area is located along the Mariposa Creek within the Town of Mariposa. There are less than five residences within 300 feet of the Project area (see Figure 4-7).

4.14.2 Impact Analysis

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

a and b) Less than Significant Impact. The Project would not involve the construction of infrastructure that could induce substantial population growth, such as new or increased capacity sewer or water lines, or the construction or extension of streets and roads. The Project does not propose new homes or business. The proposed extension of the Mariposa Creek Parkway, as well as the proposed improvements, would serve existing both the residents in the Mariposa area, and non-local visitors. This extension of the trail would not expand the capacity of the motor vehicle system and therefore would not induce population growth. In addition, because the Project would be located in an existing flood control channel, it would not require displacement of housing or people. Impacts would be less than significant to population and housing.

[25] (United States Census Bureau 2022)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.15 PUBLIC SERVICES

Table 4-24: Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

4.15.1 Baseline Conditions

Fire Protection: The Mariposa County Fire Department would serve the Project area. The closest fire station is the MPUD Fire Department Station #1 located approximately 0.5 miles northwest of the Project. As of July 1, 2022, Mariposa County has assumed fire protection responsibilities from MPUD within the Mariposa TPA.

Police Protection: The Mariposa County Sheriff Department would serve the Project area. The closest police protection station is Mariposa County Sheriff's Office located approximately 0.2 miles east of the Project.

Schools: Mariposa County High School is the closest school to the Project site, at a distance of approximately 0.3 miles east of the Project.

Parks: The Project is located within a recreational area, the Mariposa Creek Parkway. There is a skate park located approximately 0.3 miles southeast.

Landfills: The nearest landfill to the Project is the Mariposa Landfill, Composting, and Recycling Center, located approximately two miles northwest.

4.15.2 Impact Analysis

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire Protection:

ii. Police Protection:

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

a-i – a-ii) Less than Significant Impact. The Project would maintain public access from SR 140/49 at five different locations: 8th Street, 9th Street, 10th Street, the proposed Paseo at 11th Street, and at Joe Howard Street. Due to the Project's proximity to fire and police stations, response times in the event of an emergency would not be expected to be significant. The Project would open the segment of the creek parkway to recreational access, requiring additional police and fire service. However, the additional 0.5 miles of trail work and amenities would result in minimal demand to the existing segment of the creek parkway. Furthermore, the Project would not add residential, commercial, or other structural development that could substantially increase demand for police or fire services. Therefore, the Project would have a less than significant impact related to fire and police protection facilities.

iii. Schools:

No Impact. The Project includes the construction of the extension of the Mariposa Creek Parkway and associated amenities. It would not add residences or places of employment that would increase the population of school-age children in Mariposa County. Because the Project would not increase demand for school facilities, no impact would occur.

iv. Parks:

Less than Significant Impact. The Project would construct the extension of the Mariposa Creek Parkway trail that would provide non-motorized access from local businesses to the County Park, adding paved trails, soft paths, landscaping, and several recreational amenities. These proposed renovations and the trail extension itself would not substantially affect the level of public use at the County Park; but rather provide easier access to the park. The Project also would not add residences or places of employment that would increase the service population for park facilities in Mariposa County. Therefore, the Project would not result in the need for new or physically altered parks.

Although the Project would not add or expand parkland, the proposed trail, soft foot paths, landscaping, and fitness equipment would serve as recreational facilities for Mariposa residents. As discussed in Section 4.16 Recreation, the environmental effects of constructing the proposed recreational facilities are one component of the overall Project, and as such, are part of the whole of the action that in analyzed in this IS/MND, and there would be no additional impacts. Impacts would be less than significant.

v. Other public facilities:

No Impact. The Project would not cause an increase in Mariposa County's population. Therefore, it would not increase demand for libraries or other governmental facilities. There would be no impact.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.16 RECREATION

Table 4-25: Recreation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

4.16.1 Baseline Conditions

The County of Mariposa has a park system which includes eight parks. These park sites allow residents and tourists access to recreational activities such as swimming, fishing, picnicking, and hiking. Other public and private entities provide local recreational opportunities in Mariposa County too. These entities include Mariposa Unified School District, the Fair Board, and Yosemite National Park.[26] The Project area contains the Mariposa Creek Parkway. Plans to extend the Mariposa Creek Parkway have been made public within the Mariposa Creek Parkway Master Plan, adopted December 2019.

Mariposa County's historic reliance on Yosemite National Park as an economic driver is becoming increasingly threatened by natural disasters that impact park operations, and during summer months Yosemite is over-burdened by throngs of tourists that seek alternative means of enjoying the Park.

The Town of Mariposa plans to become the Base Camp for larger adventures, with longer trails and bigger loops that tie into a regional trail network that connects Mariposa with the Merced River Trail and Yosemite National Park.

4.16.2 Impact Analysis

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. The Project would extend the Mariposa Creek Parkway trail from 8th Street to Joe Howard Street. Proposed amenities such as secondary soft paths, landscaping, outdoor fitness equipment, and nature play areas (Chapter 2 Project Description for other amenities included) would increase the trail's attractiveness to Mariposa's residents and visitors. However, it is not anticipated that the Project would cause an increase in trail use to the extent that would substantially alter public use of neighborhood parks. The Project would not involve construction of residential units or other development that increases the service population for local parks. In addition, the Project would add recreational resources to the Mariposa Creek Parkway, helping to meet countywide demand without

[26] (Mariposa County n.d.)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

overwhelming existing parks. Therefore, it would not significantly accelerate or cause the physical deterioration of existing parks, requiring repair or expansion. Impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less than Significant Impact. The Project includes the construction of a multi-modal trail; thus, recreational facilities would be developed. The Project plan includes the development of recreational facilities as described in Chapter 2 Project Description.

The physical and environmental impacts of this Project are outlined throughout this IS/MND. The primary source of environmental impacts would occur during the construction phase of the Project. Impacts are discussed in greater detail within their respective Impact Analysis sections and include mitigation measures to reduce impacts to less significant levels.

The Project is a recreational use. The construction and operation of the new facilities would expand the recreational amenities within the County and town of Mariposa. The Project would not result in any new impacts beyond those evaluated within this document. The overall implementation of the Project would be mitigated to a less than significant level in accordance with the requirements of CEQA. Mitigation measures can be found in Chapter 5 Mitigation, Monitoring, and Reporting Program.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.17 TRANSPORTATION

Table 4-26: Transportation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

4.17.1 Baseline Conditions

The Project site is located along Mariposa Creek in Mariposa County. Access to Mariposa Creek in the vicinity of the Project area is taken by Joe Howard Street and 8th Street. Both these local roads are connected to the larger piece of the circulation system, SR 140/49. SR 140/49 runs through the town of Mariposa in a predominantly north-south direction. As noted in Section 4.1, the portion of SR 140 from Mariposa to Yosemite National Park is designated as a State Scenic Highway. In addition to vehicular circulation, various trails and pathways can be found within the vicinity of the Project too.

4.17.2 Impact Analysis

a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The Mariposa Creek Parkway Phase III and Trailhead would extend the previous section of the creek-side trail from 8th Street to Joe Howard Street, making a connection from the County Park to local businesses and a future transit center. The Project would also provide connection, via the proposed paseo at 11th Street, to State Route 140/49. Regionally, it would become part of several regional bicycle routes extending into the national forests and Yosemite National Park. By adding amenities such as a pedestrian bridge, fitness stations, lighting, and landscaping, the Project would encourage increased use of the trail as a multi-modal use. The Project would provide access for hikers, runners, and bicyclists. The Project would encourage greater trail use, which could incrementally increase the volume of trail users crossing roadways. However, an increase in crossing activity is not anticipated to significantly increase traffic delay. The Project does not include any residential or commercial development that would result in a significant amount of traffic.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Primary vehicle access to the trailhead would be provided from Jessie Street near 8th Street in Mariposa County. The trailhead would contain six parking spaces (one being ADA compliant). Access to the upstream end of the trail alignment is provided via Joe Howard Street.

The Project would be consistent with the Mariposa Creek Parkway Master Plan and the County-adopted Mariposa TPA Specific Plan. The Specific Plan identified the Project and analyzed its impacts under CEQA and did not find any significant impacts. Therefore, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

No Impact. The Governor's Office of Planning and Research (OPR) finds that "active transportation projects generally reduce vehicle miles traveled (VMT) and therefore are presumed to cause a less-than significant impact on transportation".[27] By extending and renovating an active transportation route, the Project would encourage residents to substitute multi-modal trips for motor vehicle trips in the Project area, which would reduce VMT. Therefore, the Project would be consistent with statewide policy to reduce vehicle miles traveled under CEQA Guidelines section 15064.3, subdivision (b) and there would be no impact.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project would not add sharp curves, new intersections, or incompatible uses. By adding lighting to the Project area, the Project would improve visibility and reduce potential hazards for trail users. Therefore, no impact related to roadway hazards would occur. There would be no impact.

d) Would the project result in inadequate emergency access?

Less than Significant Impact. The Project would provide an extension of an existing trail that contains both paved and soft paths. The trailhead would be open, providing access to the trail at all times. Although the trail is not anticipated to be utilized by motor vehicles, it would be accessible for emergency access in the event of an emergency. No Project feature would impede existing emergency access to the trail corridor. As discussed above, the Project would also not substantially increase traffic delay on nearby roadways. Therefore, it would not cause delays in emergency access on roadways. The impact on emergency access would be less than significant.

[27] (Governor's Office of Planning and Research (OPR) 2018)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 990

4.18 TRIBAL CULTURAL RESOURCES

Table 4-27: Tribal Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

4.18.1 Baseline Conditions

Mariposa is located within the territory of the Southern Sierra Miwok (alternatively Me-Wuk or Miwuk). The Sierra Miwok, members of the Penutian language group, occupied the territory between the Mokelumne and Fresno rivers, as well as the full width of the west slope of the Sierra Nevadas, from the edge of the Central Valley to the Sierra crest.

The influx of outsiders to the central Sierra region during the Gold Rush period resulted in a major disruption for the Miwoks and their way of life. Within a decade, introduced diseases, environmental damage, and cultural conflicts with the outsiders had decimated much of the population. Despite this calamity, some tribal members managed to survive and have continued their cultural traditions (See Appendix C).

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14)

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made.

The County of Mariposa has received written correspondence from the North Fork Mono Tribe, the North Fork Rancheria of Mono, the Picayune Rancheria of Chukchansi, and the Southern Sierra Miwuk Nation pursuant to AB 52 requesting notification of proposed projects.

In addition, a search of the SLF by the NAHC was completed for the Project on July 21, 2022. The results of the search indicated that no known sacred sites or tribal cultural resources were located within the Project area. Mariposa County sent outreach letters pursuant to AB 52 via certified mail to the tribes listed on the NAHC contact list in an effort to obtain additional information on Tribal Cultural Resources. Follow-up emails were sent to the tribes on September 15, 2022. The list of the 13 tribes that were sent consultation letters and details of those efforts is provided in Table 4-28 below. No responses have been received from any of the tribes to date.

Table 4-28: Tribal Outreach Pursuant to AB 52

Tribe	Name of Tribal Contact	Date Mailed	Date Received	Follow up Email Sent
Chicken Ranch	Lloyd Matheson	7/29/2022	8/4/2022	9/15/2022
Nashville Enterprise Miwok-Maidu-Nishinam	Cosme Valdez	7/29/2022	8/9/2022	9/15/2022
North Fork Rancheria of Mono Indians	Elaine Fink	7/29/2022	8/5/2022	9/15/2022
Picayune Rancheria of the Chukchansi Indians	Heather Airey	7/29/2022	8/4/2022	9/15/2022
Picayune Rancheria of the Chukchansi Indians	Claudia Gonzales	7/29/2022	8/4/2022	9/15/2022
Southern Sierra Miwuk Nation	William Leonard	7/29/2022	8/8/2022	9/15/2022
Tule River Indian Tribe	Joey Garfield	7/29/2022	8/8/2022	Deceased
Tule River Indian Tribe	Neil Peyron	7/29/2022	8/8/2022	9/15/2022
Tule River Indian Tribe	Kerri Vera	7/29/2022	8/8/2022	9/15/2022
Tuolumne Band of Me-Wuk Indians	Andrea Reich	7/29/2022	8/4/2022	9/15/2022
Tuolumne Band of Me-Wuk Indians	Stanley Cox	7/29/2022	8/4/2022	Not delivered
Tuolumne Band of Me-Wuk Indians	D. Beasley			9/15/2022
Wuksachi Indian Tribe/ Eshom Valley Band	Kenneth Woodrow	7/29/2022	8/5/2022	9/15/2022

County staff initiated in person consultation with the Southern Sierra Miwuk Nation Tribe on February 14, 2023 requesting mitigation measure language in regards to Site P-222-001-393 and MARIPOSA Site 1. Although no response was received, the County has incorporated TCR-1 below, to replace CUL-3 to reflect the Southern Sierra Miwuk Nation Tribe's preference for appropriate public access and interpretation.

4.18.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

a-i – a-ii) Less than Significant Impact. In response to the October 11, 2021 mailing providing tribes with Project details, no requests for tribal consultation were received.

In the unlikely event of a discovery, mitigation will be implemented. With incorporation of mitigation measure **CUL-1** and **CUL-2** described above in Section 4.5, impacts resulting from the discovery of remains interred on the Project would be reduced less than significant in nature.

4.18.3 Mitigation

See **CUL-1** and **CUL-2** above.

TCR-1 The project team shall generate several conceptual alternatives to share with the tribe to identify a mutually preferred strategy for interpreting and providing access to the resources while ensuring their longevity and preservation. This will occur prior to completion of construction documents for this portion of the site. Anticipated mitigation measures may include some or all of the following:

- Interpretive signage.
- Boardwalk or other surface to minimize damage to soil near cultural resources.
- Screening or other barriers to eliminate physical contact with cultural resources

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.19 UTILITIES AND SERVICE SYSTEMS

Table 4-29: Utilities and Service Systems Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

4.19.1 Baseline Conditions

Wastewater collection and potable water within most of the County is provided primarily by on-site means or small, private communal systems. A portion of the Project is within the boundaries of the MPUD. MPUD provides water and wastewater services through a community system. The Mariposa County Department of Public Works provides solid waste services for lands within the County, including the Project area. Electrical and telecommunications services are limited throughout the County.

4.19.2 Impact Analysis

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities. Therefore, there would be no impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Less than Significant Impact. The Project would require water for temporary irrigation of the revegetated native plants. According to the Habitat Restoration and Management Plan for the Mariposa Creek Parkway Riparian Restoration Project, planted areas would be seasonally watered (typically April through November depending on soil type, aspect, annual precipitation, and temperature). During the first year, the interval between irrigations will be two days per week for two hours, using a two gallon/hour emitter. During the second year the interval between irrigations will be two days per week for one hour, and during the third-year, irrigations will last one hour every other week based on observed need for irrigation during regular inspections. If the plantings appear to be well established after the third year, and all success criteria have been met, the plant protection measures will cease. The plantings will be monitored at least once a week throughout the irrigation months of the three-year establishment period to ensure that the interval between irrigations is suitable for keeping the plantings alive. More frequent irrigation periods and duration may be necessary, particularly in hot weather or low precipitation years. Irrigation will be maintained as needed to repair leaks, cracks or any other impacts to the system. Repairs will be conducted at time of finding or when materials are available. Water used for irrigation purposes would be minor in nature. In addition, landscape irrigation would follow all applicable water efficiency standards as governed by the Model Water Efficient Landscape Ordinance.[28] Therefore, impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. The Project would not include new restrooms or septic systems that could generate additional wastewater. Therefore, it would not affect the ability of wastewater treatment providers to accommodate wastewater generated in the Project region. No impact would occur

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

d and e) Less than Significant Impact. During construction, waste would be limited to debris from construction products. Post-construction, it is expected that recreational users would generate a minor amount of additional solid waste. Solid waste bins would be installed along the creek way. Regular solid waste removal from the Project area would be added to the Mariposa County's regular maintenance schedule. Due to the minor amount of solid waste anticipated to be generated, the Project would result in a less than significant impact.

[28] Model Water Efficient Landscape Ordinance

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.20 WILDFIRE

Table 4-30: Wildfire Impacts

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☒	☐	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	☐	☒	☐	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☒	☐	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☒	☐	☐

4.20.1 Baseline Conditions

The Project area is served by both the Mariposa County Fire Department and the California Department of Forestry and Fire Protection (CAL FIRE) for its fire protection needs. The Project area also receives fire protection from CAL FIRE due to its designation as a State Responsibility Area (SRA).[29] CAL FIRE has the primary financial responsibility for the prevention and suppression of wildland fires within lands that have been determined to be an SRA. SRAs are categorized into three fire hazard levels: moderate, high, and very high. According to CAL FIRE, the Project area is not located in a very high fire hazard severity zone, but it is located in high fire hazard severity zone.[30] According to the CAL FIRE, Mariposa County has a rural and natural setting, with mountainous and forested features that are suitable for wildfires. "In many areas, particularly the settled areas of the county, this natural regime has been significantly altered by human and forest health impacts, such as insect outbreaks and drought-induced tree mortality contributing to more aggressive and harder to control wildfires near human development."[31]

[29] (California Department of Forestry and Fire Protection 2022)
[30] (ArcGIS n.d.)
[31] (WRT et al. 2019)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.20.2 Impact Analysis

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

a – d) Less than Significant Impact with Mitigation Incorporated. Although the Project is not located in a very high fire hazard severity zone, the Project area and its surroundings are considered a high fire hazard severity zone. The surrounding vegetation, in close proximity to commercial and residential buildings, provides a fuel source for wildland fires. Due to the location of the Project, wildfire mitigation will be provided at of an abundance of caution. Any potential impacts associated with construction and implementation of the new facilities would be considered less than significant with the implementation of WLD-1 and WLD-2 mitigation measures described below.

4.20.3 Mitigation Measures

WLD-1 (Defensible Space). Pre-wildfire mitigation measures focus on the maintenance of defensible space and fire-focused landscaping, and may include:

a) Highly flammable vegetation near the Project will be maintained to reduce fire fuel, as appropriate.

b) Dispose of debris, such as dry debris, leaves, and dead limbs near and within the Project.

c) Design defensible spaces with fire breaks around the Project, as appropriate.

WLD-2 (Water Source). Adequate on-site water sources will be made available during high fire risk construction activities and will include, but not limited to, water truck, water backpacks, and/or fire extinguishers.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.21 CEQA MANDATORY FINDINGS OF SIGNIFICANCE

Table 4-31: CEQA Mandatory Findings of Significance

Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.21.1 Statement of Findings

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation Incorporated. The analysis conducted in this IS/MND results in a determination that the Project, with incorporation of mitigation measures, would have a less than significant effect on the environment. The potential for impacts to aesthetics, biological resources, cultural resources, geology and soils, hazards, noise, tribal cultural resources, and wildfire from the construction and operation of the Project would be less than significant with the incorporation of the mitigation measures discussed in Chapter 5 Mitigation, Monitoring, and Reporting Program. Accordingly, the Project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant with Mitigation Incorporated. CEQA Guidelines Section 15064(i) States that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. The Project would construct bicycle and pedestrian trails and associated improvements that would interconnect existing segments of the Mariposa Creek Parkway with State Route (SR) 140/49 and the Joe Howard Bridge. No additional vehicular roads or habitable structures would be constructed as a result of the Project. The Project is not expected to result in direct or indirect population growth. Therefore, implementation of the Project would not result in significant cumulative impacts and all potential impacts would be reduced to less than significant through the implementation of mitigation measures and basic regulatory requirements incorporated into future Project design.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The Project would construct bicycle and pedestrian trails and associated improvements that would interconnect existing segments of the Mariposa Creek Parkway with State Route (SR) 140/49 and the Joe Howard Bridge. The Project in and of itself would not create a significant hazard to the public or the environment. Construction-related impacts could occur temporarily as a result of Project construction. However, implementation of basic regulatory requirements identified in this IS/MND would ensure that impacts are less than significant. Therefore, the Project would not have any direct or indirect adverse impacts on humans. This impact would be less than significant.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in Mariposa County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1: Mitigation, Monitoring, and Reporting Program presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of Table 5-1: Mitigation, Monitoring, and Reporting Program identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Table 5-1: Mitigation, Monitoring, and Reporting Program

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Aesthetics						
AES-1	All outdoor lighting shall adhere to International Dark Sky Association standards, including the requirement that all outdoor lighting shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent properties.	During construction activities	Once, near project completion	Mariposa County Public Works		
Biological Resources						
BIO-1A	(Pre-construction Survey): A pre-construction survey for western pond turtles will be conducted no more than 24 hours prior to the start of work in Mariposa Creek and the adjoining mixed riparian woodland habitat.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-1B	(Relocation): A qualified biologist will capture and relocate any turtles found within areas planned for direct impact. Turtles will be relocated to suitable alternative habitat within the Mariposa Creek corridor, outside of project boundaries.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-1C	(Avoidance): If any turtles are observed on site while work is occurring, work in the immediate area will cease and turtles will be allowed to leave the construction zone of their own volition, if feasible. If necessary, a qualified biologist will capture and relocate such turtles as described above under Mitigation Measure BIO-2B.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-2A	(Avoidance): To avoid impacts to nesting birds and raptors, construction will occur, where possible, outside the February 1-August 31 nesting season.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-2B	(Pre-construction Survey): If construction must occur during the February 1-August 31 nesting season, a qualified biologist will conduct pre-construction surveys for active bird and raptor nests within 10 days of the onset of these activities. Nest surveys will encompass the work area and	10 days prior to construction if construction activities that fall between February 1 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	surrounding lands within 250 feet. Nest surveys will be repeated whenever there is a lapse in construction of 10 days or more during the nesting season.					
BIO-2C	(Construction-Free Buffers): Should any active nests be discovered in or near proposed construction zones, a qualified biologist will identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.	During construction activities upon discovery of active nests near work areas.	Daily, upon discovery of any active nests near work areas	Mariposa County Public Works		
BIO-3A	(Avoidance): To avoid potential impacts to maternity bat roosts, removal of mature trees and snags shall occur outside of the period between April 15 and August 31, the time frame within which colony-nesting bats in the vicinity generally assemble, give birth, nurse their young, and ultimately disperse.	During construction activities March 1 through September 30	Daily. during construction activities March 1 through September 30	Mariposa County Public Works		
BIO-3B	(Pre-construction Survey): If removal of mature trees and/or snags is to occur between April 15 and August 31, then within 10 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.	10 days prior to construction if construction activities that fall between April 15 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		
BIO-3C	(Construction-Free Buffers): Should any active maternity bat roosts be discovered in trees or snags to be impacted, the biologist will identify a suitable construction-free buffer around the maternity roost. The buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nursery is no longer active.	During construction activities upon discovery of active maternity bat roosts near work areas	Daily, upon discovery of any active maternity bat roosts near work areas	Mariposa County Public Works		
Cultural Resources						

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
CUL-1	(Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.	During construction activities upon discovery of archaeological remains in the work areas.	Daily, upon discovery of archaeological remains in the work areas	Mariposa County Public Works		
CUL-2	(Human Remains): In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During any construction activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the project proponent. Protection measures for the site may include, but not be limited to, requiring the project proponent to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall	During construction activities upon discovery of human remains in the work areas.	Daily, upon discovery of human remains in the work areas.	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	be requested to be on-site during disturbance and/or removal of human remains.					
~~**CUL-3**~~	~~(Avoidance/Preservation): Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, the recorded site location shall be avoided and preserved in place. If avoidance is not possible, a qualified archaeologist shall monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, the site shall be subject to a formal evaluation for eligibility to the CRHR).~~ ~~The MARIPOSA SITE 1 shall be avoided and preserved in place. To ensure the site is avoided, project activities shall not occur within 10 meters (33 feet) of the site boundary if possible. If avoidance by project design is not possible, the site shall be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).~~	~~During construction activities.~~	~~Daily~~	~~Mariposa County Public Works~~		
Geology and Soils						
GEO-1	An engineered grading plan, erosion control plan, and stormwater drainage plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading, including road work, on slopes 15% or greater.	Prior to construction	One engineered grading plan prior to construction	Mariposa County Public Works		
GEO-2	A sedimentation control plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading requiring a grading permit and conducted between the November 1 and April 1.	Prior to construction	One sedimentation control plan prior to construction	Mariposa County Public Works		
GEO-3	All exposed and/or disturbed soils for grading which requires a grading permit shall be watered down or suppressed in other manners during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris,	Prior to construction	During grading activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	soil, sand, or other materials shall be protected from wind erosion.					
GEO-4	Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to Mariposa County for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.	During construction and ground disturbing activities	In the event paleontological resources are unearthed or exposed during any stage of Project construction activities	Mariposa County Public Works		
Hazards and Hazardous Materials						
HAZ-1	See **WLD-1** and **WLD-2**.					
Noise						
NOI-1	The County shall ensure the construction contractor implement the following construction noise reducing measures: • The construction contractor shall ensure that all noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise sensitive receptors nearest the project site during construction.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	• The construction contractor shall ensure that all equipment will have sound control devices that are no less effective than those provided on the original equipment. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as deemed to be in the public interest, considering the available technology and economic feasibility.					
NOI-2	The County shall ensure that equipment and trucks used for construction of the Project utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).	During construction activities	Daily, during construction activities	Mariposa County Public Works		
NOI-3	The County shall ensure that impact equipment (e.g., jack hammers, etc.) used for construction of the Project be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.					
	Tribal Cultural Resources					
TCR-1	The project team shall generate several conceptual alternatives to share with the tribe to identify a mutually preferred strategy for interpreting and providing access to the resources while ensuring their longevity and preservation. This will occur prior to completion of construction documents for this portion of the site. Anticipated mitigation measures may include some or all of the following: • Interpretive signage. • Boardwalk or other surface to minimize damage to soil near cultural resources. • Screening or other barriers to eliminate physical contact with cultural resources	Prior to construction		Mariposa County Public Works		
	Wildfire					
WLD-1	(Defensible Space). Pre-wildfire mitigation measures focus on the maintenance of defensible space and fire-focused landscaping, and may include: a) Highly flammable vegetation near the Project will be maintained to reduce fire fuel, as appropriate. b) Dispose of debris, such as dry debris, leaves, and dead limbs near and within the Project. c) Design defensible spaces with fire breaks around the Project, as appropriate.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
WLD-2	(Water Source). Adequate on-site water sources will be made available during high fire risk construction activities and will include, but not limited to, water truck, water backpacks, and/or fire extinguishers	During construction activities	Daily, during construction activities	Mariposa County Public Works		
Table Notes						

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

CHAPTER 6 REFERENCES

ArcGIS. n.d. *Is Your Home in a Fire Hazard Severity Zone?* https://www.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d153.

Aries Consultant Ltd. 1995. "Mariposa-Yosemite Airport Comprehensive Land Use Plan." https://www.mariposacounty.org/DocumentCenter/View/70752/Comprehensive-Land-Use-Plan?bidId=.

California Air Resources Board. 2014. "Climate Change Scoping Plan." https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf.

California Department of Conservation. 2016. *California Important Farmland Finder.* https://maps.conservation.ca.gov/DLRP/CIFF/.

California Department of Conservation. 2021. "Earthquake Zones of Required Investigation." https://maps.conservation.ca.gov/cgs/EQZApp/app/.

California Department of Fish and Wildlife. 2022. *California Natural Diversity Database.* https://wildlife.ca.gov/Data/CNDDB.

California Department of Fish and Wildlife. 2021. "Vegetation Classification and Mapping Program." https://wildlife.ca.gov/Data/VegCAMP.

California Department of Forestry and Fire Protection. 2022. *California State Responsibility Areas.* https://www.arcgis.com/apps/mapviewer/index.html?layers=5ac1dae3cb2544629a845d9a19e83991.

California Department of Toxic Substances Control. 2020. *California Department of Toxic Substances Control EnviroStor.* https://www.envirostor.dtsc.ca.gov/public/.

California Department of Transportation. 2020. "Transportation and Construction Vibration Guidance Manual." https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf.

California Department of Water Resources. n.d. *Dam Breach Inundation Map Web Publisher.* https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2.

California Native Plant Society, Rare Plant Program. 2022. "Rare Plant Inventory." https://rareplants.cnps.org/.

County of Mariposa. n.d. "Mariposa Town Planning Area Specific Plan."

Governor's Office of Planning and Research (OPR). 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

John A. Volpe National Transportation Systems Center. 2018. "FTA Transit Noise and Vibration Impact Assessment Manual ." https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

Mariposa County. n.d. *Air Pollution.* Accessed November 7, 2022. https://www.mariposacounty.org/DocumentCenter/View/59902/Mariposa-General-Plan-Air-Qualitypdf?bidId=.

Mariposa County. n.d. "County of Mariposa General Plan - Volume 1 - Local Recreation." https://www.mariposacounty.org/DocumentCenter/View/2930/General-Plan-Vol-1_Chapter-12?bidId=.

—. 2021. *Mariposa County Air Pollution Control District Rules and Regulations.* Accessed November 7, 2022. http://www.mariposacounty.org/DocumentCenter/View/53552/APCD-Air-Rules-and-Regulations-V10-08-04-2021pdf?bidId=.

Mariposa County. n.d. "The County of Mariposa General Plan. Safety and Hazards Element." https://www.mariposacounty.org/DocumentCenter/View/3104/Volume-III---13-Saftey--Hazards?bidId=.

Mariposa Public Utility District. 2021. *General Information.* Accessed 2021.

Sierra Foothill Conservancy. 2021. "Habitat Restoration and Management Plan (HRMP) for the Mariposa Creek Parkway Riparian Restoration Project."

State of California . 2020. *State Water Resources Control Board Geo Tracker.* https://geotracker.waterboards.ca.gov/.

United States Census Bureau. 2022. *United States Census Bureau.* https://www.census.gov/quickfacts/mariposacountycalifornia.

United States Environmental Protection Agency. 2022. *Current Nonattainment Counties for All Criteria Pollutants.* October 31. Accessed November 7, 2022. https://www3.epa.gov/airquality/greenbook/ancl.html.

WRT et al. 2019. "Mariposa Creek Parkway Master Plan." https://www.mariposacounty.org/DocumentCenter/View/81960/200116-WRT_MCPMP_Final_No-VS?bidId=.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Appendix A: CalEEMod Output Files

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Mariposa Parkway

Mariposa County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	12.00	Acre	12.00	522,720.00	0
Parking Lot	6.00	Space	0.05	2,400.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	58
Climate Zone	1			**Operational Year**	2023
Utility Company	Pacific Gas and Electric Company				
CO2 Intensity (lb/MWhr)	203.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Off-road Equipment Mitigation -

Table Name	Column Name	Default Value	New Value

2.0 Emissions Summary

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2023	0.3197	2.4758	2.5874	5.9200e-003	0.3968	0.0894	0.4862	0.1489	0.0835	0.2323	0.0000	531.5660	531.5660	0.0855	0.0238	540.7806
2024	0.3040	1.9478	2.3749	5.5800e-003	0.1956	0.0610	0.2566	0.0531	0.0574	0.1104	0.0000	504.8002	504.8002	0.0596	0.0282	514.7002
Maximum	**0.3197**	**2.4758**	**2.5874**	**5.9200e-003**	**0.3968**	**0.0894**	**0.4862**	**0.1489**	**0.0835**	**0.2323**	**0.0000**	**531.5660**	**531.5660**	**0.0855**	**0.0282**	**540.7806**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2023	0.3197	2.4758	2.5874	5.9200e-003	0.2668	0.0894	0.3562	0.0909	0.0835	0.1744	0.0000	531.5656	531.5656	0.0855	0.0238	540.7802
2024	0.3040	1.9478	2.3749	5.5800e-003	0.1956	0.0610	0.2566	0.0531	0.0574	0.1104	0.0000	504.8000	504.8000	0.0596	0.0282	514.7000
Maximum	**0.3197**	**2.4758**	**2.5874**	**5.9200e-003**	**0.2668**	**0.0894**	**0.3562**	**0.0909**	**0.0835**	**0.1744**	**0.0000**	**531.5656**	**531.5656**	**0.0855**	**0.0282**	**540.7802**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	21.94	0.00	17.50	28.69	0.00	16.90	0.00	0.00	0.00	0.00	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	4-3-2023	7-2-2023	1.0317	1.0317
2	7-3-2023	10-2-2023	0.8828	0.8828
3	10-3-2023	1-2-2024	0.9011	0.9011
4	1-3-2024	4-2-2024	0.8370	0.8370
5	4-3-2024	7-2-2024	0.8191	0.8191
6	7-3-2024	9-30-2024	0.5380	0.5380
		Highest	1.0317	1.0317

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0153	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0777	0.0777	1.0000e-005	0.0000	0.0785
Mobile	0.0145	0.0204	0.1054	1.3000e-004	0.0110	2.0000e-004	0.0112	2.9700e-003	1.9000e-004	3.1600e-003	0.0000	12.0528	12.0528	1.3600e-003	8.6000e-004	12.3431
Waste						0.0000	0.0000		0.0000	0.0000	0.2091	0.0000	0.2091	0.0124	0.0000	0.5180
Water						0.0000	0.0000		0.0000	0.0000	0.0000	4.6301	4.6301	7.5000e-004	9.0000e-005	4.6759
Total	**0.0298**	**0.0204**	**0.1056**	**1.3000e-004**	**0.0110**	**2.0000e-004**	**0.0112**	**2.9700e-003**	**1.9000e-004**	**3.1600e-003**	**0.2091**	**16.7610**	**16.9700**	**0.0145**	**9.5000e-004**	**17.6158**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0153	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0777	0.0777	1.0000e-005	0.0000	0.0785
Mobile	0.0145	0.0204	0.1054	1.3000e-004	0.0110	2.0000e-004	0.0112	2.9700e-003	1.9000e-004	3.1600e-003	0.0000	12.0528	12.0528	1.3600e-003	8.6000e-004	12.3431
Waste						0.0000	0.0000		0.0000	0.0000	0.2091	0.0000	0.2091	0.0124	0.0000	0.5180
Water						0.0000	0.0000		0.0000	0.0000	0.0000	4.6301	4.6301	7.5000e-004	9.0000e-005	4.6759
Total	**0.0298**	**0.0204**	**0.1056**	**1.3000e-004**	**0.0110**	**2.0000e-004**	**0.0112**	**2.9700e-003**	**1.9000e-004**	**3.1600e-003**	**0.2091**	**16.7610**	**16.9700**	**0.0145**	**9.5000e-004**	**17.6158**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/3/2023	4/28/2023	5	20	
2	Site Preparation	Site Preparation	4/29/2023	5/12/2023	5	10	
3	Grading	Grading	5/13/2023	6/23/2023	5	30	

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

4	Building Construction	Building Construction	6/24/2023	8/16/2024	5	300	
5	Paving	Paving	8/17/2024	9/13/2024	5	20	
6	Architectural Coating	Architectural Coating	9/14/2024	10/11/2024	5	20	

Acres of Grading (Site Preparation Phase): 15

Acres of Grading (Grading Phase): 90

Acres of Paving: 0.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 3,000; Non-Residential Outdoor: 1,000; Striped Parking Area: 144 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	7.00	231	0.29
Demolition	Excavators	3	8.00	158	0.38
Grading	Excavators	2	8.00	158	0.38
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Grading	Graders	1	8.00	187	0.41
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	221.00	86.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	44.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Demolition - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0227	0.2148	0.1964	3.9000e-004		9.9800e-003	9.9800e-003		9.2800e-003	9.2800e-003	0.0000	33.9921	33.9921	9.5200e-003	0.0000	34.2301
Total	**0.0227**	**0.2148**	**0.1964**	**3.9000e-004**		**9.9800e-003**	**9.9800e-003**		**9.2800e-003**	**9.2800e-003**	**0.0000**	**33.9921**	**33.9921**	**9.5200e-003**	**0.0000**	**34.2301**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Demolition - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0800e-003	6.9000e-004	6.6500e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	1.0372	1.0372	6.0000e-005	5.0000e-005	1.0527
Total	**1.0800e-003**	**6.9000e-004**	**6.6500e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**1.0372**	**1.0372**	**6.0000e-005**	**5.0000e-005**	**1.0527**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0227	0.2148	0.1964	3.9000e-004		9.9800e-003	9.9800e-003		9.2800e-003	9.2800e-003	0.0000	33.9920	33.9920	9.5200e-003	0.0000	34.2300
Total	**0.0227**	**0.2148**	**0.1964**	**3.9000e-004**		**9.9800e-003**	**9.9800e-003**		**9.2800e-003**	**9.2800e-003**	**0.0000**	**33.9920**	**33.9920**	**9.5200e-003**	**0.0000**	**34.2300**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

3.2 Demolition - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0800e-003	6.9000e-004	6.6500e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	1.0372	1.0372	6.0000e-005	5.0000e-005	1.0527
Total	**1.0800e-003**	**6.9000e-004**	**6.6500e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**1.0372**	**1.0372**	**6.0000e-005**	**5.0000e-005**	**1.0527**

3.3 Site Preparation - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0983	0.0000	0.0983	0.0505	0.0000	0.0505	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0133	0.1376	0.0912	1.9000e-004		6.3300e-003	6.3300e-003		5.8200e-003	5.8200e-003	0.0000	16.7254	16.7254	5.4100e-003	0.0000	16.8606
Total	**0.0133**	**0.1376**	**0.0912**	**1.9000e-004**	**0.0983**	**6.3300e-003**	**0.1046**	**0.0505**	**5.8200e-003**	**0.0563**	**0.0000**	**16.7254**	**16.7254**	**5.4100e-003**	**0.0000**	**16.8606**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.3 Site Preparation - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.5000e-004	4.2000e-004	3.9900e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.2000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.6223	0.6223	4.0000e-005	3.0000e-005	0.6316
Total	**6.5000e-004**	**4.2000e-004**	**3.9900e-003**	**1.0000e-005**	**7.1000e-004**	**1.0000e-005**	**7.2000e-004**	**1.9000e-004**	**1.0000e-005**	**2.0000e-004**	**0.0000**	**0.6223**	**0.6223**	**4.0000e-005**	**3.0000e-005**	**0.6316**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0442	0.0000	0.0442	0.0227	0.0000	0.0227	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0133	0.1376	0.0912	1.9000e-004		6.3300e-003	6.3300e-003		5.8200e-003	5.8200e-003	0.0000	16.7253	16.7253	5.4100e-003	0.0000	16.8606
Total	**0.0133**	**0.1376**	**0.0912**	**1.9000e-004**	**0.0442**	**6.3300e-003**	**0.0506**	**0.0227**	**5.8200e-003**	**0.0286**	**0.0000**	**16.7253**	**16.7253**	**5.4100e-003**	**0.0000**	**16.8606**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

3.3 Site Preparation - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.5000e-004	4.2000e-004	3.9900e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.2000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.6223	0.6223	4.0000e-005	3.0000e-005	0.6316
Total	**6.5000e-004**	**4.2000e-004**	**3.9900e-003**	**1.0000e-005**	**7.1000e-004**	**1.0000e-005**	**7.2000e-004**	**1.9000e-004**	**1.0000e-005**	**2.0000e-004**	**0.0000**	**0.6223**	**0.6223**	**4.0000e-005**	**3.0000e-005**	**0.6316**

3.4 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1381	0.0000	0.1381	0.0548	0.0000	0.0548	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0498	0.5177	0.4208	9.3000e-004		0.0214	0.0214		0.0197	0.0197	0.0000	81.8028	81.8028	0.0265	0.0000	82.4642
Total	**0.0498**	**0.5177**	**0.4208**	**9.3000e-004**	**0.1381**	**0.0214**	**0.1594**	**0.0548**	**0.0197**	**0.0745**	**0.0000**	**81.8028**	**81.8028**	**0.0265**	**0.0000**	**82.4642**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.4 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1600e-003	1.3900e-003	0.0133	2.0000e-005	2.3800e-003	2.0000e-005	2.4000e-003	6.3000e-004	2.0000e-005	6.5000e-004	0.0000	2.0744	2.0744	1.2000e-004	9.0000e-005	2.1054
Total	**2.1600e-003**	**1.3900e-003**	**0.0133**	**2.0000e-005**	**2.3800e-003**	**2.0000e-005**	**2.4000e-003**	**6.3000e-004**	**2.0000e-005**	**6.5000e-004**	**0.0000**	**2.0744**	**2.0744**	**1.2000e-004**	**9.0000e-005**	**2.1054**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0621	0.0000	0.0621	0.0247	0.0000	0.0247	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0498	0.5177	0.4208	9.3000e-004		0.0214	0.0214		0.0197	0.0197	0.0000	81.8027	81.8027	0.0265	0.0000	82.4641
Total	**0.0498**	**0.5177**	**0.4208**	**9.3000e-004**	**0.0621**	**0.0214**	**0.0835**	**0.0247**	**0.0197**	**0.0443**	**0.0000**	**81.8027**	**81.8027**	**0.0265**	**0.0000**	**82.4641**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.4 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1600e-003	1.3900e-003	0.0133	2.0000e-005	2.3800e-003	2.0000e-005	2.4000e-003	6.3000e-004	2.0000e-005	6.5000e-004	0.0000	2.0744	2.0744	1.2000e-004	9.0000e-005	2.1054
Total	**2.1600e-003**	**1.3900e-003**	**0.0133**	**2.0000e-005**	**2.3800e-003**	**2.0000e-005**	**2.4000e-003**	**6.3000e-004**	**2.0000e-005**	**6.5000e-004**	**0.0000**	**2.0744**	**2.0744**	**1.2000e-004**	**9.0000e-005**	**2.1054**

3.5 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1062	0.9710	1.0965	1.8200e-003		0.0472	0.0472		0.0444	0.0444	0.0000	156.4682	156.4682	0.0372	0.0000	157.3987
Total	**0.1062**	**0.9710**	**1.0965**	**1.8200e-003**		**0.0472**	**0.0472**		**0.0444**	**0.0444**	**0.0000**	**156.4682**	**156.4682**	**0.0372**	**0.0000**	**157.3987**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.5 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0166	0.5630	0.0974	1.4200e-003	0.0379	3.4800e-003	0.0413	0.0109	3.3300e-003	0.0143	0.0000	135.6936	135.6936	7.8000e-004	0.0189	141.3450
Worker	0.1072	0.0691	0.6613	1.1200e-003	0.1183	1.0000e-003	0.1193	0.0315	9.2000e-004	0.0324	0.0000	103.1500	103.1500	5.9400e-003	4.6800e-003	104.6922
Total	**0.1238**	**0.6321**	**0.7586**	**2.5400e-003**	**0.1562**	**4.4800e-003**	**0.1607**	**0.0424**	**4.2500e-003**	**0.0466**	**0.0000**	**238.8436**	**238.8436**	**6.7200e-003**	**0.0236**	**246.0372**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1062	0.9710	1.0965	1.8200e-003		0.0472	0.0472		0.0444	0.0444	0.0000	156.4680	156.4680	0.0372	0.0000	157.3986
Total	**0.1062**	**0.9710**	**1.0965**	**1.8200e-003**		**0.0472**	**0.0472**		**0.0444**	**0.0444**	**0.0000**	**156.4680**	**156.4680**	**0.0372**	**0.0000**	**157.3986**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.5 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0166	0.5630	0.0974	1.4200e-003	0.0379	3.4800e-003	0.0413	0.0109	3.3300e-003	0.0143	0.0000	135.6936	135.6936	7.8000e-004	0.0189	141.3450
Worker	0.1072	0.0691	0.6613	1.1200e-003	0.1183	1.0000e-003	0.1193	0.0315	9.2000e-004	0.0324	0.0000	103.1500	103.1500	5.9400e-003	4.6800e-003	104.6922
Total	**0.1238**	**0.6321**	**0.7586**	**2.5400e-003**	**0.1562**	**4.4800e-003**	**0.1607**	**0.0424**	**4.2500e-003**	**0.0466**	**0.0000**	**238.8436**	**238.8436**	**6.7200e-003**	**0.0236**	**246.0372**

3.5 Building Construction - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1214	1.1091	1.3338	2.2200e-003		0.0506	0.0506		0.0476	0.0476	0.0000	191.2755	191.2755	0.0452	0.0000	192.4063
Total	**0.1214**	**1.1091**	**1.3338**	**2.2200e-003**		**0.0506**	**0.0506**		**0.0476**	**0.0476**	**0.0000**	**191.2755**	**191.2755**	**0.0452**	**0.0000**	**192.4063**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.5 Building Construction - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0196	0.6531	0.1145	1.7300e-003	0.0463	3.9400e-003	0.0502	0.0134	3.7700e-003	0.0171	0.0000	164.6035	164.6035	9.0000e-004	0.0228	171.4121
Worker	0.1232	0.0757	0.7384	1.3300e-003	0.1446	1.1200e-003	0.1457	0.0385	1.0400e-003	0.0395	0.0000	122.3812	122.3812	6.6200e-003	5.2800e-003	124.1200
Total	**0.1429**	**0.7288**	**0.8529**	**3.0600e-003**	**0.1909**	**5.0600e-003**	**0.1959**	**0.0518**	**4.8100e-003**	**0.0566**	**0.0000**	**286.9847**	**286.9847**	**7.5200e-003**	**0.0281**	**295.5321**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1214	1.1091	1.3338	2.2200e-003		0.0506	0.0506		0.0476	0.0476	0.0000	191.2753	191.2753	0.0452	0.0000	192.4061
Total	**0.1214**	**1.1091**	**1.3338**	**2.2200e-003**		**0.0506**	**0.0506**		**0.0476**	**0.0476**	**0.0000**	**191.2753**	**191.2753**	**0.0452**	**0.0000**	**192.4061**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

3.5 Building Construction - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0196	0.6531	0.1145	1.7300e-003	0.0463	3.9400e-003	0.0502	0.0134	3.7700e-003	0.0171	0.0000	164.6035	164.6035	9.0000e-004	0.0228	171.4121
Worker	0.1232	0.0757	0.7384	1.3300e-003	0.1446	1.1200e-003	0.1457	0.0385	1.0400e-003	0.0395	0.0000	122.3812	122.3812	6.6200e-003	5.2800e-003	124.1200
Total	**0.1429**	**0.7288**	**0.8529**	**3.0600e-003**	**0.1909**	**5.0600e-003**	**0.1959**	**0.0518**	**4.8100e-003**	**0.0566**	**0.0000**	**286.9847**	**286.9847**	**7.5200e-003**	**0.0281**	**295.5321**

3.6 Paving - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1885
Paving	7.0000e-005					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**9.9500e-003**	**0.0953**	**0.1463**	**2.3000e-004**		**4.6900e-003**	**4.6900e-003**		**4.3100e-003**	**4.3100e-003**	**0.0000**	**20.0265**	**20.0265**	**6.4800e-003**	**0.0000**	**20.1885**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.6 Paving - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0100e-003	6.2000e-004	6.0800e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	1.0068	1.0068	5.0000e-005	4.0000e-005	1.0211
Total	**1.0100e-003**	**6.2000e-004**	**6.0800e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.2000e-004**	**0.0000**	**1.0068**	**1.0068**	**5.0000e-005**	**4.0000e-005**	**1.0211**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1884
Paving	7.0000e-005					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**9.9500e-003**	**0.0953**	**0.1463**	**2.3000e-004**		**4.6900e-003**	**4.6900e-003**		**4.3100e-003**	**4.3100e-003**	**0.0000**	**20.0265**	**20.0265**	**6.4800e-003**	**0.0000**	**20.1884**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.6 Paving - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0100e-003	6.2000e-004	6.0800e-003	1.0000e-005	1.1900e-003	1.0000e-005	1.2000e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	1.0068	1.0068	5.0000e-005	4.0000e-005	1.0211
Total	**1.0100e-003**	**6.2000e-004**	**6.0800e-003**	**1.0000e-005**	**1.1900e-003**	**1.0000e-005**	**1.2000e-003**	**3.2000e-004**	**1.0000e-005**	**3.2000e-004**	**0.0000**	**1.0068**	**1.0068**	**5.0000e-005**	**4.0000e-005**	**1.0211**

3.7 Architectural Coating - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0240					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.8100e-003	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5569
Total	**0.0258**	**0.0122**	**0.0181**	**3.0000e-005**		**6.1000e-004**	**6.1000e-004**		**6.1000e-004**	**6.1000e-004**	**0.0000**	**2.5533**	**2.5533**	**1.4000e-004**	**0.0000**	**2.5569**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.7 Architectural Coating - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.9700e-003	1.8300e-003	0.0178	3.0000e-005	3.4900e-003	3.0000e-005	3.5200e-003	9.3000e-004	2.0000e-005	9.5000e-004	0.0000	2.9534	2.9534	1.6000e-004	1.3000e-004	2.9954
Total	**2.9700e-003**	**1.8300e-003**	**0.0178**	**3.0000e-005**	**3.4900e-003**	**3.0000e-005**	**3.5200e-003**	**9.3000e-004**	**2.0000e-005**	**9.5000e-004**	**0.0000**	**2.9534**	**2.9534**	**1.6000e-004**	**1.3000e-004**	**2.9954**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0240					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.8100e-003	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5568
Total	**0.0258**	**0.0122**	**0.0181**	**3.0000e-005**		**6.1000e-004**	**6.1000e-004**		**6.1000e-004**	**6.1000e-004**	**0.0000**	**2.5533**	**2.5533**	**1.4000e-004**	**0.0000**	**2.5568**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.7 Architectural Coating - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.9700e-003	1.8300e-003	0.0178	3.0000e-005	3.4900e-003	3.0000e-005	3.5200e-003	9.3000e-004	2.0000e-005	9.5000e-004	0.0000	2.9534	2.9534	1.6000e-004	1.3000e-004	2.9954
Total	**2.9700e-003**	**1.8300e-003**	**0.0178**	**3.0000e-005**	**3.4900e-003**	**3.0000e-005**	**3.5200e-003**	**9.3000e-004**	**2.0000e-005**	**9.5000e-004**	**0.0000**	**2.9534**	**2.9534**	**1.6000e-004**	**1.3000e-004**	**2.9954**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0145	0.0204	0.1054	1.3000e-004	0.0110	2.0000e-004	0.0112	2.9700e-003	1.9000e-004	3.1600e-003	0.0000	12.0528	12.0528	1.3600e-003	8.6000e-004	12.3431
Unmitigated	0.0145	0.0204	0.1054	1.3000e-004	0.0110	2.0000e-004	0.0112	2.9700e-003	1.9000e-004	3.1600e-003	0.0000	12.0528	12.0528	1.3600e-003	8.6000e-004	12.3431

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	9.36	23.52	26.28	29,461	29,461
Parking Lot	0.00	0.00	0.00		
Total	9.36	23.52	26.28	29,461	29,461

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.376940	0.081838	0.215518	0.168928	0.071578	0.013376	0.007933	0.004020	0.000829	0.000342	0.045282	0.003664	0.009752
Parking Lot	0.376940	0.081838	0.215518	0.168928	0.071578	0.013376	0.007933	0.004020	0.000829	0.000342	0.045282	0.003664	0.009752

5.0 Energy Detail

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Mariposa Parkway - Mariposa County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0777	0.0777	1.0000e-005	0.0000	0.0785
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0777	0.0777	1.0000e-005	0.0000	0.0785
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	840	0.0777	1.0000e-005	0.0000	0.0785
Total		**0.0777**	**1.0000e-005**	**0.0000**	**0.0785**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	840	0.0777	1.0000e-005	0.0000	0.0785
Total		**0.0777**	**1.0000e-005**	**0.0000**	**0.0785**

6.0 Area Detail

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0153	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004
Unmitigated	0.0153	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	2.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0129					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0000e-005	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004
Total	**0.0153**	**0.0000**	**1.7000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**3.2000e-004**	**3.2000e-004**	**0.0000**	**0.0000**	**3.4000e-004**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	2.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0129					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0000e-005	0.0000	1.7000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	3.2000e-004	3.2000e-004	0.0000	0.0000	3.4000e-004
Total	**0.0153**	**0.0000**	**1.7000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**3.2000e-004**	**3.2000e-004**	**0.0000**	**0.0000**	**3.4000e-004**

7.0 Water Detail

7.1 Mitigation Measures Water

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	4.6301	7.5000e-004	9.0000e-005	4.6759
Unmitigated	4.6301	7.5000e-004	9.0000e-005	4.6759

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 14.2978	4.6301	7.5000e-004	9.0000e-005	4.6759
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**4.6301**	**7.5000e-004**	**9.0000e-005**	**4.6759**

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 14.2978	4.6301	7.5000e-004	9.0000e-005	4.6759
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**4.6301**	**7.5000e-004**	**9.0000e-005**	**4.6759**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.2091	0.0124	0.0000	0.5180
Unmitigated	0.2091	0.0124	0.0000	0.5180

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	1.03	0.2091	0.0124	0.0000	0.5180
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**0.2091**	**0.0124**	**0.0000**	**0.5180**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	1.03	0.2091	0.0124	0.0000	0.5180
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		**0.2091**	**0.0124**	**0.0000**	**0.5180**

9.0 Operational Offroad

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

Appendix B: Biological Evaluation

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

LIVE OAK ASSOCIATES, INC.

BIOLOGICAL EVALUATION
MARIPOSA CREEK PARKWAY PHASE III PROJECT
MARIPOSA COUNTY, CALIFORNIA

Prepared by:

LIVE OAK ASSOCIATES, INC.

Austin Pearson, Vice President
Rebekah Jensen, Senior Project Manager and Ecologist

Prepared for:

Briza Sholars
Provost & Pritchard Consulting Group
455 W. Fir Avenue
Clovis, CA 93611-0242

October 27, 2022 PN 2317-04

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

EXECUTIVE SUMMARY

Live Oak Associates, Inc. (LOA) investigated the biological resources of an approximately 12-acre area proposed for the Mariposa Creek Parkway Phase III Project, and evaluated potential impacts to such resources resulting from project implementation. The project is the development of bicycle and pedestrian trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with State Route (SR) 140/49 and the Joe Howard Bridge. It is located within the unincorporated community of Mariposa in Mariposa County, California.

The project is centered on Mariposa Creek and treats the creek and its associated riparian habitat as an ecological, cultural, and recreational asset. Accordingly, the project includes conservation strategies to protect this corridor and the sensitive resources it supports or potentially supports. This includes strategies for the protection of special status plants, the monarch butterfly, and riparian trees and shrubs.

Three biotic habitats / land uses were identified during surveys conducted by LOA on March 11, 2019 and July 28, 2022: mixed riparian woodland, riverine, and ruderal/developed. The mixed riparian woodland and riverine habitats were associated with Mariposa Creek, which flows through the site for a distance of approximately 0.4 mile. Ruderal/developed lands included several vacant lots, portions of Jessie Street and 8th Street, parking lots, landscaped areas, and an existing creekside trail.

The project has the potential to result in significant impacts, as defined by the California Environmental Quality Act (CEQA), to the western pond turtle, maternal roosting bats including the pallid bat, Townsend's big-eared bat, and western red bat, and nesting migratory birds and raptors, all of which have a special conservation status or are afforded certain legal protections. These impacts can be mitigated to a less-than-significant level by limiting construction activities to lower-risk times of year and avoiding protected resources identified during preconstruction surveys.

No other biological resources would be significantly impacted by project implementation. The project has adopted a conservation strategy that will protect and/or conserve special status plants, riparian habitat, and the monarch butterfly. Impacts to these species and resources are considered less than significant under CEQA. Impacts would also be less than significant for nine special status animal species absent from or unlikely to occur on site, one special status animal species that would use the site for foraging only, wildlife movement corridors, jurisdictional waters, and designated critical habitat. The project appears to be consistent with the Mariposa Town Planning Area Specific Plan, and there are no known Habitat Conservation Plans or Natural Community Conservation Plans in the area.

TABLE OF CONTENTS

EXECUTIVE SUMMARY ii
1.0 INTRODUCTION 1
1.1 PROJECT DESCRIPTION **1**
1.2 REPORT OBJECTIVES **7**
1.3 STUDY METHODOLOGY **7**
2.0 EXISTING CONDITIONS 9
2.1 REGIONAL SETTING **9**
2.2 PROJECT SITE **9**
2.3 LAND USES / BIOTIC HABITATS **10**
2.3.1 Mixed Riparian Woodland 10
2.3.2 Riverine 12
2.3.3 Ruderal/Developed 13
2.4 SPECIAL STATUS PLANTS AND ANIMALS **14**
2.5 JURISDICTIONAL WATERS **21**
2.6 SENSITIVE NATURAL COMMUNITIES **21**
2.7 WILDLIFE MOVEMENT CORRIDORS **22**
2.8 DESIGNATED CRITICAL HABITAT **22**
3.0 RELEVANT GOALS, POLICIES, AND LAWS 23
3.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT **23**
3.2 OTHER RELEVANT LAWS AND POLICIES **24**
3.2.1 Mariposa Town Planning Area Specific Plan 24
3.2.2 Threatened and Endangered Species 24
3.2.3 Migratory Birds 25
3.2.4 Birds of Prey 25
3.2.5 Nesting Birds 26
3.2.6 Habitat Conservation Plans and Natural Community Conservation Plans 26
3.2.7 Wetlands and Other Jurisdictional Waters 26
4.0 IMPACTS AND MITIGATIONS 29
4.1 POTENTIALLY SIGNIFICANT PROJECT IMPACTS/MITIGATION **29**
4.1.1 Potential Project Impacts to the Western Pond Turtle 29
4.1.2 Potential Project Impacts to Nesting Migratory Birds and Raptors 29
4.1.3 Potential Project Impacts to the Pallid Bat, Townsend's Big-eared Bat, Western Red Bat, and other Roosting Bats 30
4.2 LESS THAN SIGNIFICANT PROJECT IMPACTS **32**
4.2.1 Potential Project Impacts to Special Status Plants 32
4.2.2 Potential Project Impacts to the Monarch Butterfly 32
4.2.3 Project Impacts to Special Status Animal Species Absent from or Unlikely to Occur on the Project Site 33
4.2.4 Project-Related Mortality of Special Status Animal Species that May Occur on the Project Site as Occasional or Regular Foragers but Breed Elsewhere 33
4.2.5 Potential Project Impacts to Riparian Habitat and other Sensitive Habitats 34
4.2.6 Project Impacts to Wildlife Movement Corridors 34
4.2.7 Project Impacts to Jurisdictional Waters 35
4.2.8 Consistency with Local Policies and Ordinances 35
4.2.9 Consistency with Habitat Conservation Plans and Natural Community Conservation Plans 35
5.0 LITERATURE REFERENCED 36
APPENDIX A: VASCULAR PLANT LIST 37
APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE PROJECT SITE 41
APPENDIX C: REPRESENTATIVE PHOTOS OF THE PROJECT SITE 48

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

1.0 INTRODUCTION

This technical report, prepared by Live Oak Associates, Inc. (LOA) in support of California Environmental Quality Act (CEQA) review, describes the biological resources of an approximately 12-acre area proposed for the Mariposa Creek Parkway Phase III Project ("project"), and evaluates the potential impacts to biological resources associated with project implementation. The project is located within the town of Mariposa in Mariposa County, California (Figure 1). It may be found on the Mariposa U.S. Geological Survey (USGS) 7.5-minute quadrangle, in Township 5 South, Range 18 East of Rancho Las Mariposas, Mount Diablo Base and Meridian (Figure 2).

1.1 PROJECT DESCRIPTION

The project is the development of bicycle and pedestrian trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with State Route (SR) 140/49 and the Joe Howard Bridge. Locally, it will extend the existing trail from the Mariposa County Arts Park to local businesses and a future transit center. Regionally, it will become part of several bicycle routes extending into the national forests and Yosemite National Park.

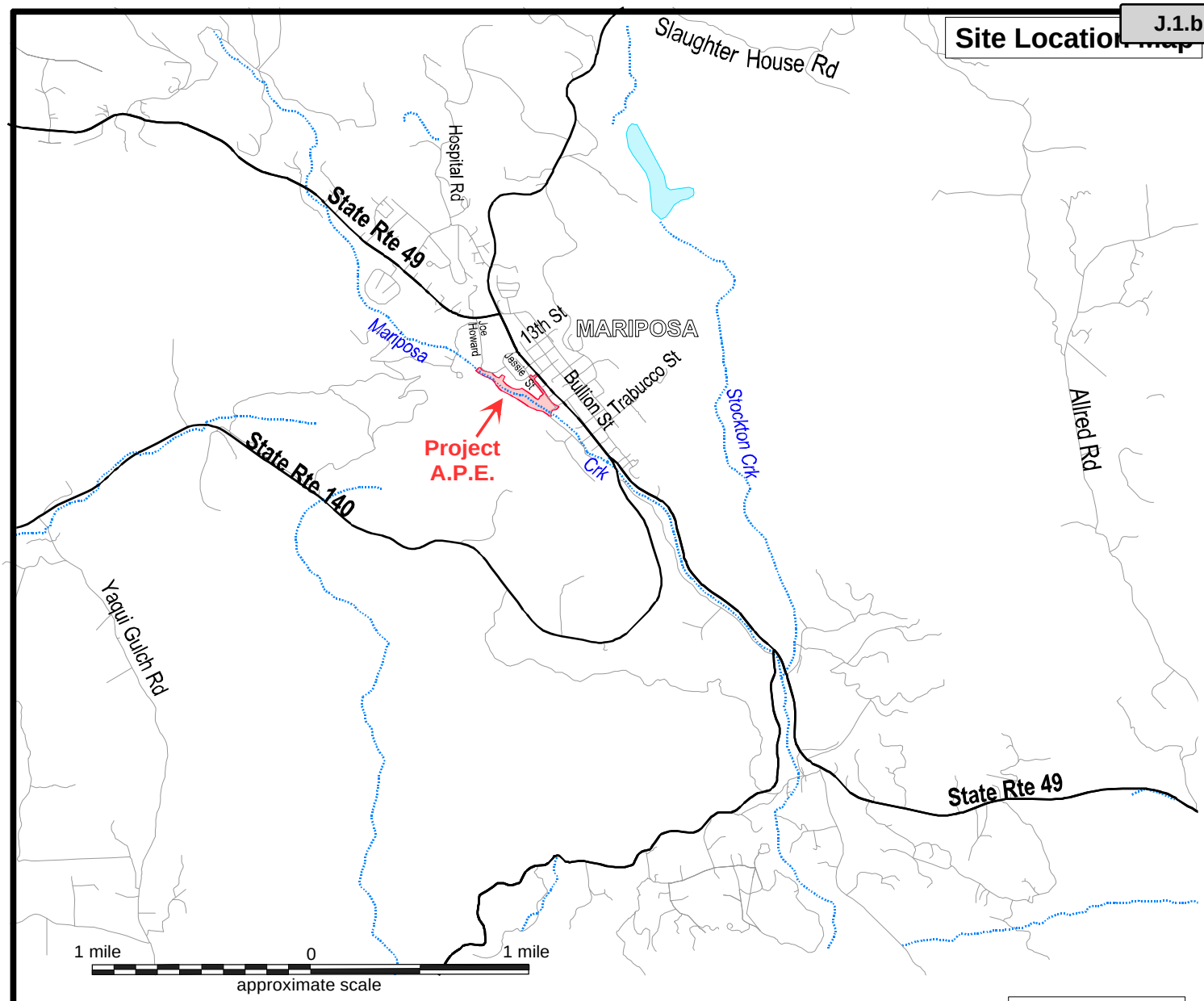
The project will implement critical components of the Mariposa Creek Parkway Master Plan and the 11th Street Paseo Graphic Enhancement Project. Specifically, it will construct (1) Phase III of the Mariposa Creek Parkway, an approximately 0.4-mile-long parkway segment between 8th Street and Joe Howard Street, (2) the 11th Street Paseo, an approximately 100-foot-long strategic active transportation linkage between State Route (SR) 140/49 and Jessie Street, and (3) new sidewalk along Jessie Street to connect the aforementioned mobility resources and establish a safe bicycle and pedestrian network in this area of Mariposa.

The proposed project includes the following specific elements:

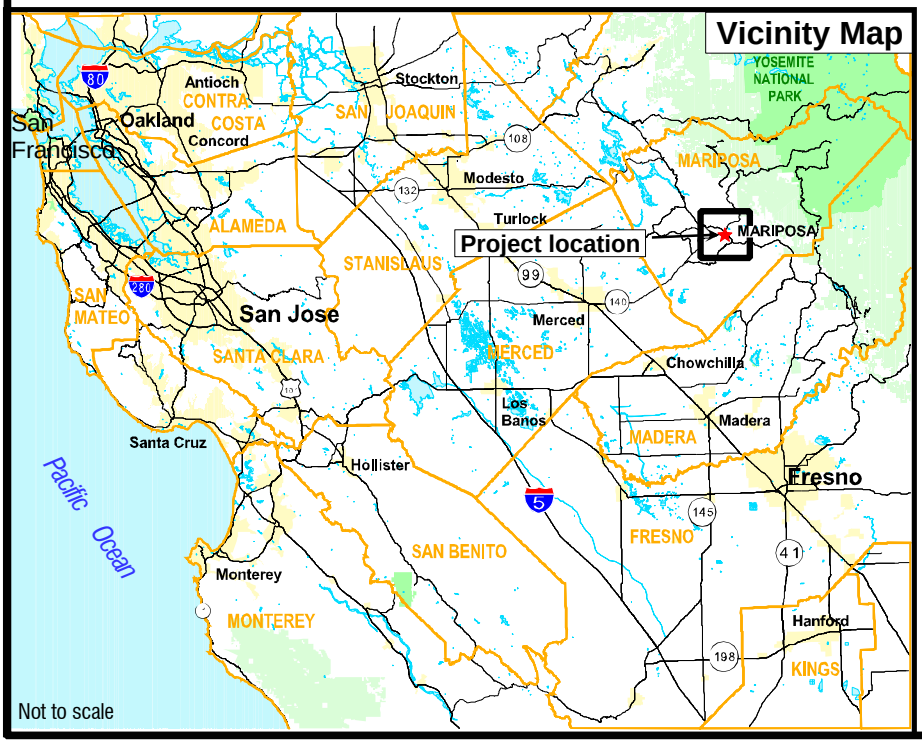
Amenities

- Stepstone crossing
- Benches
- Locations and opportunities for public art installations
- Native American interpretive elements
- Creek access points & shade structures

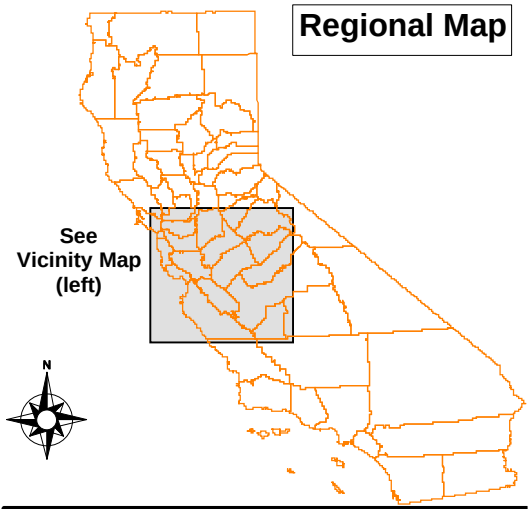
Site Location Map



Vicinity Map



Regional Map



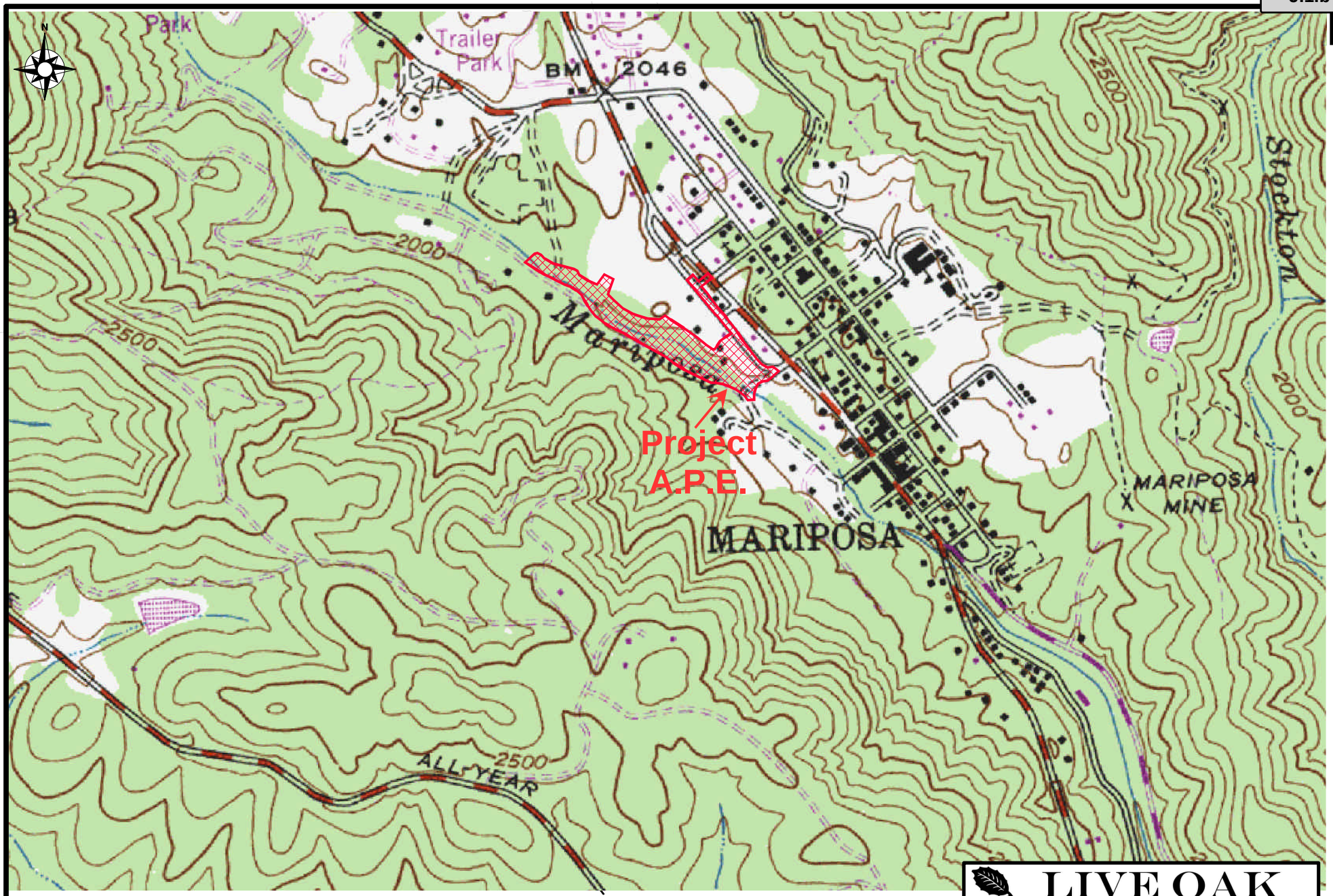
LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway Phase III

Site / Vicinity Map

Date	Project #	Figure #
10/27/2022	2317-04	1

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



1/2 mile 0 1/2 mile
approximate scale

From USGS
Mariposa 7.5' Quadrangle 1981

LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway Phase III
U.S.G.S. Quadrangle

Date	Project #	Figure #
10/27/2022	2317-04	

- Fitness stations
- Trail information kiosk (at Joe Howard Street)
- Lighting
- Secondary soft paths
- 11th Street Paseo
- Wayfinding signage
- Stormwater management facilities

Trails and Roads

- Primary Parkway Trail Section
  - 14' with minimum 2' buffer on both sides of trail
    - 8' Paved path
    - 4' Decomposed Granite Path
- Secondary Trail Section
  - 4' earthen path
- Jessie Street Trail Section
  - Section A-A: 8' Paved, painted bike path with 2' buffer on creek side
    - Bollard separation between trail and Jessie Street drive lane
  - Section B-B: 8' Paved, painted bike path with 2' buffer on creek side
    - Bollard separation between trail and Jessie Street drive lane
    - TBD Dimension overlook with handrail
- Up to two (2) Pedestrian bridge across Mariposa Creek
- Five (5) parking spaces with one Americans with Disabilities Act (ADA) compliant space (as mentioned below under Trailhead Project)
- Painted crosswalk connecting to Phase II trail
- Parkway access/trailhead at 8th Street

New Trailhead

- Creekside nature play area
- Trailhead pavilion
- Five (5) parking spaces with one Americans with Disabilities Act (ADA) compliant space
- Rock Outcropping Performance Space & Outdoor Classroom
- Downtown connection path
- Creek viewing platforms/Jessie St. overlook
- Boulder scramble area

The larger Mariposa Creek Parkway Master Plan views the Mariposa Creek corridor as an ecological, cultural, and recreational asset. As such, it includes elements designed to protect and enhance the corridor, including removal of invasive species, culturally-appropriate prescribed burning, and a large-scale native revegetation effort. These elements will primarily be

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

implemented under the Mariposa Creek Traditional Ecological Restoration Project ("Restoration Project"), which is not part of the CEQA project considered in this biological study. However, the current project is designed to be self-mitigating to the maximum extent possible, and will incorporate methods and approaches from the Restoration Project to this end. Specifically, the project will implement the following conservation strategies:

1) ***Special Status Plant Conservation.*** Any special status plants that are discovered on site will be treated as an asset and protected to the maximum extent feasible. If special status plants are discovered in areas of the site in which project design cannot be modified to avoid them, they will be salvaged on site. This conservation strategy will be accomplished by:
    a. Retaining a qualified biologist to conduct protocol-level surveys for the slender-stalked monkeyflower (*Erythranthe gracilipes*) and Madera leptosiphon (*Leptosiphon serrulatus*) following CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, or most current agency guidance. Surveys will target all suitable habitats of the project site, and will be conducted during appropriate times of year, when local populations of the target species are in bloom and readily identifiable.
    b. Modifying project design, if at all feasible, to avoid any special status plant individuals or populations that are identified in proposed impact areas. A qualified biologist will identify an appropriate buffer around the plants, and no developments or other project-related activities will be permitted within.
    c. Salvaging any special status plant individuals or populations that cannot be avoided. Salvage methods may include seed collection and dispersal, direct transplantation, or other techniques, depending on the ecology of the species in question. The planting area(s) will be located in portions of the site that support suitable habitat and soils for the affected species. Plantings will be protected with fencing and/or interpretive signage, and will be maintained and monitored following methods described and depicted in the Habitat Restoration and Management Plan (HRMP) (Sierra Foothill Conservancy 2021) and Mariposa

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Creek Phase II and III Planting Restoration (WRT 2022; "planting plan") for the Restoration Project.

2) ***Monarch Butterfly Conservation.*** The potential for construction-related mortality of the monarch butterfly (*Danaus plexippus*), a candidate for listing under the federal Endangered Species Act, will be minimized to the extent feasible, and steps will be taken to ensure there is no net loss of milkweed (*Asclepias* sp.), the obligatory breeding habitat of this species. This will be accomplished by:
    a. Retaining a qualified biologist to survey all proposed work areas for milkweed plants. The survey will take place during the milkweed growing season when it is readily identifiable, approximately April through October. The objective of the survey will be to tally and map all milkweed plants that could potentially be impacted by project activities.
    b. Avoiding milkweed removal during the period when monarchs are most likely to breed in the project vicinity, April to August.
    c. Compensating for project-related loss of milkweed plants at a 3:1 ratio. Plantings will be installed, maintained, and monitored following methods described and depicted in the HRMP and planting plan for the Restoration Project.
3) ***Riparian Habitat Conservation.*** The project site's mixed riparian woodland habitat will be conserved to the maximum extent feasible, and steps will be taken to ensure there is no net loss of trees or shrubs associated with this habitat type. This will be accomplished by:
    a. Retaining a qualified biologist to survey all portions of the riparian woodland habitat that are proposed for direct impact. All trees and shrubs within these areas will be identified to species and mapped, and their diameter at breast height (DBH) will be recorded. At the end of construction, the survey will be repeated to determine if any trees or shrubs were removed.
    b. Compensating for project-related loss of riparian trees or shrubs with a DBH of 4 inches or greater. Plantings will be installed at a ratio of 3:1 for impacted trees/shrubs with a DBH between 4 and 24 inches, and at a ratio of 10:1 for impacted trees with a DBH greater than 24 inches. Plantings will be installed, maintained, and monitored following methods described and depicted in the HRMP and planting plan for the Restoration Project.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

1.2 REPORT OBJECTIVES

This report summarizes a biological study conducted by LOA to facilitate environmental review pursuant to CEQA. As such, the report's objectives are to:

- Characterize the project site's existing biological resources, including biotic habitats, flora and fauna, soils, and aquatic resources
- Evaluate the project site's potential to support sensitive resources such as special status species, sensitive natural communities, and jurisdictional waters and wetlands
- Summarize all state and federal natural resource protection laws that may be relevant to project implementation
- Identify and discuss potential project-related impacts to biological resources within the context of CEQA and state and federal laws
- Identify avoidance and mitigation measures that would reduce the magnitude of project-related impacts in a manner consistent with CEQA and species-specific guidelines

1.3 STUDY METHODOLOGY

Reconnaissance-level field surveys of the project site were conducted on March 11, 2019 by LOA ecologist Jeff Gurule and July 28, 2022 by LOA ecologist Colleen Del Vecchio. The 2019 survey was conducted in support of an earlier stage of project design, and did not include the 11th Street Paseo or Jessie Street improvement areas. The 2022 survey encompassed all areas proposed for impact under current project design. Both surveys consisted of walking and driving through the project site while identifying its principal land uses, biotic habitats, flora, and fauna, and assessing its potential to support special status species and other sensitive resources.

LOA conducted an analysis of potential project impacts based on the known and potential biotic resources of the project site. Sources of information used in the preparation of this analysis included: (1) the *California Natural Diversity Data Base* (CDFW 2022), (2) the *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2022), and (3) manuals, reports, and references related to plants and animals of the project vicinity.

LOA also conducted a field investigation of the site's aquatic resources and prepared an associated Aquatic Resources Delineation (ARD) report (LOA 2022). This investigation built upon an earlier

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

ARD conducted by LOA for a riparian restoration project along the Mariposa Creek Parkway (LOA 2021). The earlier ARD included the Phase III project segment, but not the 11th Street Paseo or Jessie Street improvements. Accordingly, LOA inspected the latter two improvement areas for tributary waters, features meeting the technical criteria of wetlands, and other aquatic resources potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or the California Department of Fish and Wildlife (CDFW). This inspection was conducted by Ms. Del Vecchio in conjunction with the July 28, 2022 reconnaissance-level survey.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

2.0 EXISTING CONDITIONS

2.1 REGIONAL SETTING

The project site is located within a mountain community in the western foothills of the Sierra Nevada. The surrounding landscape is extremely rugged and characterized by a mix of chaparral and woodland habitats. The site is adjoined to the south by a steep, undeveloped hillside and, beyond that, rural residential uses. It is adjoined on all other sides by commercial and municipal uses associated with the town of Mariposa.

Average annual precipitation in the general vicinity is approximately 30 inches, 85% of which falls between the months of October and March. Stormwater readily infiltrates into the soils, but when field capacity has been reached or bedrock is encountered, stormwater runs off into drainages.

The primary drainage in the project vicinity is Mariposa Creek, which flows in a southeasterly direction through the site. Mariposa Creek originates approximately 4 miles northwest of the site at an elevation of 3,000 feet above sea level. Downstream of the site, it flows generally south and west, ultimately entering the Central Valley, where it feeds a network of sloughs. It was historically, and is presumably still, tributary to the San Joaquin River.

2.2 PROJECT SITE

The project site consists of a short reach of Mariposa Creek and associated riparian habitat, an existing creekside trail, several vacant lots, and portions of Jessie Street and 8th Street and adjoining developments. It slopes gradually downward in a southeasterly direction, with elevations ranging from approximately 1,950 to 2,000 feet above sea level. It contains three soil mapping units: Riverwash and tailings; Loafercreek and Bonanza complex, 3 to 15 percent slopes; and Gardellones, Gopheridge, Motherlode complex, 30 to 60 percent slopes. One of these mapping units, Riverwash and tailings, is classified as hydric, meaning it has the propensity to pond water and support the growth of wetland vegetation.

Lists of the vascular plant species observed within the project site and the terrestrial vertebrates using, or potentially using, the site are provided in Appendices A and B, respectively. Representative photographs are presented in Appendix C.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

2.3 LAND USES / BIOTIC HABITATS

Three biotic habitats / land uses were identified within the project site: mixed riparian woodland, riverine, and ruderal/developed. These habitats / land uses are depicted in Figure 3 and described in more detail in the following sections.

2.3.1 Mixed Riparian Woodland

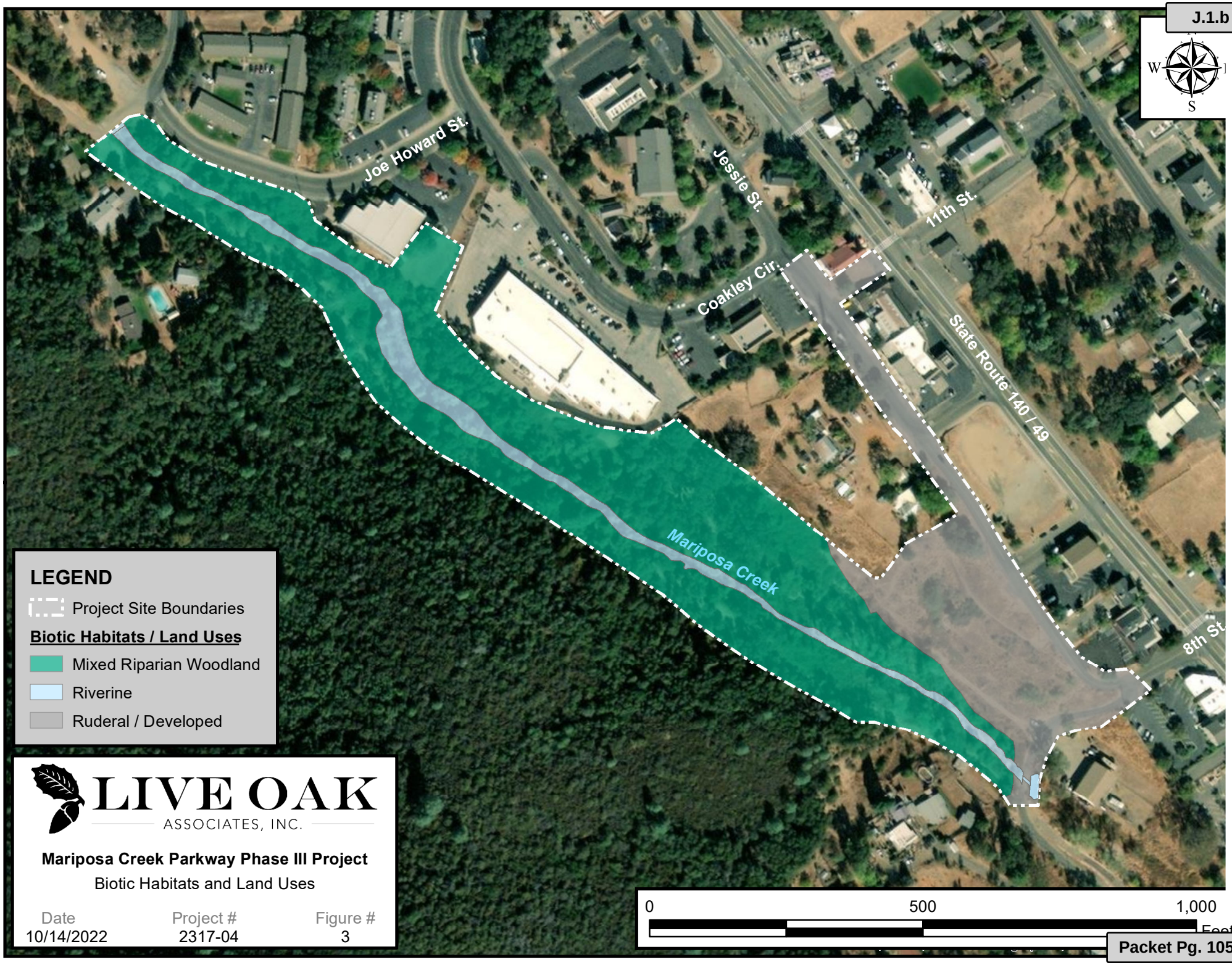
The project site consists primarily of mixed riparian woodland habitat associated with Mariposa Creek. At the time of the field survey, this habitat was characterized by a well-developed stand of riparian trees including red willow (*Salix laevigata*), Fremont's cottonwood (*Populus fremontii*), white alder (*Alnus rhombifolia*), and valley oak (*Quercus lobata*), interspersed with occasional native upland trees including interior live oak (*Quercus wislizeni*), gray pine (*Pinus sabiniana*), and California buckeye (*Aesculus californica*), as well as the invasive non-native tree-of-heaven (*Ailanthus altissima*). The dominant shrub species was the invasive non-native Himalayan blackberry (*Rubus armeniacus*). A mix of both upland and wetland understory grasses and forbs were identified within this habitat type. Some of the species observed included barnyard barley (*Hordeum murinum*), ripgut brome (*Bromus diandrus*), mugwort (*Artemisia douglasiana*), and geranium (*Geranium sp.*).

The site's mixed riparian woodland is expected to support a large number of terrestrial vertebrates, particularly in comparison to the ruderal/developed lands that characterize much of the vicinity. The dense cover and structural diversity of this woodland, combined with its proximity to the riverine habitat of Mariposa Creek (see Section 2.3.2 below), contribute to its wildlife value and capacity for species diversity.

The riparian woodland is expected to support many reptile and amphibian species. The leaf litter provides habitat for Gilbert's skinks (*Eumeces gilberti*) and southern alligator lizards (*Gerrhonotus multicarinatus*). Trees would provide habitat for western fence lizards (*Sceloporus occidentalis*). Gopher snakes (*Pituophis melanoleucus*), common kingsnakes (*Lampropeltis getulus*), and racers (*Coluber constrictor*) may all forage in this habitat as well.

Riparian woodlands also attract a large number of avian species that seek cover, forage, and nest in the various canopy layers. Resident birds observed in this habitat during one or both of LOA's field

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



LEGEND

- Project Site Boundaries

Biotic Habitats / Land Uses

- Mixed Riparian Woodland
- Riverine
- Ruderal / Developed

LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway Phase III Project

Biotic Habitats and Land Uses

Date	Project #	Figure #
10/14/2022	2317-04	3

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

surveys included the California scrub jay (*Aphelocoma californica*), belted kingfisher (*Ceryle alcyon*), bushtit (*Psaltriparus minimus*), and Eurasian collared-dove (*Streptopelia decaocto*). Resident raptors common in this habitat include red-tailed hawks (*Buteo jamaicensis*), red-shouldered hawks (*Buteo lineatus*), and Cooper's hawks (*Accipiter cooperi*). Riparian woodlands are of particular importance to various migrant birds. Some, like the white-crowned sparrow (*Zonotrichia leucophrys*), yellow-rumped warbler (*Zonotrichia atricapilla*), and dark-eyed junco (*Junco hyemalis*) arrive on site in late September or early October and remain until April, at which time they return to their breeding habitats upslope in the Sierra or in various locations of the northern United States. Summer migrants expected to breed in riparian habitats of the project site could include Bullock's orioles (*Icterus bullocki*), ash-throated flycatchers (*Myiarchus cinerascens*), and black-headed grosbeaks (*Pheucticus melanocephalus*). Riparian corridors such as those found along Mariposa Creek also provide important temporary cover and foraging opportunity for migrating birds.

Various mammals are expected to occur in the site's riparian woodland. Small mammals would include ornate shrews (*Sorex ornatus*), deer mice (*Peromyscus maniculatus*), Audubon's cottontails (*Sylvilagus auduboni*), California ground squirrels (*Otospermophilus beecheyi*) (observed), and western gray squirrels (*Sciurus griseus*) (observed). Raccoons (*Procyon lotor*), striped skunks (*Mephitus mephitus*), and gray fox (*Urocyon cinereoargenteus*) are predators common to this habitat. Mule deer (*Odocoileus hemionus*) are also expected in to occur here.

2.3.2 Riverine

The project site contains an approximately 0.4-mile-long reach of Mariposa Creek. Mariposa Creek carries seasonal flows from its headwaters through the northern portion of the town of Mariposa. It becomes a perennial stream near the downtown area, and the project site, due to spring activity and urban runoff (County of Mariposa 1992, County of Mariposa 2006). At the time of LOA's late July field survey, the channel was inundated in most areas, with some pools up to 2 feet deep. It was mostly devoid of vegetation, with pebbles or cobble in the stream bed and cobble or boulders on the lower bank. Several isolated patches of cattail (*Typha latifolia*) were observed.

The site's riverine habitat is likely of considerable value to a variety of aquatic and terrestrial vertebrate species. Native fish that may be present in this stretch of creek include the Sacramento

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

hitch (*Lavinia exilicauda exilicauda*). Introduced species may include the green sunfish (*Lepomis cyanellus*) (observed) and mosquitofish (*Gambusia affinis*), among others. Several amphibian species are expected to breed in this habitat, including bullfrogs (*Lithobates catesbeianus*) (observed), western toads (*Bufo boreas*), and Sierra treefrogs (*Pseudacris sierra*). Western pond turtles (*Actinemys marmorata*), western aquatic garter snakes (*Thamnophis couchii*), and common garter snakes (*Thamnophis sirtalis*) may also occur in this habitat.

A large number of birds occur within the site's riverine habitat. Many of these species would seek the cover of the mixed riparian woodland, but forage in and over the creek itself. Belted kingfishers (observed), for example, commonly perch on overhanging branches of riparian vegetation from which they forage for small fish. Black phoebes (*Sayornis nigricans*) (observed) commonly hawk insects over such habitat from perches in riparian bushes growing from the bank. The creek may also be occasionally used by mallards (*Anas platyrhynchos*).

Mammals, although common in the mixed riparian woodland, would not be common in the riverine habitat. The riverine habitat would, nonetheless, provide drinking water and foraging habitat for many species. For example, a number of species of bats are attracted to the aquatic habitat of creeks and rivers, because these habitats sustain large insect populations on which bats feed.

2.3.3 Ruderal/Developed

The project site contains areas that have either been developed in some way, or are highly disturbed from human activities such as grading, mowing, or landscaping. At the time of the survey, these areas included several vacant lots, portions of Jessie Street and 8th Street, road shoulders and sidewalks, portions of several parking lots, and landscaped areas. The existing creekside trail is technically also a ruderal/developed use; however, because much of the trail is located under the canopy of the mixed riparian woodland, it is considered part of that woodland for the purposes of this analysis.

At the time of LOA's survey, the site's ruderal/developed lands supported a mix of ornamental vegetation, common weeds, and native plants. Where present, trees and shrubs were mostly horticultural varieties including Aleppo pine (*Pinus halepensis*), fern pine (*Afrocarpus* sp.), deodar cedar (*Cedrus deodara*), wisteria (*Wisteria* sp.), privet (*Ligustrum* sp.), and boxwood (*Buxus* sp.).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Some native trees and shrubs were also observed; these included California black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), interior live oak, gray pine, and Mariposa manzanita (*Arctostaphylos viscida* ssp. *mariposa*). Grasses were mostly naturalized non-natives including wild oats (*Avena fatua*), barnyard barley (*Hordeum murinum*), and foxtail brome (*Bromus madritensis*). Forbs encompassed planted species, volunteers, natives, and non-natives, and included California poppy (*Eschscholzia californica*), yucca (*Yucca* sp.), narrow-leaf milkweed (*Asclepias fascicularis*), turkey mullein (*Croton setiger*), red-stemmed filaree (*Erodium cicutarium*), puncturevine (*Tribulus terrestris*), and yellow star-thistle (*Centaurea solstitialis*).

The trees and shrubs in the ruderal/developed areas provide cover for a number of avian species. Species observed in landscaped vegetation in these areas included the acorn woodpecker (*Melanerpes formicivorus*), downy woodpecker (*Picoides pubescens*), yellow-rumped warbler, and house finch (*Haemorhous mexicanus*). The site's ruderal/developed areas are highly modified and of relatively low value for amphibian, reptile, and mammal species; however, some disturbance-tolerant species are likely to occur here. For example, Sierra treefrogs may disperse through irrigated landscaped areas, western fence lizards may bask on paved surfaces or trees and buildings, and gopher snakes may be found foraging in these areas. Mammals typically living in close association with humans such as Botta's pocket gopher (*Thomomys bottae*), house mouse (*Mus musculus*), black rat (*Rattus rattus*), and feral cat (*Felis catus*) may thrive in these areas.

2.4 SPECIAL STATUS PLANTS AND ANIMALS

Many species of plants and animals within the state of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described more fully in Section 3.2, state and federal laws have provided CDFW and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as threatened or endangered under state and federal endangered species legislation. Others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the CDFW. The California Native Plant Society (CNPS) has developed its own set of lists of native

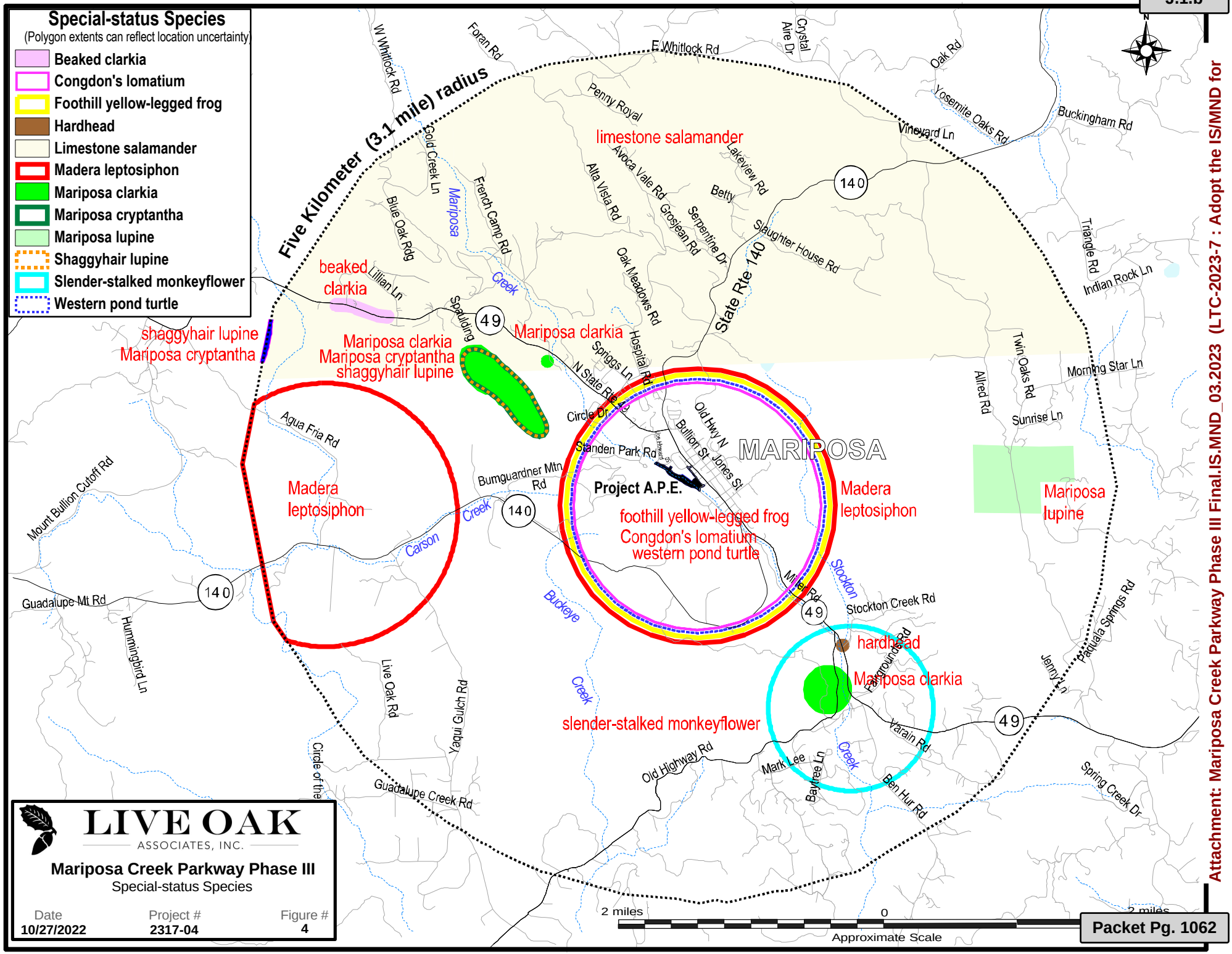
Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

plants considered rare, threatened or endangered (CNPS 2022). Collectively, these plants and animals are referred to as "special status species."

The California Natural Diversity Data Base (CNDDB) (CDFW 2022) was queried for special status species occurrences in the nine USGS 7.5-minute quadrangles containing and immediately surrounding the project site *(Mariposa, Ben Hur, Buckingham Mtn., Feliciana Mtn., Stumpfield Mtn., Horsecamp Mountain, Catheys Valley, Illinois Hill,* and *Bear Valley*). These species, and their potential to occur on site, are listed in Table 1 on the following pages. Table 1 also includes several special status species not returned in the CNDDB query, but known by LOA to occur in the general vicinity of the project site. Sources of information for Table 1 included *California's Wildlife, Volumes I, II, and III* (Zeiner et. al 1988), *The Jepson Manual: Vascular Plants of California, second edition* (Baldwin et al. 2012), CNPS's *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2022), Calflora.org, and eBird.org.

Special status plant and animal species occurrences recorded in the CNDDB within 3.1 miles (5 kilometers) of the project site are depicted in Figure 4.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway Phase III
Special-status Species

Date	Project #	Figure #
10/27/2022	2317-04	4

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

PLANTS (adapted from CDFW 2022, CNPS 2022)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Species	Status	Habitat	Occurrence on the Project Site
Mariposa Pussypaws (*Calytridium pulchellum*)	FT, CNPS 1B	Known from fewer than ten populations in Mariposa, Madera, and Fresno Counties, where it can be found on granite domes and other exposed sites between 1,320 and 4,000 feet in elevation. Blooms April-August.	**Absent.** Suitable habitat for this species is absent from the project site.
Mariposa Lupine (*Lupinas citrinus var. deflexus*)	CT, CNPS 1B	Known from fewer than ten occurrences in chaparral and woodland habitats near Mariposa Creek, elevations 1,300 to 2,000 feet. Preferred microhabitat is granitic sand on hilltops and hillsides, mostly with southern exposure. Blooms April-May.	**Unlikely.** Although portions of the site may have once been suitable for the Mariposa lupine, any habitats once present have been eliminated by urban development and other forms of anthropogenic disturbance.

CNPS Listed Species

Yosemite Onion (*Allium yosemitense*)	CNPS 1B	Occurs in pockets of wet soil, in wet cracks of metamorphic rock, and on slopes and walls within chaparral, woodland, and forest habitats. Elevations between 1,740 and 6,650 feet. Blooms April-June	**Absent.** Suitable habitat is absent from the project site.
Big-scale Balsamroot (*Balsamorhiza macrolepis*)	CNPS 1B	Found in dry, open areas in chaparral, grassland, and woodland habitats, sometimes in serpentine soils. Elevations up to 5,000 feet; blooms March-June.	**Absent.** Suitable habitat is absent from the project site.
Mariposa Clarkia (*Clarkia biloba* ssp. *australis*)	CNPS 1B	Found in chaparral and woodland habitats in serpentine soils. Several occurrences known from the foothill woodland / riparian ecotone. Elevations between 1,000 and 4,800 feet. Blooms April-July.	**Absent.** Serpentine soils are absent from the project site.
Beaked Clarkia (*Clarkia rostrata*)	CNPS 1B	Occurs in oak or pine woodlands, often on north-facing slopes; blooms May-July; elevations 560-3,445 feet.	**Unlikely.** Although portions of the site may have once been suitable for the beaked clarkia, any habitats once present have been eliminated by urban development and other forms of anthropogenic disturbance..
Pleasant Valley Mariposa-lily (*Calochortus clavatus* var. *avius*)	CNPS 1B	Occurs in lower montane coniferous forest in Josephine silt loam or volcanic soils, often in rocky areas; blooms May-July; elevations 1,000-5,900 feet.	**Absent.** Suitable habitat is absent from the project site.
Mariposa Cryptantha (*Cryptantha mariposae*)	CNPS 1B	Occurs in rocky chaparral habitats; serpentine soils; blooms April-May; elevations 660-2,130 ft.	**Absent.** Suitable habitat and soils are absent from the project site.
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B	Occurs in poorly drained, fine, alkaline soils in grassland and Atriplex scrub; blooms March-June; alkaline soils; elevations below 2,500 ft.	**Absent.** Suitable habitat is absent from the project site.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

PLANTS (cont'd)

CNPS Listed Species

Species	Status	Habitat	Occurrence on the Project Site
Yellow-lipped Pansy Monkeyflower (*Diplacus pulchellus*)	CNPS 1B	Found in vernally wet or mesic sites in lower montane coniferous forest or meadow habitats; elevations 2,000-6,500 feet. Blooms April-July.	**Absent.** Suitable habitat is absent from the project site, and the site is situated at the lower extent of this species' elevation range.
Koch's Cord Moss (*Entosthodon kochii*)	CNPS 1B	This moss is known from only four occurrences statewide. It grows on the soil in woodland habitats, often on river banks. Elevations between 600 and 3,300 feet.	**Unlikely.** Although portions of the site may have once been suitable for this rare species, any habitats once present have been eliminated by urban development and other forms of anthropogenic disturbance.
Congdon's Woolly Sunflower (*Eriophyllum congdonii*)	CNPS 1B	Occurs in cracks in rock outcroppings and on talus, in chaparral, woodland, lower montane coniferous forest, and grassland habitats. Elevations between 1,590 and 6,000 feet. Blooms April – June.	**Absent.** Suitable habitat is absent from the project site.
Slender-stemmed Monkeyflower (*Erythranthe filicaulis*)	CNPS 1B	Occurs on vernally mesic granitic sand and meadow edges within woodland and coniferous forest habitats between 2,035 and 5,525 feet in elevation. Blooms April – August.	**Absent.** Suitable habitat is absent from the project site, and the site is situated at the lower extent of this species' elevation range.
Slender-stalked Monkeyflower (*Erythranthe gracilipes*)	CNPS 1B	Occurs within disturbed places such as burns and railroad grades; also on thin granitic soil in cracks in large granite rocks. Associated with chaparral, woodland, and lower montane coniferous forest between 1,640 and 4,265 feet. Blooms April – June.	**Possible.** Portions of the project site may offer suitable habitat for this species. There is a historical (1897) occurrence of the slender-stalked monkeyflower in the Mariposa area, generally mapped to Mormon Bar, approximately 1.5 miles southeast of the site
Parry's Horkelia (*Horkelia parryi*)	CNPS 1B	Found in openings in chaparral and woodland habitats at elevations between 260 and 3,500 feet. Especially known from the Ione Formation in Amador County. Blooms April-September.	**Absent.** Suitable habitat is absent from the project site.
Madera Leptosiphon (*Leptosiphon serrulatus*)	CNPS 1B	Occurs in woodlands and lower montane coniferous forests between 100 and 4,200 ft. in elevation. Prefers dry slopes often on decomposed granite in woodlands. Blooms April-May.	**Possible.** A historical (1896) occurrence of the Madera leptosiphon is generally mapped to the town of Mariposa. Urban development and other anthropogenic disturbances since this time have degraded the quality of the site's habitats and limited its potential to support this species. Nevertheless, the Madera leptosiphon's occurrence on site cannot be conclusively ruled out.
Congdon's Lomatium (*Lomatium congdonii*)	CNPS 1B	Found in chaparral and woodland habitats in serpentine soils. Associated species include the gray pine and various chaparral plants. Elevations between 1,000 and 6,900 feet. Blooms March-June.	**Absent.** A historical (1903) occurrence of the Congdon's lomatium is generally mapped to the town of Mariposa. Serpentine soils are absent from the project site itself, and this species does not have the potential to occur on site.

TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

PLANTS (cont'd)

CNPS Listed Species

Species	Status	Habitat	Occurrence on the Project Site
Shaggyhair Lupine (*Lupinus spectabilis*)	CNPS 1B	Found in serpentine chaparral habitats on open, rocky slopes; elevations between 900 and 2,700 feet. Often surrounded by gray pine woodland. Blooms April-May.	**Absent.** Suitable habitat and soils are absent from the project site.

ANIMALS (adapted from CDFW 2022 and USFWS 2022)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Monarch Butterfly (*Danaus plexippus*)	FC	Overwinters in coastal California and Baja California and breeds throughout California in the spring and summer along its annual migration north and east. The adult monarch lays its eggs on obligate milkweed (*Asclepias* spp.) host plants, which the resultant larvae feed on before pupating and emerging as adults. In addition to milkweed, this species requires abundant nectar resources to nourish migrating adults, and trees for roosting during migratory stopovers.	**Possible.** Narrow-leaf milkweed was observed on one of the project site's vacant lots, and may occur elsewhere on site. Monarchs may reproduce on site, and the site may also support foraging and roosting by migratory adults.
Valley Elderberry Longhorn Beetle (VELB) (*Desmocerus californicus dimorphus*)	FT	Found in mature elderberry shrubs of the Central Valley from Shasta County to Madera County. Historic occurrence records south of Madera County and in the foothills above 500 feet in elevation are now believed to be associated with the closely-related California elderberry longhorn beetle (*D. c. californicus*) (USFWS 2019).	**Absent.** The project site is located well above this species' elevational distribution, based on current scientific understanding (USFWS 2019).
California Tiger Salamander (*Ambystoma californiense*)	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for aestivation.	**Absent.** Suitable habitat is absent from the project site and surrounding lands, and the site is located outside of this species' range.
Limestone Salamander (*Hydromantes brunus*)	CT, CFP	Found in the chaparral belt of the lower Merced River Canyon. Inhabits mossy limestone crevices, typically on steep slopes. Breeds terrestrially.	**Absent.** Suitable habitat is absent from the project site, and the site is located outside of this species' limited range.
Foothill Yellow-legged Frog (*Rana boylii*)	CE	Found in or near rocky streams in a variety of habitats. Uses submerged rocks and debris for cover. Requires gravel or rocks in moving water near stream margins for reproduction.	**Unlikely.** A historical (1899) collection of this species was made in Mariposa, presumably from Mariposa Creek. However, this species is nearly extinct in the Sierra Nevada south of Interstate 80, and the presence of bullfrogs and introduced fish in Mariposa Creek further limits their potential to occur here.
Sierra Nevada Yellow-legged Frog (*Rana sierrae*)	FE, CT	Found in cold mountain lakes and streams, generally from 5,000 to 12,000 feet in elevation. Breeding and egg laying occur after snowmelt from June to August.	**Absent.** The site is below the elevational range of the species.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

TABLE 1. LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

ANIMALS (cont'd)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Species	Status	Habitat	Occurrence on the Project Site
Bald Eagle (*Haliaeetus leucocephalus*)	CE	Nests and winters on ocean shores, lake margins and rivers. Uses old-growth snags. Mostly forages over water and along shores.	**Unlikely**. This species is associated with large bodies of water, which are absent from the project site and surrounding lands.

California Species of Special Concern or Fully Protected

Hardhead (*Mylopharodon conocephalus*)	CSC	Found in large, low- to mid-elevation undisturbed streams and reservoirs, in clear, deep pools with sand-gravel-boulder substrates and slow water velocity.	**Unlikely.** The on-site reach of Mariposa Creek is at the upper limits of this stream's perennial flows, and does not appear to offer suitable microhabitat conditions for this species.
Western Spadefoot (*Spea hammondii*)	CSC	Occurs in grasslands of the San Joaquin Valley, where it breeds in vernal pools or other seasonal wetlands and aestivates in underground refugia such as rodent burrows.	**Absent.** Suitable habitat is absent from the project site and surrounding lands, and the site is located outside of this species' range.
Western Pond Turtle (*Actinemys marmorata*)	CSC	Found in open, slow-moving water or ponds with rocks and logs for basking. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water.	**Possible.** Suitable habitat occurs on the site in and immediately surrounding Mariposa Creek. Outside of the site's riparian corridor, upland habitats are highly disturbed and unlikely to be used by this species.
Pallid Bat (*Antrozous pallidus*)	CSC	Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees, and buildings. This opportunistic forager gleans a variety of arthropod prey from surfaces, and may also take insects in flight.	**Possible.** The pallid bat could potentially roost in the site's mature trees and snags, and forage on or over the site.
Townsend's Big-eared Bat (*Corynorhinus townsendii*)	CSC	Primarily a cave-dwelling bat that may also roost in buildings, rock crevices, and hollow trees. Forages in edge habitats along streams and within and adjacent to various types of forest and woodland.	**Possible.** The Townsend's big-eared bat could potentially roost in the site's mature trees and snags, and forage on or over the site.
Spotted Bat (*Euderma maculatum*)	CSC	Occurs in a variety of habitats. Roost sites are cracks, crevices, and caves, usually high in fractured rock cliffs.	**Possible.** Spotted bats may forage over the project site from time to time, but roosting habitat is absent.
Western Red Bat (*Lasiurus blossevillii*)	CSC	This mostly solitary bat roosts primarily in trees, 2-40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	**Possible.** The western red bat could potentially roost in the site's trees, and forage on or over the site.
Ringtail (*Bassariscus astutus*)	CFP	Found in a variety of habitats including chaparral, rocky hillsides, and riparian areas. This species dens in rock crevices, boulder piles, underground cavities, and hollow trees.	**Unlikely.** High levels of anthropogenic disturbance would likely preclude this species from occurring on or around the project site.

OCCURRENCE DESIGNATIONS AND STATUS CODES

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Present: Species observed on the site at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the site, but it could occur there from time to time.
Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the site and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FC	Federal Candidate	CFP	California Fully Protected
		CSC	California Species of Special Concern

CNPS LISTING

1A	Plants Presumed Extinct in California	2	Plants Rare, Threatened, or Endangered in California, but more common elsewhere
1B	Plants Rare, Threatened, or Endangered in California and elsewhere		

2.5 JURISDICTIONAL WATERS

Jurisdictional waters are those rivers, creeks, drainages, lakes, ponds, reservoirs, and wetlands that are subject to the authority of the USACE, CDFW, and/or the RWQCB. In general, the USACE regulates navigable waters, tributaries to navigable waters, and wetlands adjacent to these waters, where wetlands are defined by the presence of hydric soils, hydrophytic vegetation, and wetland hydrology. The CDFW has jurisdiction over waters in California that have a defined bed and bank, and the RWQCB has jurisdiction over California surface water and groundwater. The regulation of jurisdictional waters is discussed in more detail in Section 3.2.7.

As discussed, the project site contains an approximately 0.4-mile-long reach of Mariposa Creek, which is likely to fall under the jurisdiction of the USACE, RWQCB, and CDFW.

2.6 SENSITIVE NATURAL COMMUNITIES

California contains a wide range of natural communities, or unique assemblages of plants and animals. These communities have largely been classified and mapped by CDFW as part of their Vegetation Classification and Mapping Program (VegCAMP). Natural communities are assigned state and global ranks according to their rarity and the magnitude and trend of the threats they face. Any natural community with a state rank of 3 or lower (on a 1 to 5 scale) is considered "sensitive" and must be considered in CEQA review.

Although not formally mapped in the CNDDB, the project site's mixed riparian woodland is considered a sensitive natural community. It is dominated by Fremont cottonwood and red willow and has a state rank of 3 per the VegCAMP classification system (CDFW 2021).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

2.7 WILDLIFE MOVEMENT CORRIDORS

Wildlife movement corridors are routes that animals regularly and predictably follow during seasonal migration, dispersal from native ranges, daily travel within home ranges, and inter-population movements. Movement corridors in California are typically associated with valleys, ridgelines, and rivers and creeks supporting riparian vegetation.

Mariposa Creek in the project vicinity is a relatively undisturbed aquatic/riparian corridor that is likely to function as a conduit for wildlife movement. It supports fish, and may also serve as a dispersal route for amphibians and other stream-associated species. It may be used by songbirds that migrate along an elevational gradient, wintering in the Central Valley and breeding in the Sierra Nevada. It would provide relatively secure passage for terrestrial wildlife through the surrounding anthropogenic landscape, and is likely to be regularly used.

2.8 DESIGNATED CRITICAL HABITAT

The USFWS often designates areas of "critical habitat" when it lists species as threatened or endangered. Critical habitat is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

Designated critical habitat is absent from the project vicinity. The nearest unit of critical habitat is located some 16 miles to the west of the project site, in the grassland / vernal pool complexes of the lower foothills. It is designated for the protection of a variety of listed vernal pool plant and animal species.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3.0 RELEVANT GOALS, POLICIES, AND LAWS

3.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT

In California, any project carried out or approved by a public agency that will result in a direct or reasonably foreseeable indirect physical change in the environment must comply with CEQA. The purpose of CEQA is to ensure that a project's potential impacts on the environment are evaluated and methods for avoiding or reducing these impacts are considered before the project is allowed to move forward. A secondary aim of CEQA is to provide justification to the public for the approval of any projects involving significant impacts on the environment.

According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic interest." Although the lead agency may set its own CEQA significance thresholds, project impacts to biological resources are generally considered to be significant if they would meet any of the following criteria established in Appendix G of the CEQA Guidelines:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS.
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Furthermore, CEQA Guidelines Section 15065(a) requires the lead agency to make "mandatory findings of significance" if there is substantial evidence that a project may:

- Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species.
- Achieve short-term environmental goals to the detriment of long-term environmental goals.
- Produce environmental effects that are individually limited but cumulatively considerable, meaning that the incremental effects of the project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects.

3.2 OTHER RELEVANT LAWS AND POLICIES

3.2.1 Mariposa Town Planning Area Specific Plan

The Mariposa Town Planning Area Specific Plan (Town Plan) provides development standards designed to protect significant biotic resources of the Planning Area. Relevant resources addressed by this plan include: (1) scenic resources, (2) water resources, (3) air resources, and (4) wildlife and vegetation. The Mariposa Creek Parkway is outlined in this plan and identified as a capital project. The Mariposa Town Planning Area Specific Plan Environmental Impact Report, certified in 1992, assessed environmental impacts of these development standards and provides mitigation, as appropriate, to reduce impacts to a less than significant level.

3.2.2 Threatened and Endangered Species

In California, imperiled plants and animals may be afforded special legal protections under the California Endangered Species Act (CESA) and/or Federal Endangered Species Act (FESA). Species may be listed as "threatened" or "endangered" under one or both Acts, and/or as "rare" under CESA. Under both Acts, "endangered" means a species is in danger of extinction throughout all or a significant portion of its range, and "threatened" means a species is likely to become endangered within the foreseeable future. Under CESA, "rare" means a species may become endangered if their present environment worsens. Both Acts prohibit "take" of listed species, defined under CESA as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue,

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

catch, capture or kill" (California Fish and Game Code, Section 86), and more broadly defined under FESA to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). The USFWS commonly interprets "take" to include the loss of habitat utilized by a listed species.

When state and federally listed species have the potential to be impacted by a project, the USFWS and CDFW must be included in the CEQA process. These agencies review the environmental document to determine the adequacy of its treatment of endangered species issues and to make project-specific recommendations for the protection of listed species. Projects that may result in the "take" of listed species must generally enter into consultation with the USFWS and/or CDFW pursuant to FESA and CESA, respectively. In some cases, incidental take authorization(s) from these agencies may be required before the project can be implemented.

3.2.3 Migratory Birds

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712) prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.

Native birds are also protected under California state law. The California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities. Moreover, the California Migratory Bird Protection Act, enacted in September 2019, clarifies native bird protection and increases protections where California law previously deferred to federal law.

3.2.4 Birds of Prey

Birds of prey are also protected in California under provisions of the State Fish and Game Code, Section 3503.5, 1992), which states that it is "unlawful to take, possess, or destroy any birds in the order *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

3.2.5 Nesting Birds

In California, protection is afforded to the nests and eggs of all birds. California Fish and Game Code (Section 3503) states that it is "unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Breeding-season disturbance that causes nest abandonment and/or loss of reproductive effort is considered a form of "take" by the CDFW.

3.2.6 Habitat Conservation Plans and Natural Community Conservation Plans

Section 10 of the federal Endangered Species Act establishes a process by which non-federal projects can obtain authorization to incidentally take listed species, provided take is minimized and thoroughly mitigated. A Habitat Conservation Plan (HCP), developed by the project applicant in collaboration with the USFWS and/or NMFS, ensures that such minimization and mitigation will occur, and is a prerequisite to the issuance of a federal incidental take permit. Similarly, a Natural Community Conservation Plan (NCCP), developed by the project applicant in collaboration with CDFW, provides for the conservation of biodiversity within a project area, and permits limited incidental take of state-listed species.

3.2.7 Wetlands and Other Jurisdictional Waters

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), defined in the CWA as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not supply a definition for waters of the U.S., and that has been the subject of considerable debate since the CWA's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and USACE. These definitions have been interpreted, and in some cases, invalidated, by federal courts.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Most recently, waters of the U.S. were defined by the Navigable Waters Protection Rule (NWPR). The new rule was published in the Federal Register on April 21, 2020 and took effect on June 22, 2020. However, on August 30, 2021, in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*, the U.S. District Court for the District of Arizona vacated and remanded the NWPR. In light of this order, the EPA and USACE have halted implementation of the NWPR and, until further notice, are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime.

The interpretation of waters of the U.S. prior to 2015 generally included:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated *Carabell/Rapanos* decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a jurisdictional water.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the RWQCB issues a Section 401 Water Quality

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into waters of the State through the issuance of various permits and orders. Discharges into waters of the State that are also waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all waters of the State, even those that are not also waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a water of the U.S. may require a NPDES permit.

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.0 IMPACTS AND MITIGATIONS

The following discussions address the potential impacts to biological resources associated with implementation of the Mariposa Creek Parkway Phase III Project, including all components of the Mariposa Creek Parkway Master Plan and 11th Street Paseo Graphic Enhancement Project that were identified in Section 1.1.

4.1 POTENTIALLY SIGNIFICANT PROJECT IMPACTS/MITIGATION

4.1.1 Potential Project Impacts to the Western Pond Turtle

Potential Impacts. The project site contains potential aquatic and upland habitat for the western pond turtle. While project buildout will not result in a significant loss of habitat for this species, construction activities could harm individual turtles. This would be considered a significant impact under CEQA.

Mitigation. The following mitigation measures will be implemented to minimize direct impacts to western pond turtles.

> ***Mitigation Measure 4.1.1a* (*Preconstruction Survey*).** A pre-construction survey for western pond turtles will be conducted no more than 24 hours prior to the start of work in Mariposa Creek and the adjoining mixed riparian woodland habitat.
>
> ***Mitigation Measure 4.1.1b* (*Relocation*).** A qualified biologist will capture and relocate any turtles found within areas planned for direct impact. Turtles will be relocated to suitable alternative habitat within the Mariposa Creek corridor, outside of project boundaries.
>
> ***Mitigation Measure 4.1.1c (Avoidance).*** If any turtles are observed on site while work is occurring, work in the immediate area will cease and turtles will be allowed to leave the construction zone of their own volition, if feasible. If necessary, a qualified biologist will capture and relocate such turtles as described above under Mitigation Measure 4.1.2b.

Implementation of the above measures will reduce impacts to the western pond turtle to a less than significant level under CEQA.

4.1.2 Potential Project Impacts to Nesting Migratory Birds and Raptors

Potential Impacts. The project site contains suitable nesting habitat for a number of avian species protected under the federal Migratory Bird Treaty Act and related state laws. Any birds or raptors

that are nesting within or near work areas at the time of construction would have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project-related injury or mortality of nesting birds and raptors would violate state and federal laws, and is considered a potentially significant impact under CEQA.

Mitigation. The following measures will be implemented for the protection of nesting migratory birds and raptors.

> ***Mitigation 4.1.2a* (*Avoidance*).** To avoid impacts to nesting birds and raptors, construction will occur, where possible, outside the February 1-August 31 nesting season.
>
> ***Mitigation 4.1.2b* (*Pre-construction Surveys*).** If construction must occur during the February 1-August 31 nesting season, a qualified biologist will conduct pre-construction surveys for active bird and raptor nests within 10 days of the onset of these activities. Nest surveys will encompass the work area and surrounding lands within 250 feet. Nest surveys will be repeated whenever there is a lapse in construction of 10 days or more during the nesting season.
>
> ***Mitigation 4.1.2c* (*Construction-Free Buffers*).** Should any active nests be discovered in or near proposed construction zones, a qualified biologist will identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.

Implementation of the above measures will reduce potential project impacts to nesting migratory birds and raptors to a less than significant level under CEQA and will ensure compliance with state and federal laws protecting these species.

4.1.3 Potential Project Impacts to the Pallid Bat, Townsend's Big-eared Bat, Western Red Bat, and other Roosting Bats

Potential Impacts. A few native bat species have the potential to breed and rear their young on the project site. These include the Yuma myotis (*Myotis yumanensis*) and little brown myotis (*Myotis lucifugus*), both of which were observed on site by SFC during emergence and foraging surveys conducted in 2021 (SFC 2021), the pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western red bat (*Lasiurus blossevillii*); the latter three are California Species of Special Concern. During the maternity season, typically April 15 to August 31, these species may roost, sometimes in large numbers, within the site's trees and snags.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Removal of trees and snags that contain maternity colonies could lead to the mortality of many bats, which would be considered a significant impact under CEQA.

The project will not result in a significant loss of roosting or foraging habitat for the pallid bat, Townsend's big-eared bat, and western red bat. Although a few potential roost trees may be removed, numerous similar trees and snags will remain available along the Mariposa Creek corridor and elsewhere in the project vicinity. The project site's foraging value for special status bats will remain virtually unchanged. Any bats that presently forage on site would be expected to continue to do so following project development.

Mitigation. The following measures will be implemented for the protection of maternity roosting bats.

> ***Mitigation 4.1.3a* (*Avoidance*).** To avoid potential impacts to maternity bat roosts, removal of mature trees and snags should occur outside of the period between April 15 and August 31, the time frame within which colony-nesting bats in the vicinity generally assemble, give birth, nurse their young, and ultimately disperse.
>
> ***Mitigation 4.1.3b* (*Pre-construction Surveys*).** If removal of mature trees and/or snags is to occur between April 15 and August 31, then within 10 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.
>
> ***Mitigation 4.1.3c* (*Construction-Free Buffers*).** Should any active maternity bat roosts be discovered in trees or snags to be impacted, the biologist will identify a suitable construction-free buffer around the maternity roost. The buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nursery is no longer active.

Implementation of the above measures will reduce potential construction-related impacts to maternity roosting bats, including the pallid bat, Townsend's big-eared bat, and western red bat, to a less than significant level under CEQA.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.2 LESS THAN SIGNIFICANT PROJECT IMPACTS

4.2.1 Potential Project Impacts to Special Status Plants

Potential Impacts. Eighteen special status plants are known from the project vicinity (see Table 1). Of these, two species, the slender-stalked monkeyflower and Madera leptosiphon, have some potential to occur in the site's riparian woodland habitat. This habitat is an asset and focal point of the Mariposa Creek Parkway and will be conserved to the maximum extent feasible. Moreover, the project includes a conservation strategy for special status plants that ensures that, if found on site, the slender-stalked monkeyflower and Madera leptosiphon will be protected in place as a preferred option, or salvaged on site if avoidance is not feasible (see Section 1.1). For these reasons, project impacts to the slender-stalked monkeyflower and Madera leptosiphon are considered less than significant under CEQA.

The remaining 16 special status plant species are considered absent from or unlikely to occur on the project site due to an absence of suitable habitat and/or soils, the site's being situated outside of the species' distribution, or a combination thereof (see Table 1). The project is not expected to adversely affect these species, either directly or indirectly, and impacts are considered less than significant under CEQA.

Mitigation. Mitigation measures are not warranted.

4.2.2 Potential Project Impacts to the Monarch Butterfly

Potential Impacts. The project site is located in an area where monarch butterflies are known to occur, and provides suitable habitat for this species. Narrow-leaf milkweed, a host plant for monarch reproduction, was observed on one of the site's vacant lots during LOA's July 2022 survey, and may occur elsewhere on site. Migrating adults may use the site's trees for roosting and its understory vegetation as a source of nectar. The project is unlikely to result in construction-related injury or mortality of adult monarchs because individuals of this volant life stage would presumably be able to avoid construction disturbance. The project is also unlikely to adversely affect this species through the loss of foraging or roosting habitat because project-related vegetation removal will be localized and small-scale, and considerable such habitat will remain available to monarchs following project implementation, both on- and off-site. The project

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

includes a conservation strategy that is geared toward the protection of monarch eggs, larvae, and pupae, which are inherently vulnerable to construction-related mortality due to their non-volant nature (see Section 1.1). The conservation strategy also ensures there will be no net loss of milkweed plants on the project site. For these reasons, project impacts to the monarch butterfly are considered less than significant under CEQA.

Mitigation. Mitigation measures are not warranted.

4.2.3 Project Impacts to Special Status Animal Species Absent from or Unlikely to Occur on the Project Site

Potential Impacts. Fifteen special status animals have been documented in the general vicinity of the project site, or are known to occur regionally (see Table 1). Of these, nine are considered absent or unlikely to occur on the site due to the absence of suitable habitat and/or the site's being situated outside of the species' known distribution. These species are the valley elderberry longhorn beetle (*Desmocerus californicus occidentalis*), California tiger salamander (*Ambystoma californiense*), limestone salamander (*Hydromantes brunus*), foothill yellow-legged frog (*Rana boylii*), Sierra Nevada yellow-legged frog (*Rana sierrae*), bald eagle (*Haliaeetus leucocephalus*), hardhead (*Mylopharodon conocephalus*), western spadefoot (*Spea hammondii*), and ringtail (*Bassariscus astutus*) (see Table 1). Because these species have no appreciable potential to occur on site, they are not expected to be affected by the project, directly or indirectly. Project impacts are considered less than significant under CEQA.

Mitigation. Mitigation measures are not warranted.

4.2.4 Project-Related Mortality of Special Status Animal Species that May Occur on the Project Site as Occasional or Regular Foragers but Breed Elsewhere

Potential Impacts. One special status animal, the spotted bat (*Euderma maculatum*), has the potential to forage on the site from time to time but would not breed on site or close enough to the site to be vulnerable to project-related disturbance at roosting locations (see Table 1). Individuals of this species are unlikely to be injured or killed by construction activities because they are highly mobile foragers and would be expected to simply avoid active work areas.

Mitigation. Mitigation measures are not warranted.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.2.5 Potential Project Impacts to Riparian Habitat and other Sensitive Habitats

Potential Impacts. As discussed, the project site contains one sensitive natural community as classified by the VegCAMP system (CDFW 2021), the mixed riparian woodland habitat associated with Mariposa Creek. This woodland is an asset and focal point of the Mariposa Creek Parkway, and will be conserved to the maximum extent feasible. Moreover, the project includes a conservation strategy that will ensure that there is no net loss of riparian trees or shrubs of 4 inches DBH or greater (see Section 1.1). For these reasons, project impacts to riparian woodland habitat are considered less than significant under CEQA.

The project site does not contain or adjoin habitat designated for the protection of federally listed species. There will be no impacts to designated critical habitat.

Mitigation. Mitigation measures are not warranted.

4.2.6 Project Impacts to Wildlife Movement Corridors

Potential Impacts. As discussed in Section 2.8, Mariposa Creek is likely to function as an important movement corridor for aquatic and terrestrial wildlife. Construction activities along or near the creek may produce noise, vibration, and other stimuli that may temporarily disturb wildlife using this corridor. Terrestrial wildlife may shift their movements away from work areas; however, the creek's riparian woodland habitat is wide and well-developed, with opportunities for movement on either side of the channel, and it is expected that these species will continue to use the corridor during construction. Similarly, because no water diversions or other major disruptions of the creek's flow are planned, the wetted channel should continue to support the movements of aquatic wildlife while construction is occurring. Any impacts to this movement corridor would be temporary; after construction, both terrestrial and aquatic wildlife would be expected to continue to use the corridor as they do under pre-project conditions. For these reasons, potential project impacts to wildlife movement corridors are considered less than significant under CEQA.

Mitigation. Mitigation measures are not warranted.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.2.7 Project Impacts to Jurisdictional Waters

Potential Impacts. Certain project elements may impact portions of Mariposa Creek that fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. These impacts are expected to be localized and largely temporary, and in some cases may yield ecosystem benefits, as would be expected for planned restoration and native riparian planting activities. Although small areas of the creek may be modified by excavation, placement of "fill," and other activities, the project is not expected to affect the function and value of this aquatic resource, and project impacts to jurisdictional waters are considered less than significant under CEQA. However, proposed activities in the creek must be conducted in accordance with Clean Water Act Sections 404 and 401 and California Fish and Game Code Section 1602. The project applicant is advised to seek permitting from the USACE, RWQCB, and CDFW well in advance of any work in the channel.

Mitigation. Mitigation measures are not warranted.

4.2.8 Consistency with Local Policies and Ordinances

Potential Impacts. The project appears consistent with those goals and policies of the Mariposa Town Planning Area Specific Plan that pertain to biological resources.

Mitigation. Mitigation measures are not warranted.

4.2.9 Consistency with Habitat Conservation Plans and Natural Community Conservation Plans

Potential Impacts. There are no known HCPs or NCCPs in effect for the project vicinity.

Mitigation. Mitigation measures are not warranted.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

5.0 LITERATURE REFERENCED

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D. G. Wilken, editors. 2012. The Jepson Manual: Vascular Plants of California, second edition. University of California Press, Berkeley.

Calfish. 2022. Calfish: University of California, Division of Agriculture and Natural Resources, California Fish Website [web application]. Available: http://calfish.ucdavis.edu/.

Calflora. 2022. Calflora: An online database of plant identification and distribution [web application]. Calflora, Berkeley, California. Available: http://www.calflora.org.

California Department of Fish and Wildlife (CDFW). 2022. California Natural Diversity Database. The Resources Agency, Sacramento, CA.

California Native Plant Society. 2022. Inventory of Rare and Endangered Vascular Plants of California. Available online at: http://cnps.site.aplus.net/cgi-bin/inv/inventory.cgi.

California Soil Resource Lab. 2008. Streaming, seamless interface to USDA-NCSS SSURGO and STATSGO Soil Survey Products.

County of Mariposa. 1992. Mariposa Town Planning Area Specific Plan.

County of Mariposa. 2006. County of Mariposa General Plan – Volume III. Technical Background Report.

eBird. 2022. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available: http://www.ebird.org.

Live Oak Associates, Inc. (LOA). 2021. Aquatic Resources Delineation, Mariposa Creek Parkway Restoration Project, Mariposa, CA.

Natural Resources Conservation Service. 2011. National Hydric Soils List by State, California. U.S. Department of Agriculture.

Sierra Foothill Conservancy. 2021. Habitat Restoration and Management Plan (HRMP) for the Mariposa Creek Parkway Riparian Restoration Project. December 2021.

U.S. Fish and Wildlife Service (USFWS). 2019. Revised Recovery Plan for Valley Elderberry Longhorn Beetle. U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, CA. iii + 18 pp.

WRT. 2022. Mariposa Creek Phase II and III Planting Restoration. Permit set, April 19, 2022.

Zeiner, David C., William F. Laudenslayer, Kenneth E. Mayer and Marshal White. Ed. 1988. California's wildlife, volume I, amphibians and reptiles, volume II, birds, and volume III, mammals. Department of Fish and Game. Sacramento, CA. (Online: http://www.dfg.ca.gov/biogeodata/cwhr/cawildlife.aspx).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX A: VASCULAR PLANT LIST

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX A
VASCULAR PLANTS OF THE PROJECT SITE

The plants species listed below were observed on the project site during LOA's March 11, 2019 and/or July 28, 2022 surveys. The U.S. Fish and Wildlife Service wetland indicator status of each plant, if available, has been shown following its common name.

OBL - Obligate
FACW - Facultative Wetland
FAC - Facultative
FACU - Facultative Upland
UPL - Upland

AGAVACEAE—Century-Plant Family		
Yucca sp.	Yucca	UPL
ANACARDIACEAE – Cashew Family		
Toxicodendron diversilobum	Poison Oak	FACU
APIACEAE – Carrot Family		
Sanicula bipinnatifida	Purple Sanicle	UPL
Torilis arvensis	Field Hedge Parsley	UPL
APOCYNACEAE – Dogbane Family		
Vinca sp.	Periwinkle	UPL
ARACEAE – Arum Family		
Lemna sp.	Duckweed	OBL
ASTERACEAE - Sunflower Family		
Artemisia douglasiana	Mugwort	FAC
Carduus pycnocephalus	Italian Thistle	UPL
Centaurea solstitialis	Yellow Star-thistle	UPL
Cirsium vulgare	Bull Thistle	FACU
Grindelia camporum	Common Gumplant	FACW
Lactuca serriola	Prickly Lettuce	FACU
Xanthium strumarium	Rough Cocklebur	FAC
BETULACEAE- Birch Family		
Alnus rhombifolia	White Alder	FACW
BRASSICACEAE- Mustard Family		
Brassica nigra	Black Mustard	UPL
Hirschfeldia incana	Short-pod Mustard	UPL
BUXACEAE – Box Family		
Buxus sp.	Boxwood	
CUPRESSACEAE – Cedar Family		
Calocedrus decurrens	Incense Cedar	UPL
Sequoia sempervirens	Coast Redwood	UPL
CYPERACEAE – Sedge Family		
Carex nudata	Torrent Sedge	OBL
Cyperus eragrostis	Tall Flatsedge	FACW

ERICACEAE – Heath Family		
Arctostaphylos viscida ssp. *mariposa*	Mariposa Manzanita	UPL
EUPHORBIACEAE – Spurge Family		
Croton setiger	Turkey Mullein	UPL
FABACEAE - Pea Family		
Cytisus scoparius	Scotch Broom	
Hoita macrostachya	California Hemp	OBL
Melilotus albus	White Sweetclover	UPL
Vicia sp.	Vetch	
Trifolium sp.	Clover	
Wisteria sp.	Wisteria	
FAGACEAE - Oak Family		
Quercus douglasii	Blue Oak	UPL
Quercus kelloggii	California Black Oak	UPL
Quercus lobata	Valley Oak	FACU
Quercus wislizeni	Interior Live Oak	UPL
GERANIACEAE - Geranium Family		
Erodium cicutarium	Red-stemmed Filaree	UPL
Geranium mole	Crane's Bill Geranium	UPL
HYDROPHYLLACEAE – Waterleaf Family		
Phacelia sp.	Phacelia	
JUNCACEAE- Rush Family		
Juncus effusus	Bog Rush	FACW
LAMIACEAE- Mint Family		
Lamium amplexicaule	Henbit	UPL
Marrubium vulgare	Horehound	FACU
Mentha spicata	Spearmint	FACW
MALVACEAE – Mallow Family		
Malva sp.	Mallow	UPL
MONTIACEAE- Miner's Lettuce Family		
Calandrinia ciliata	Red Maids	FACU
Claytonia perfoliata	Miner's Lettuce	FAC
OLEACEAE—Lilac Family		
Ligustrum sp.	Privet	
PAPAVERACEAE- Poppy Family		
Eschscholzia californica	California Poppy	UPL
PINACEAE- Pine Family		
Cedrus deodara	Deodar Cedar	UPL
Pinus sabiniana	Gray Pine	UPL
Pinus halepensis	Aleppo Pine	UPL
PLANTAGINACEAE- Plantain Family		
Plantago lanceolata	Ribwort Plantain	FAC
PLATANACEAE- Plane-tree family		
Platanus racemosa	California Sycamore	FAC
POACEAE - Grass Family		
Avena fatua	Wild Oats	UPL

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Bromus diandrus	Ripgut Brome	UPL
Bromus madritensis	Foxtail Brome	UPL
Cynoserus echinatus	Hedgehog Dogtail	UPL
Hordeum murinum	Barnyard Barley	FACU
Polypogon monspeliensis	Annual Rabbitsfoot Grass	FACW
Stipa sp.	Needlegrass	UPL
PODOCARPACEAE – Yellow-wood Family		
Afrocarpus sp.	Afrocarpus	
POLYGONACEAE - Buckwheat Family		
Rumex crispus	Curly Dock	FAC
PORTULACAEAE – Purslane Family		
Portulaca oleracea	Common Purslane	FAC
RHAMNACEAE- Buckthorn Family		
Ceanothus cuneatus	Buckbrush	UPL
Rhamnus crocea	Spiny Redberry	UPL
ROSACEAE – Rose Family		
Cercocarpus betuloides	Birch-leaf Mountain Mahogany	UPL
Heteromeles arbutifolia	Toyon	UPL
Prunus sp.	Fruit tree species	
Rosa californica	California Wilde Rose	FAC
Rubus armeniacus	Himalayan Blackberry	FAC
SALICACEAE – Willow Family		
Populus fremontii	Fremont Cottonwood	UPL
Salix exigua	Narrowleaf Willow	FACW
Salix laevigata	Red Willow	FACW
SAPINDACEAE- Soapberry Family		
Aesculus californica	California Buckeye	UPL
SIMAROUBACEAE- Quassia Family		
Ailanthus altissima	Tree of Heaven	FACU
VITACEAE- Grape Family		
Vitis californica	California Grape	FACU
ZYGOPHYLLACEAE—Creosote-bush Family		
Tribulus terrestris	Puncturevine	UPL

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE PROJECT SITE

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX B
TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE PROJECT SITE

The species listed below are those that may reasonably be expected to use or pass through the habitats of the site. The list was not intended to include birds that are vagrants or occasional transients. Its purpose is rather to include those species that may be expected to routinely and predictably use or pass through the project site during some or all of the year. An asterisk denotes a species observed on or immediately adjacent to the site during surveys conducted for the current project by LOA on March 11, 2019 and/or July 28, 2022.

CLASS: AMPHIBIA
ORDER: SALIENTIA (Frogs and Toads)
FAMILY: BUFONIDAE
Western Toad (*Bufo boreas*)
FAMILY: HYLIDAE (Treefrogs and Relatives)
Sierra Treefrog (*Pseudacris sierra*)
ORDER: SALIENTIA (Frogs and Toads)
FAMILY: RANIDAE (True Frogs)
*Bullfrog (*Lithobates catesbeianus*)

CLASS: REPTILIA
ORDER: TESTUDINES
FAMILY: EMYDIDAE
Western Pond Turtle (*Emys marmorata*)
ORDER: SQUAMATA (Lizards and Snakes)
SUBORDER: SAURIA (Lizards)
FAMILY: PHRYNOSOMATIDAE
Western Fence Lizard (*Sceloporus occidentalis*)
Side Blotched Lizard (*Uta stansburiana*)
FAMILY: SCINCIDAE (Skinks)
Gilbert Skink (*Eumeces gilberti*)
FAMILY: TEIIDAE (Whiptails and relatives)
Western Whiptail (*Cnemidophorus tigris*)
FAMILY: ANGUIDAE (Alligator Lizards and Relatives)
Southern Alligator Lizard (*Elgaria multicarinata*)
SUBORDER: SERPENTES (Snakes)
FAMILY: COLUBRIDAE (Colubrids)
Ringneck Snake (*Diadophis punctatus*)
Gopher Snake (*Pituophis melanoleucus*)
Common Kingsnake (*Lampropeltis getulus*)
Common Garter Snake (*Thamnophis sirtalis*)
FAMILY: VIPERIDAE
Western Rattlesnake (*Crotalus viridis*)

CLASS: AVES

ORDER: ANSERIFORMES (Screamers, Ducks and Relatives)

FAMILY: ANATIDAE (Swans, Geese and Ducks)

Canada Goose (*Branta canadensis*)
Wood Duck (*Aix sponsa*)
Mallard (*Anas platyrhynchos*)
Common Merganser (*Mergus merganser*)

ORDER: GALLIFORMES (Megapodes, Currassows, Pheasants, and Relatives)

FAMILY: ODONTOPHORIDAE (New World Quail)

*California Quail (*Callipepla californica*)

FAMILY: PHASIANIDAE (Partridges, Grouse, Turkeys, and Old World Quail)

*Wild Turkey (*Melegris gallopavo*)

ORDER: COLUMBIFORMES (Pigeons and Doves)

FAMILY: COLUMBIDAE (Pigeons and Doves)

Rock Pigeon (*Columba livia*)
*Mourning Dove (*Zenaida macroura*)
*Eurasian Collared-Dove (*Streptopelia decaocto*)

ORDER: APODIFORMES (Swifts and Hummingbirds)

FAMILY: APODIFORMES (Swifts)

White-Throated Swift (*Aeronautes saxatalis*)

FAMILY: TROCHILIDAE (Hummingbirds)

*Anna's Hummingbird (*Calypte anna*)
Rufous Hummingbird (*Selasphorus rufus*)

ORDER: CHARADRIIFORMES (Plovers, Sandpipers, Gulls, and Terns)

FAMILY: CHARADRIIDAE (Plovers)

Killdeer (*Charadrius vociferus*)

ORDER: CICONIIFORMES (Herons, Storks, Ibises and Relatives)

FAMILY: ARDEIDAE (Herons and Egrets)

Great Blue Heron (*Ardea herodias*)

FAMILY: CATHARTIDAE (New World Vultures)

*Turkey Vulture (*Cathartes aura*)

ORDER: FALCONIFORMES (Vultures, Hawks, and Falcons)

FAMILY: ACCIPITRIDAE (Hawks, Old World Vultures, and Harriers)

Sharp-shinned Hawk (*Accipiter striatus*)
Cooper's Hawk (*Accipiter cooperi*)
Red-shouldered Hawk (*Buteo lineatus*)
Red-tailed Hawk (*Buteo jamaicensis*)

FAMILY: FALCONIDAE (Caracaras and Falcons)

American Kestrel (*Falco sparverius*)

ORDER: STRIGIFORMES (Owls)

FAMILY: TYTONIDAE (Barn Owls)

Barn Owl (*Tyto alba*)

FAMILY: STRIGIDAE (Typical Owls)

Western Screech Owl (*Otus kennicottii*)
Great Horned Owl (*Bubo virginianus*)

ORDER: CORACIIFORMES (Kingfishers and Relatives)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

FAMILY: ALCEDINIDAE (Kingfishers)
Belted Kingfisher (*Ceryle alcyon*)
ORDER: PICIFORMES (Woodpeckers and Relatives)
FAMILY: PICIDAE (Woodpeckers and Wrynecks)
*Acorn Woodpecker (*Melanerpes formicivorus*)
Red-Breasted Sapsucker (*Sphyrapicus ruber*)
Nuttall's Woodpecker (*Dryobates nuttallii*)
Downy Woodpecker (*Dryobates pubescens*)
*Hairy Woodpecker (*Dryobates villosus*)
Northern Flicker (*Colaptes auratus*)
ORDER: PASSERIFORMES (Perching Birds)
FAMILY: TYRANNIDAE (Tyrant Flycatchers)
Western Wood-Pewee (*Contopus sordidulus*)
Pacific-Slope Flycatcher (*Empidonax difficilis*)
*Black Phoebe (*Sayornis nigricans*)
Say's Phoebe (*Sayornis saya*)
Ash-Throated Flycatcher (*Myiarchus cinerascens*)
*Western Kingbird (*Tyrannus verticalis*)
FAMILY: VIREONIDAE (Typical Vireos)
Hutton's Vireo (*Vireo huttoni*)
Warbling Vireo (*Vireo gilvus*)
FAMILY: CORVIDAE (Jays, Magpies, and Crows)
*Western Scrub Jay (*Aphelocoma californica*)
American Crow (*Corvus brachyrhynchos*)
*Common Raven (*Corvus corax*)
FAMILY: HIRUNDINIDAE (Swallows)
Violet-green Swallow (*Tachycineta thalassina*)
Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)
Barn Swallow (*Hirundo rustica*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
FAMILY: PARIDAE (Titmice and Relatives)
*Oak Titmouse (*Baeolophus inornatus*)
FAMILY: AEGITHALIDAE (Bushtit)
Bushtit (*Psaltriparus minimus*)
FAMILY: SITTIDAE (Nuthatches)
White-Breasted Nuthatch (*Sitta carolinensis*)
FAMILY: TROGLODYTIDAE (Wrens)
Bewick's Wren (*Thryomanes bewickii*)
House Wren (*Troglodytes aedon*)
FAMILY: REGULIDAE (Kinglets)
Ruby-Crowned Kinglet (*Regulus calendula*)
FAMILY: SYLVIIDAE (Old World Warblers and Gnatcatchers)
Blue-Gray Gnatcatcher (*Polioptila caerulea*)
FAMILY: TURDIDAE (Thrushes)
Western Bluebird (*Sialia mexicana*)
Hermit Thrush (*Catharus guttatus*)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

*American Robin (*Turdus migratorius*)
FAMILY: TIMALIIDAE (Babblers)
Wrentit (*Chamaea fasciata*)
FAMILY: MIMIDAE (Mockingbirds and Thrashers)
*Northern Mockingbird (*Mimus polyglottos*)
FAMILY: STURNIDAE (Starlings and Allies)
European Starling (*Sturnus vulgaris*)
FAMILY: MOTACILLIDAE (Wagtails and Pipits)
American Pipit (*Anthus rubrescens*)
FAMILY: BOMBYCILLIDAE (Waxwings)
Cedar Waxwing (*Bombycilla cedrorum*)
FAMILY: PTILOGONATIDAE (Silky Flycatchers)
Phainopepla (*Phainopepla nitens*)
FAMILY: PARULIDAE (Wood Warblers and Relatives)
Orange-Crowned Warbler (*Vermivora celata*)
Yellow-Rumped Warbler (*Dendroica coronata*)
Black-Throated Gray Warbler (*Dendroica nigrescens*)
Common Yellowthroat (*Geothlypis trichas*)
FAMILY: EMBERIZIDAE (Emberizines)
*Spotted Towhee (*Pipilo maculatus*)
*California Towhee (*Pipilo crissalis*)
Lark Sparrow (*Chondestes grammacus*)
Savannah Sparrow (*Passerculus sandwichensis*)
Fox Sparrow (*Passerella iliaca*)
Song Sparrow (*Melospiza melodia*)
White-Crowned Sparrow (*Zonotrichia leucophrys*)
Golden-Crowned Sparrow (*Zonotrichia atricapilla*)
Dark-Eyed Junco (*Junco hyemalis*)
FAMILY: CARDINALIDAE (Cardinals, Grosbeaks and Allies)
Black-Headed Grosbeak (*Pheucticus melanocephalus*)
Blue Grosbeak (*Passerina caerulea*)
Lazuli Bunting (*Passerina amoena*)
FAMILY: ICTERIDAE (Blackbirds, Orioles and Allies)
Brewer's Blackbird (*Euphagus cyanocephalus*)
Brown-Headed Cowbird (*Molothrus ater*)
Bullock's Oriole (*Icterus bullockii*)
FAMILY: FRINGILLIDAE (Finches)
*House Finch (*Carpodacus mexicanus*)
*Lesser Goldfinch (*Carduelis psaltria*)
American Goldfinch (*Carduelis tristis*)
FAMILY: PASSERIDAE (Old World Sparrows)
*House Sparrow (*Passer domesticus*)

CLASS: MAMMALIA
ORDER: DIDELPHIMORPHIA (Marsupials)
FAMILY: DIDELPHIDAE (Opossums)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Virginia Opossum (*Didelphis virginiana*)

ORDER: INSECTIVORA (Shrews and Moles)

FAMILY: TALPIDAE (Moles)

Broad-footed Mole (*Scapanus latimanus*)

ORDER: CHIROPTERA (Bats)

FAMILY: VESPERTILIONIDAE (Vespertilionid Bats)

Yuma Myotis (*Myotis yumanensis*)
Long-eared Myotis (*Myotis evotis*)
Fringed Myotis (*Myotis thysanodes*)
California Myotis (*Myotis californicus*)
Little Brown Myotis (*Myotis lucifugus*)
Western Red Bat (*Lasiurus blossevillii*)
Hoary Bat (*Lasiurus cinereus*)
Big Brown Bat (*Eptesicus fuscus*)
Spotted Bat (*Euderma maculatum*)
Townsend's Big-eared Bat (*Corynorhynus townsendii*)
Pallid Bat (*Antrozous pallidus*)

FAMILY: MOLOSSIDAE (Free-tailed Bat)

Brazilian Free-tailed Bat (*Tadarida brasiliensis*)

ORDER: LAGOMORPHA (Rabbits, Hares, and Pikas)

FAMILY: LEPORIDAE (Rabbits and Hares)

Brush Rabbit (*Sylvilagus bachmani*)
Audubon's Cottontail (*Sylvilagus audubonii*)
Black-Tailed Jackrabbit (*Lepus californicus*)

ORDER: RODENTIA (Squirrels, Rats, Mice, and Relatives)

FAMILY: SCIURIDAE (Squirrels, Chipmunks, and Marmots)

*California Ground Squirrel (*Spermophilus beecheyi*)
*Western Gray Squirrel (*Sciurus griseus*)

FAMILY: GEOMYIDAE (Pocket Gophers)

Botta's Pocket Gopher (*Thomomys bottae*)

FAMILY: CRICETIDAE (Deer Mice, Voles, and Relatives)

California Pocket Mouse (*Perognathus californicus*)
Western Harvest Mouse (*Reithrodontomys megalotis*)
California Mouse (*Peromyscus californicus*)
Deer Mouse (*Peromyscus maniculatus*)
Brush Mouse (*Peromyscus boylii*)
House Mouse (*Mus musculus*)
Meadow Vole (*Microtus californicus*)
*Dusky-footed Woodrat (*Neotoma fuscipes*)

ORDER: CARNIVORA (Carnivores)

FAMILY: CANIDAE (Foxes, Wolves, and Relatives)

Coyote (*Canis latrans*)
Gray Fox (*Urocyon cinereoargenteus*)

FAMILY: PROCYONIDAE (Raccoons and Relatives)

Raccoon (*Procyon lotor*)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

FAMILY: MUSTELIDAE (Weasels, Badgers, and Relatives)
Long-tailed Weasel (*Mustela frenata*)
FAMILY: MEPHITIDAE
Striped Skunk (*Mephitis mephitis*)
FAMILY: FELIDAE
Feral Cat (*Felis catus*)
Mountain Lion (*Felis concolor*)
Bobcat (*Felis rufus*)
FAMILY: CERVIDAE (Deer, Elk and Relatives)
*Mule Deer (*Odocoileus hemionus*)

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX C: REPRESENTATIVE PHOTOS OF THE PROJECT SITE

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



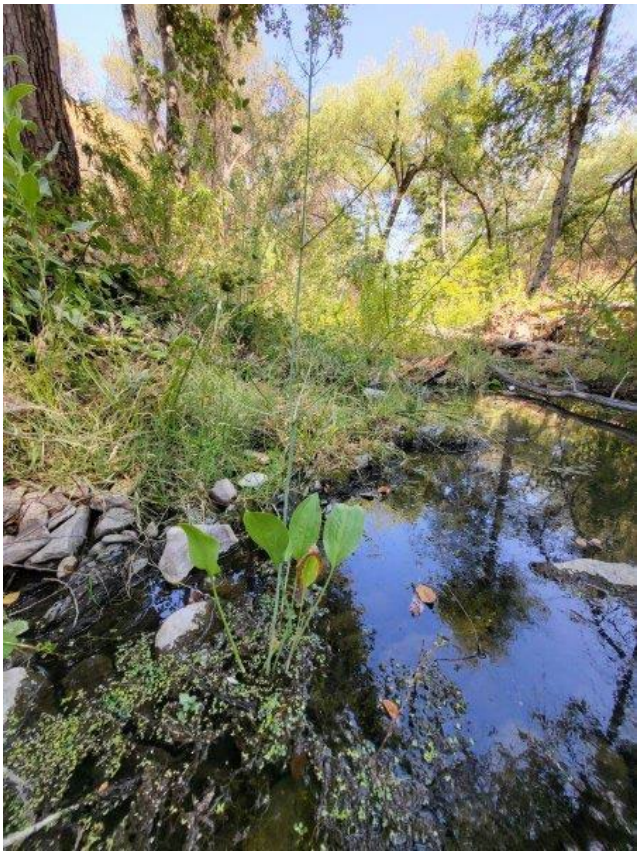
Photos 1 (above) and 2 (below). Mixed riparian woodland habitat associated with the project site's reach of Mariposa Creek.



Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photos 3 (above) and 4 (below). Riverine habitat associated with the project site's reach of Mariposa Creek.



Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 5 (above). Existing creekside trail within the Phase III improvement area, with the creek corridor visible at left. **Photo 6 (below).** Ruderal/developed lands near east end of the Phase III improvement area.



Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 7 (above). Ruderal/developed lands near east end of the Phase III improvement area. **Photo 8 (below).** Ruderal/developed lands associated with 11th Street Paseo improvement area.



Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 9 (above). Ruderal/developed lands associated with Jessie Street improvement area.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Appendix C: Phase I Cultural Resources Survey

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

PHASE I CULTURAL RESOURCES SURVEY FOR THE MARIPOSA PARKWAY PROJECT, MARIPOSA COUNTY, CALIFORNIA

Prepared for:

Mr. Michael Osborn
Provost & Pritchard Consulting Group
455 West Fir Avenue
Clovis, CA 93611-0242

Prepared by:

Peter A. Carey, M.A., RPA
Principal Investigator

Robert Azpitarte, B.A.
Associate Archaeologist

and

K. Ross Way, A.A.
Associate Archaeologist

ASM Affiliates, Inc.
20424 West Valley Blvd., Suite A
Tehachapi, California 93561

November 2022

PN 36510.22

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Page is intentionally blank

TABLE OF CONTENTS

Chapter **Page**

MANAGEMENT SUMMARY ..... **iii**

1. INTRODUCTION AND REGULATORY CONTEXT **1**
1.1 PROJECT LOCATION 1
1.2 PROJECT DESCRIPTION AND STUDY AREA 1
1.3 REGULATORY CONTEXT 2
1.3.1 California Environmental Quality Act 2

2. ENVIRONMENTAL AND CULTURAL BACKGROUND **5**
2.1 ENVIRONMENTAL BACKGROUND 5
2.2 ETHNOGRAPHIC BACKGROUND 5
2.3 PRE-CONTACT ARCHAEOLOGICAL BACKGROUND 6
2.4 HISTORICAL BACKGROUND 7

3. ARCHIVAL RECORDS SEARCH AND TRIBAL OUTREACH **9**
3.1 ARCHIVAL RECORDS SEARCH 9
3.2 TRIBAL OUTREACH 12

4. METHODS AND RESULTS **13**
4.1 FIELD METHODS 13
4.2 SURVEY RESULTS 13
4.2.1 Previously Recorded Sites 15
4.2.2 Newly Recorded Sites 16

5. SUMMARY AND RECOMMENDATIONS **19**
5.1 RECOMMENDATIONS 19

REFERENCES **21**

CONFIDENTIAL APPENDICES **23**
Confidential Appendix A: Records Search and Tribal Outreach
Confidential Appendix B: Site Records

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

LIST OF FIGURES

Page

Figure 1. Location of the Mariposa Parkway Project, Mariposa County, California..... 3
Figure 2. Project study area, looking south..... 14
Figure 3. Project study area, looking northwest..... 14

LIST OF TABLES

Page

Table 1. Survey Reports within the Study Area..... 9
Table 2. Resources within the Study Area..... 9
Table 3. Survey Reports within 0.25-mi of the Study Area..... 10
Table 4. Resources within 0.25-mi of the Study Area..... 10
Table 5. MARIPOSA-SITE-1 Feature Designations, Dimensions, and Descriptions..... 16
Table 6. MARIPOSA-SITE-2 Feature Designations, Dimensions, and Descriptions..... 17

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

MANAGEMENT SUMMARY

An intensive Phase I survey was conducted for the Mariposa Parkway Project (Project), Mariposa County, California. The Project is located in the town of Mariposa in an unsectioned portion of the Las Mariposas Land Grant. ASM Affiliates, Inc., conducted this study, with Peter A. Carey, M.A., RPA, serving as Principal Investigator. The study was undertaken to assist with compliance with the California Environmental Quality Act (CEQA). The study area for the Project totals approximately 11.8-acres (ac) located between 8th Street and Joe Howard Street.

A records search of site files and maps was conducted at the Central California Archaeological Information Center (IC), California State University, Stanislaus. A Sacred Lands File (SLF) search request was also submitted to the Native American Heritage Commission (NAHC). These investigations determined that three previous surveys had been conducted within the Project study area and thirteen previous surveys had been conducted within a 0.25-mile (mi) radius of the study area. There are three resources known to exist within the Project study area and 48 resources known to exist within a 0.25-mi radius. A search of the SLF by the NAHC indicated that no tribal cultural resources were known to exist within the study area. Mariposa County sent outreach letters by certified mail on 29 July 2022 to tribes on the NAHC contact-list. Follow-up emails were sent to the tribes on 15 September 2022. As of the writing of this report, no responses have been received.

The Phase I survey fieldwork was conducted in August and October 2022 with parallel transects spaced at 15-meter (m) intervals walked across the approximately 11.8-ac study area. The study area includes approximately 0.4-mi of Mariposa Creek and a 0.2-mi connecting corridor of existing rights-of-way along Highway 49 (Central Yosemite Highway).

The three previous resources known to exist within the study area are P-22-001393 (milling station), P-22-002016 (historic district), and P-22-002068 (mining features and refuse). Of those three previously recorded resources, P-22-001393 could not be located due to heavy vegetation overgrowth; no elements of P-22-002016 (historic district) were identified within the study area, and elements of P-22-002068 recorded within the study area were found to have been destroyed. Two newly identified cultural resources were recorded during the survey and given the temporary field designations MARIPOSA-SITE-1 (prehistoric milling stations) and MARIPOSA-SITE-2 (historic-era water conveyance features).

Since the location of site P-22-001393 could not be accessed to confirm its presence or absence due to vegetation overgrowth, it is recommended that the recorded site location be avoided and preserved in place. If avoidance is not possible, it is recommended that a qualified archaeologist monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, it is recommended the site be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).

It is recommended that MARIPOSA-SITE-1 be avoided and preserved in place. To ensure the site is avoided, it is recommended that project activities do not occur within 10-m of the site boundary.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

If avoidance by project design is not possible, it is recommended that the site be subject to a formal evaluation for eligibility to the CRHR.

Site MARIPOSA-SITE-2 is recommended as not eligible for inclusion in the CRHR due to a lack of integrity and research potential. Any development or use of the site location will not have an adverse effect on significant or unique historical resources.

With the avoidance of sites P-22-001393 and MARIPOSA-SITE-1, any proposed future use or development within the 11.8-ac study area does not have the potential to result in adverse impacts to unique or significant historical resources. A determination of no significant impacts for cultural resources is therefore recommended. It is further recommended that, in the unlikely event that cultural resources are encountered during any construction or use of the study area, a qualified archaeologist be contacted to assess the discovery.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

1. INTRODUCTION AND REGULATORY CONTEXT

ASM Affiliates, Inc., was retained by the Provost and Pritchard Consulting Group to conduct an intensive Phase I cultural resources survey for the Mariposa Parkway Project, Mariposa County, California. The study was undertaken to assist with compliance with the California Environmental Protection Act (CEQA). The investigation was conducted, specifically, to ensure that significant impacts or adverse effects to historical resources or historic properties do not occur as a result of Project construction.

This current study included:

- A background records search and literature review to determine if any known cultural resources were present in the project zone and/or whether the area had been previously and systematically studied by archaeologists;
- An on-foot, intensive inventory of the study area to identify and record previously undiscovered cultural resources and to examine known sites; and,
- A preliminary assessment of any such resources found within the subject property.

Peter A. Carey, M.A., RPA, served as Principal Investigator and Robert Azpitarte, B.A., ASM Associate Archaeologist, conducted the fieldwork for this study.

This document constitutes a report on the Phase I survey. Subsequent chapters provide background to the investigation, including historic context studies; the findings of the archival records search; Native American outreach; a summary of the field surveying techniques employed; and the results of the fieldwork. We conclude with management recommendations for the study area.

1.1 PROJECT LOCATION

The Project is located in Mariposa, in an unsectioned portion of the Las Mariposas Land Grant. Mariposa is located approximately 36-mi northeast of Merced and 27-mi northwest of Oakhurst. This places it in the western slopes of the Sierra Nevada Foothills. More specifically, the Project study area is located at the intersection of Highway 49 and Highway 140. Mariposa is a smaller incorporated, urban population center with an outlying low-density rural housing community that surrounds the Project location.

1.2 PROJECT DESCRIPTION AND STUDY AREA

The Project study area includes approximately 0.4-mi of Mariposa Creek and a 0.2-mi connecting corridor of existing right-of-way (ROW) along Highway 49 (Central Yosemite Highway). The project will include adjacent, undeveloped portions of land located between 8th Street to Joe Howard Street and developed land (paved) along Highway 49. The study area totals approximately 11.8-ac and will include an existing section of a creek-side trail from 8th Street to Joe Howard Street, located on the west side of Mariposa Creek. The County of Mariposa Public Works Department seeks to extend this previous section of creek-side trail from 8th Street to Joe Howard

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Street, making a connection from the County Park to local businesses and a future transit center. The study area includes all construction, staging, and lay-down areas for the project.

1.3 REGULATORY CONTEXT

1.3.1 California Environmental Quality Act

CEQA is applicable to discretionary actions by state or local lead agencies. Under CEQA, lead agencies must analyze impacts to cultural resources. Significant impacts under CEQA occur when "historically significant" or "unique" cultural resources are adversely affected, which occurs when such resources could be altered or destroyed through project implementation. Historically significant cultural resources are defined by eligibility for or by listing in the CRHR. In practice, the federal NRHP criteria (below) for significance applied under Section 106 are generally (although not entirely) consistent with CRHR criteria (see PRC § 5024.1, Title 14 CCR, Section 4852 and § 15064.5(a)(3)).

Significant cultural resources are those archaeological resources and historical properties that:

(A) Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Are associated with the lives of persons important in our past;

(C) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or

(D) Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent:

> An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
>
> (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
>
> (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

Preservation in place is the preferred approach under CEQA to mitigating adverse impacts to significant or unique cultural resources.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

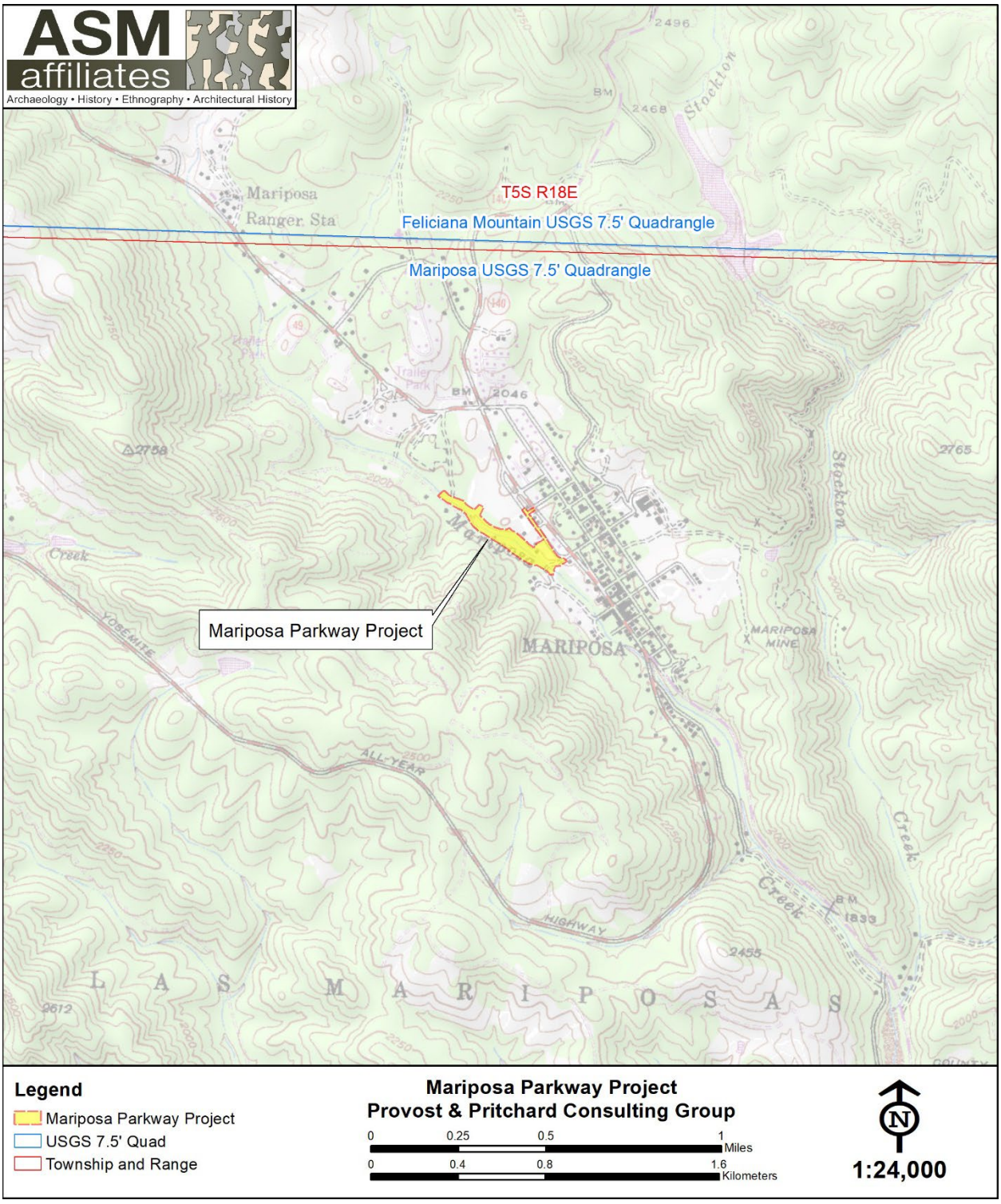


Figure 1. Location of the Mariposa Parkway Project Study Area, Mariposa County, California.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Page is intentionally blank

2. ENVIRONMENTAL AND CULTURAL BACKGROUND

2.1 ENVIRONMENTAL BACKGROUND

The Project location, in southwestern Mariposa County, is in the western foothills of the Sierra Nevada at an elevation of about 1,950 feet (ft) above mean seal level (amsl). In pre-contact times this general area appears to have been transitional from the Valley Grasslands to the Oak Woodlands biotic communities (cf. Schoenherr 1992). It would have been characterized by a variety of species of bunch grasses within a low cover canopy of live oak. Historic ranching has resulted in the elimination of most of the indigenous grasses, however, with undeveloped landscape currently covered with introduced grasses among the still-standing oaks.

2.2 ETHNOGRAPHIC BACKGROUND

Mariposa is located within the territory of the Southern Sierra Miwok (alternatively Me-Wuk or Miwuk). The Sierra Miwok, members of the Penutian language group (Levy 1978), occupied the territory between the Mokelumne and Fresno rivers, as well as the full width of the west slope of the Sierra Nevadas, from the edge of the Central Valley to the Sierra crest (Moratto 1984:290).

The socio-political structure of the Southern Sierra Miwoks is based on the patrilineal joint family acting as an independent autonomous political unit (Kroeber 1925; Levy 1978). The men of the lineage remained at their ancestral home, bringing their wives to live with them, and sending their daughters and sisters to their husbands' homes. The patriarch, as head of the unit, was chief. Chieftainship was normally passed down directly from father to eldest son. As a land-owning group, the lineage-maintained lands to be shared in common by all members of the family unit.

The Sierra Miwok lived in permanent settlements of "10 or 15 to several hundred people," usually on the southern exposure of ridges or knolls and close to water sources (Moratto 1984:290). The larger, main villages generally consisted of family dwellings, acorn granaries, bedrock mortars, a sweat house, a headman's house, and a ceremonial structure. The main villages were usually surrounded by smaller settlements related by kinship and economic ties to the primary village.

Dwellings were conical, ranging from 8 to 15 feet in diameter, and covered by slabs of cedar bark, or bark from other conifers (Levy 1978). Each dwelling had a shallow dirt fireplace in its center for warmth and light. Most cooking was done in the earth oven located next to the fire. The oven was often a simple pit, 12 to 18 inches deep by as many inches wide. Food was cooked, baked, or steamed by placing hot stones among the cooking items; acorn bread, greens, bulbs, corms (short, thick, solid, food-storing underground stems), meat, and fish.

Subsistence was gained by harvesting plants, hunting, and fishing (Moratto 1984:290). Important staple items included black and golden oak acorns, buckeye nuts, and pine nuts. Additionally, snares, traps, nets, and bow and arrows were used to hunt mule deer, pronghorn, black bear, rabbits,

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

quail, and pigeons. Salmon, trout, suckers, whitefish, and sturgeon were caught by hook, net, trap, poison, and captured by hand.

The influx of outsiders to the central Sierra region during the Gold Rush period resulted in a major disruption for the Miwoks and their way of life. Within a decade, introduced diseases, environmental damage, and cultural conflicts with the outsiders had decimated much of the population. Despite this calamity, some tribal members managed to survive and have continued their cultural traditions.

2.3 PRE-CONTACT ARCHAEOLOGICAL BACKGROUND

The prehistory of the Sierra Nevada Mountains has been described in detail by Moratto (1984) who places Mariposa and the nearby Yosemite Valley in the central Sierran archaeological subregion, encompassing the watersheds of the Cosumnes, Mokelumne, Calaveras, Stanislaus, Tuolumne, Merced, Chowchilla, and Fresno rivers (1984:288). Evidence indicates that Yosemite Valley has been inhabited for as long as 4,000 to 6,000 years before present (YBP). In addition, archaeological sites in the vicinity of El Portal indicate that the Merced River canyon may have been inhabited as early as 9,500 years ago (NPS 2000). Substantial additional evidence of early occupation is found in the central valley, especially to the southwest around Tulare Lake, where a number of sites are known to date to the *Paleoindian Period*, circa 12,500 to 9,000 YBP.

Less evidence for early occupation has then been found at higher elevations, off the valley floor, a circumstance which may be due to preservation issues or potentially the changing nature of land-use during early pre-contact times. In general terms at least occasional use of the Sierra and foothills occurred during the *Early* and *Middle Archaic*, circa 9,000 to 4,000 YBP, as signaled by discoveries of characteristic projectile points or spear points. Substantial occupation had occurred by the *Late Archaic* (4000 to 1500 YBP) and *Late Prehistoric* (1500-150 YBP) periods, however. Moratto (1984) has defined a cultural sequence for these periods at the Buchanan Reservoir/Eastman Lake, about 12-mi due south of Catheys Valley, that is pertinent to the Project location.

Moratto's *Chowchilla Phase* (2300 YBP to 1700 YBP) is characterized by a few relatively large villages near rivers, with a corresponding large population size. Subsistence appears to have followed a generalized hunting and gathering pattern with little specialization. Trade occurred both with Great Basin groups to the east, and the lowland populations in the Central Valley to the west. This phase appears to represent a widespread expansion of populations across many California environments and an increase in population size which occurred during the Late Archaic period in many parts of the state (Whitley 2000). At least initially, this was associated with (and may have been at least partly influenced by) favorable climatic conditions at the beginning of this period, known as the Mid-Holocene Optimum.

The *Raymond Phase* (1700 YBP – 500 YBP) experienced a diminution in villages and population sizes and a fall-off in trade, but an increasing reliance on acorn processing in subsistence practices. This phase appears to correlate with sub-optimal climatic conditions that started with the so-called Medieval Climatic Anomaly, which was a period of drought, followed by the Little Ice Age, characterized by colder temperatures.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

The *Madera Phase* (500 YBP – 150 YBP) represents the lifeways recorded for the Miwok ethnographically. It was marked large villages near rivers with smaller settlements dispersed in the hinterlands, large population size, intensive exploitation of the acorn, and the appearance of Brownware ceramics.

2.4 HISTORICAL BACKGROUND

Some of the earliest nonindigenous explorations of the Sierra Nevada mountains include Euro American explorers and fur trappers such as Jedediah Smith, Kit Carson, and Joseph Walker. The earliest of these nonindigenous expeditions and explorations took place in 1827 with Jedediah Smith and continued into the 1840s with small group expeditions trekking across the Sierra Nevada. Cartographers and explorers continued to explore the Sierra Nevada throughout the late nineteenth and early twentieth centuries, with Yosemite Valley becoming the first federally protected region of the Sierra in 1864 (Farquhar 1925).

The discovery of gold in northern California in 1848 resulted in a dramatic increase in population, consisting of a good portion of fortune seekers and gold miners who began to scour other parts of the state. After 1851, when gold was discovered in the Sierra Nevada mountains in eastern Kern County, the area's population snowballed. In California in 1848, with the exclusion of indigenous inhabitants, the population was 10,000 residents, and in just over five years, that number increased to 250,000 residents (Dilsaver 1983). Some new immigrants began ranching in the San Joaquin Valley to supply the miners and mining towns. Ranchers grazed cattle and sheep, and farmers dry-farmed or used limited irrigation to grow grain crops, leading to the creation of small agricultural communities throughout the valley (JRP Historical Consulting 2009).

The general area that would become Mariposa was originally encountered in September 1806 during the expedition of Lieutenant Gabriel Moraga of the Mexican Army, which bestowed the name Las Mariposas (The Butterflies) on the region because of the incredible number of Monarch butterflies they encountered. The Merced River, El Rio Nuestra Senora de la Merced (The River of Our Lady of Mercy), also was named by Lieutenant Moraga when he and his soldiers had just completed a 40-mile march (Cook 1960). The first American to make a mark in Mariposa County history was the frontier explorer, John C. Frémont. In 1847, Thomas O. Larkin inadvertently purchased the Rancho Las Mariposas instead of Rancho Santa Cruz for Frémont from the Mexican government. Frémont was at first upset with the accidental purchase of this seemingly worthless, isolated Indian land that lacked any farms or ranchlands; however, he changed his tune when gold was discovered the following year. Mariposa turned out to be at the southern end of the mother lode and settlers soon inundated the area (Yosemite 2022).

Mariposa was originally founded as a mining camp on Agua Fría Creek approximately 6-mi west of present-day Mariposa. The town was moved to its current location in 1850 due to dwindling gold returns in Agua Fría Creek and frequent fires and flooding. The Frémont adobe, built as Frémont's office in 1850, was one of the first permanent structures in the new town that would become the county seat of Mariposa County the following year. The Mariposa courthouse was constructed in 1854 and is still in operation (Durham 1998). The town has many additional structures, a few of which are the Mariposa Meat Market (1859), the Bogan Building (1850s), the

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

International Order of Oddfellow's (I.O.O.F.) Hall (1855), and the Capitol Saloon (1867). The Masonic Hall was constructed in 1851 and after fires in 1858 and 1866, the hall was rebuilt again in 1917. It has been recently renovated. The present-day Mariposa Hotel was originally Gallison's Hotel housed in the Stolder Building from 1877 until it burned in 1887. It was rebuilt in 1901. (Gallucci n.d.).

While tourism has played a part in the economy of Mariposa since the 1870s, it wasn't until the route now known as Highway 140 was completed in 1926 that it really took off. For the first time, Yosemite travelers were passing through the heart of Mariposa. At the same time, the increasing affordability of automobiles meant that more people than ever were able to travel at their leisure (Yosemite 2022). Tourism still plays a major role in Mariposa's economy, with over 50 percent of the population employed in tourism related industries (DataUSA 2020).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3. ARCHIVAL RECORDS SEARCH

3.1 ARCHIVAL RECORDS SEARCH

In order to determine whether the study area had been previously surveyed for cultural resources, and/or whether any such resources were known to exist on any of them, an archival records search was conducted by the staff of the Central California Information Center (IC) on 14 June 2022. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study areas; (ii) if the project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the field project was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

According to the ICs record search, Records Search File No. 12208M, three surveys had been conducted within the study area (Table 1) and three cultural resources had been recorded within the study area (Table 2). An additional 13 studies had been completed within a 0.25-mi radius of the study area (Table 3), resulting in the recording of forty-eight cultural resources within that radius (Table 4). The records search and a map of previous reports and recorded cultural resources in and around the study area are presented in Confidential Appendix A.

Table 1. Survey Reports within the Mariposa Parkway Project Study Area

Report No.	Year	Author (s)/Affiliation	Title
MP-02227	1982	R. Mendershausen/ Mariposa County Historical Society	Historic Survey Project, Mariposa, California, March 1, 1981 to April 30, 1982, Final Completion Report (Mariposa County)
MP-04301	2001	S. Davis-King/ Davis-King & Associates for Mariposa County Dept. of Public Works	Historic Resources Survey Report (Positive) for the Mariposa Creek Parkway Phase 2 Pedestrian Improvements, Mariposa County, California
MP-08827	2018	J. Brady/ CalTrans	Finding of No Adverse Effect for the Mariposa Crosswalks Project, Mariposa County, California; 10-MPA-140, PM 21.20/22.80, EA:10-0Y600; Project ID 1300 0244

Table 2. Resources within the Project Study Area

Primary #	Type	Description
P-22-001393	Site	Bedrock mortar
P-22-002016	District	Mariposa Historic District
P-22-002068	Site	Mining features and refuse

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Table 3. Survey Reports within the 0.25-mi of the Study Area

Report No.	Year	Author (s)/Affiliation	Title
MP-00537	1990	S. Page/ Susan E. Page	Negative Archaeological Survey Report, District 10, Mariposa County, Highway 49 Widening Project
MP-02796	1996	L.K. Napton/ L.K. Napton	Negative Archaeological Survey Report, 10-MP-Joe Howard-Fournier Road, Mariposa County
MP-04007	2000	R.S. Levy, E. Wulf, T. Keefe/ CalTrans District 10	Archaeological Survey Report for the Storm Damage Restoration Project on California State Highway 140 in Mariposa County, CA 10-MPA-140, KP 54.72-83.36 (PM 34.1/51.8)
MP-04700	2001	C.I. Busby/ Basin Research Associates & William Kostura, Historian	Historic Property Survey Report for Four Proposed Yosemite Area Regional Transportation System (YARTS) Staging Areas on State Route 140: Colorado Road, Midpines Post Office, Triangle Road, and State Route 49 Miners Inn, in Mariposa County
MP-06707	2008	D.M. Varner/ Varner Associates, for Lawson Construction	A Cultural Resource Study of Vacant Parcels in the Town of Mariposa, Mariposa County, California
MP-07346	2010	S. March/ Sierra National Forest High Sierra Ranger District	Mariposa Storage Shed Demolition; a Sierra National Forest Project Funded through the American Recovery and Reinvestment Act of 2009; Heritage Resource Management Report, R2010051551030
MP-07415	2001	T. Phillips/ Mariposa Historical Society	The Fremont Adobe: The Oldest Building in Mariposa. The Mariposa Sentinel, Vol. 44, No. 4: 5
MP-08710	2018	A. Whitaker, A. Ugan & T. Hildebrandt/ Far Western Anthropological Research Group, Inc. for Caltrans District 10	Director's Orders Hazard Tree Removal Survey and Site Assessment along State Routes 49 and 140, Mariposa County, California, EA 10-1G430
MP-08917	2018	H. Dallas & D. Ruzicka/ CalFire	An Archaeological Survey and Site Report for the Detwiler Incident in Mariposa County, California
MP-09011	2019	S.M. Hudlow/ Hudlow Cultural Resource Associates	A Phase I Cultural Resources Survey for Self-Help Enterprises, Mariposa Village Apartments, Mariposa, Mariposa County, California
MP-09112	2018	A. Ugan & A. Whitaker/ Far Western Anthropological Research Group, Inc. for Caltrans District 10	Archaeological Survey Report. 2018 Hazard Tree Removal Project, State Route 120, District 10, Tuolumne and Mariposa Counties, California
MP-09112A	2018	A. Parker and A. Whitaker/ Far Western Anthropological Research Group, Inc. for Caltrans District 10	Cultural Resources Monitoring Report. Hazard Tree Removal Project, State Route 140, District 10, Tuolumne and Mariposa Counties, California
MP-09112B	2019	A. Whitaker/ Far Western Anthropological Research Group, Inc. for Caltrans District 10	Historic Property Survey Report for CalTrans Hazard Tree Removal Project, District 10, Segment 2: Tuolumne Mariposa Counties, California, State Routes 108, 120 and 140; E-FIS 10-1800-0018, EA 10-1F6423 [Survey Area Extends in Alpine County]

Table 4. Resources within the 0.25-mi of the Study Area

Primary #	Type	Age
P-22-002017	Building	Historic
P-22-002018	Building	Historic
P-22-002067	Site	Prehistoric
P-22-002298	Building	Historic
P-22-002307	Building	Historic
P-22-002312	Building	Historic

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 1116

Primary #	Type	Age
P-22-002320	Building	Historic
P-22-002322	Building	Historic
P-22-002329	Site	Multicomponent
P-22-002346	Building	Historic
P-22-002350	Building	Historic
P-22-002354	Building	Historic
P-22-002356	Building	Historic
P-22-002362	Building	Historic
P-22-002379	Building	Historic
P-22-002380	Building	Historic
P-22-002382	Building	Historic
P-22-002384	Building	Historic
P-22-002388	Building	Historic
P-22-002389	Building	Historic
P-22-002390	Building	Historic
P-22-002391	Building	Historic
P-22-002392	Building	Historic
P-22-002394	Building	Historic
P-22-002396	Building	Historic
P-22-002397	Building	Historic
P-22-002398	Building	Historic
P-22-002408	Building	Historic
P-22-002414	Building	Historic
P-22-002418	Building	Historic
P-22-002420	Building	Historic
P-22-002421	Building	Historic
P-22-002423	Building	Historic
P-22-002425	Building	Historic
P-22-002427	Building	Historic
P-22-002428	Building	Historic
P-22-002429	Building	Historic
P-22-002434	Building	Historic
P-22-002438	Building	Historic
P-22-002439	Building	Historic
P-22-002440	Building	Historic
P-22-002441	Building	Historic
P-22-002454	Building	Historic
P-22-002462	Building	Historic
P-22-002464	Building	Historic
P-22-002465	Building	Historic
P-22-003200	Building	Historic

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3.2 TRIBAL OUTREACH

A search of the SLF by the NAHC was completed for the Project on 21 July 2022. The results of the search indicated that no known sacred sites or tribal cultural resources were located within the study area. Mariposa County sent outreach letters by certified mail on 29 July 2022 to the tribes listed on the NAHC contact list. Follow-up emails were sent to the tribes on 15 September 2022. No responses have been received as of the writing of this report. The SLF results and the outreach documentation are provided in Confidential Appendix A.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4. METHODS AND RESULTS

4.1 FIELD METHODS

An intensive Phase I survey of the Project study area was conducted by ASM Associate Archaeologist Robert Azpitarte, B.A., in August and October 2022. The field methods employed included intensive pedestrian examination of the ground surface for evidence of archaeological sites in the form of artifacts, surface features (such as bedrock mortars, historical mining equipment), and archaeological indicators (e.g., organically enriched midden soil, burnt animal bone); the identification and location of any discovered sites, should they be present; tabulation and recording of surface diagnostic artifacts; site sketch mapping; preliminary evaluation of site integrity; and site recording, following the California Office of Historic Preservation Instructions for Recording Historic Resources, using DPR 523 forms. Parallel survey transects spaced at 15-m apart were employed for the inventory.

4.2 SURVEY RESULTS

The Mariposa Parkway Project study area includes approximately 0.4-mi of Mariposa Creek (Figure 2) and a 0.2-mi connecting corridor of existing ROW along Highway 49 (Central Yosemite Highway; Figure 3). The project will include adjacent, undeveloped portions of land located between 8th Street to Joe Howard Street and developed land (paved) along Highway 49. The study area includes an existing section of a creek-side trail from 8th Street to Joe Howard Street, located on the west side of Mariposa Creek. At the time of the current survey the involved segment of Mariposa Creek was dry, with short sections of standing water noted mainly on the northeast.

Modern refuse (e.g., plastics, paper products, clothing, cans, bottles, building materials, wood debris) was observed along the entire stretch of Mariposa Creek within the study area. Vegetation in the area consists of Southern Sierra riparian flora and seasonal grasses. Heavy vegetation, primarily on the northeast end of the project, impeded effective survey in certain places. Visibility within the study area varied from poor to excellent.

The IC results indicated that three previous resources were known to exist within the study area: P-22-001393 (milling station), P-22-002016 (historic district), and P-22-002068 (mining features and refuse). Of the three previously recorded resources, P-22-001393 was inaccessible at the time of the survey due to overgrowth; no elements of P-22-002016 (historic district) were identified within the study area, and the portion of P-22-002068 within the study area was found to have been destroyed. Two new resources were identified during the Phase I survey and given the temporary field designations MARIPOSA-SITE-1 and MARIPOSA-SITE-2. MARIPOSA-SITE-1 consists of numerous bedrock mortar (BRM) features and a single petroglyph panel. MARIPOSA-SITE-2 consists of multiple water conveyance features.

More detailed information on the above sites is presented below. All site photographs and GIS location and sketch maps are provided in Confidential Appendix B. Note that no updates were performed on P-22-001393 and P-22-002016. A site record update for P-22-002068 was created to document that the site has been partially destroyed.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Figure 2. Project study area, looking south.

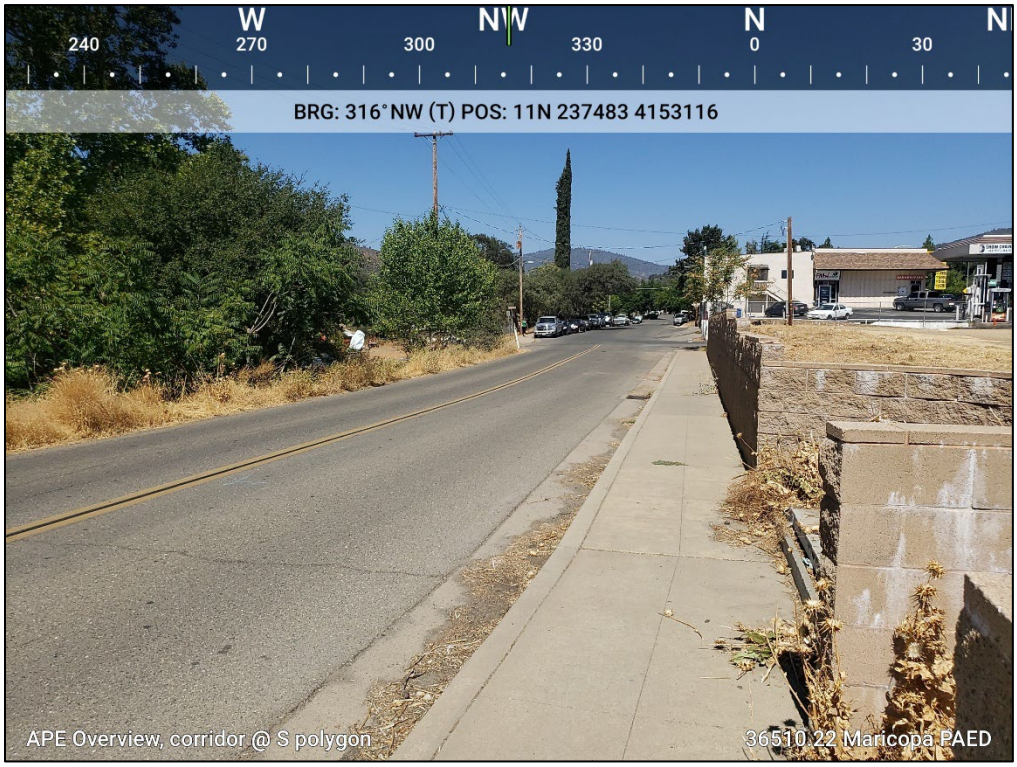


Figure 3. Project study area, looking northwest.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 1120

4.2.1 Previously Recorded Sites

P-22-001393/CA-MRP-1099

The resource consists of a bedrock milling feature with a single BRM situated on the north bank of Mariposa Creek. This site was originally identified by Mr. Mark Rowny (Mariposa Public Utilities) on an unknown date and subsequently recorded by Dr. L.K. Napton (CSUS) in 1991.

During the Phase I survey, the site area was completely overgrown with thornbush and could not be accessed. The resource may still exist within the overgrowth; however, unless the vegetation is cleared there is no way to properly investigate the area.

P-22-002016 (Town of Mariposa Historic District)

The resource consists of the Town of Mariposa Historic District. The district extends roughly between Highway 140 (Charles Street) and Jones Street, and 4th Street though 11th Street. The district was initially recorded in 1980 (J. Pitti and A. Castaneda) as part of a Chicano/Latino Survey. In 1982, B. Schroeder and R. Mendershausen completed a Historic Sites Survey of the district, and it was later revisited in 1990 (R. Mendershausen) as part of the Mariposa County Historic Resource Survey. In 1991, the Town of Mariposa Historic District was inducted into National Register of Historic Places at a state level.

ASM investigated a small portion of the district which falls within the current study area. This area is located immediately east of Jessie Street and west of Central Yosemite Highway between physical address 5106 (Don Ruben's Mexican Restaurant) and 5102 (Mariposa Smoke Shop). No historic buildings or features were observed within this portion of the study area.

P-22-002068

The resource consists of placer mining encampments and remains along Mariposa Creek. This site was originally recorded in 1997 (California Department of Transportation) and later updated in 2001 (Davis- King & Associates). A portion of the site had originally been recorded at Ben Hur Road on California State Highway 49. It was reported to consists of mining tailings, “Chinese and Mormon encampments, and a historic trash deposit.” In 2001, Davis- King & Associates updated the site to include “placer mining waste rock mixed with alluvium immediately adjacent to the town of Mariposa” along Stroming Road. Davis-King & Associates did not identify historic site remains at that time and reported severe alterations to the site resulting from building and road construction.

An investigation of the existing site record suggests that a small portion of the site once existed on the southeast end of the current Project study area at the point where Stroming Road turns into 8th Street. A concrete trail has been constructed on the west side of Stroming Road since the last recordation, effectively destroying any potential site constituents between the road and Mariposa Creek. ASM revisited the small portion of the site within the current study area and did not observe any historic artifacts or features. The site no longer exists within the Project study area.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.2.2 Newly Recorded Sites

MARIPOSA-SITE-1

The resource consists of bedrock milling site with a petroglyph panel situated along Mariposa Creek. The site vicinity is overgrown and difficult to access. The accessible portion of the site measures 28-m (northwest-southeast) by 10-m (northeast-southwest) and is situated at an elevation of 1,978-ft amsl.

The site is comprised of eight identified features consisting of six bedrock milling stations (Feature 1, Feature 2, Feature 5- Feature 8), a petroglyph panel (Feature 3) and a very short linear rock alignment (Feature 4). The site is situated immediately beneath a man-made earthen embankment with a slope of 40 degrees. The embankment is the result of grading for the site of Pioneer Market, which occurred between 1983 and 1984.

Table 5. MARIPOSA-SITE-1 Feature Designations, Dimensions, and Descriptions

Feature No.	Dimensions	Description
Feature 1	180-cm (N-S) x 120 (E-W) x 80 cm tall	Tiered BRM milling feature on a single metavolcanic boulder. The top tier has two BRM's that measure: (1) 12-cm diameter x 4-cm deep; and (2) 10-cm diameter x 2.5-cm deep. The bottom tier also has two BRM's which measure: (1) 12-cm x 8.5-cm deep; and (2) 10-cm diameter x 4-cm deep. An Owens-Illinois glass bottle base was identified within the largest BRM on the bottom tier of the feature. The bottle base displays the date code "9" and plant code "20," indicating that the bottle base was manufactured in either Brackinridge, PA (c. 1930-1940), or Oakland, CA (1936-present) (Lockhart and Hoenig 2015).
Feature 2	180-cm N-S x 160-cm E-W by 180-cm tall.	Tiered BRM milling feature on a large metavolcanic boulder complex with nine BRMs identified. The top tier has six BRM's that measure: (1) 20-cm diameter x 25-cm deep; (2) 15-cm diameter x 13-cm deep; (3)13-cm diameter x 8-cm deep; (4) 9-cm diameter x 1.5-cm deep; (5) 4-cm diameter x 1-cm deep; and (6) 4-cm diameter x 1.5-cm deep. The bottom tier has three BRM's that measure: (1) 20-cm diameter x 25-cm deep; (2) 14-cm diameter x 8-cm deep; and (3) 8-cm diameter x 5-cm deep. The boulder is covered with heavy vegetation and thorns and additional BRMs may be present.
Feature 3	95-cm (N-S) x 150 (E-W)	Small petroglyph panel on a single metavolcanic boulder. At least 11 moderately deep incisions were noted in an area measuring 20-cm x 17-cm. No BRMs were identified on the boulder containing the petroglyph panel. Moss partially covered the incisions at the time of this study and other incisions may be present.
Feature 4	55-in x 15-in	Short linear rock wall between two short boulders. The wall is approximately three courses tall and is comprised of locally available stone. A small, rusted piece of crimped stove pipe sheet metal was observed on the feature. The purpose of this feature is unknown.
Feature 5	110-cm (N-S) x 130-cm (E-W) x 50-cm tall	Low metavolcanic boulder immediately west of Feature 3 containing at least two shallow BRMs. The two BRMs measure 4-cm diameter by 1.5-cm deep and 4-cm diameter by 2-cm deep.
Feature 6	65-cm (N-S) x 85-cm (E-W) x 45-cm tall	Low metavolcanic boulder immediately west of Feature 2 with at least one cupule. The visible cupule measures 3.5-cm diameter x 0.5-cm deep.
Feature 7	300-cm (N-S) x 250-cm (E-W)	Low metavolcanic outcrop within the Mariposa Creek bed with at least three moderately deep BRMs. From north to south the BRMs measure 15-cm diameter x 17-cm deep; 12-cm diameter x 8-cm deep; and 15-cm diameter by 12-cm deep. A natural crack in the outcrop was utilized to form the BRMs.
Feature 8	70-cm (N-S) x 90-cm (E-W) x 30-cm tall	Low metavolcanic boulder within the Mariposa Creek bed with one visible BRM. The BRM measures 10-cm diameter x 2.5-cm deep.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 1122

As noted above, the site is located immediately below Pioneer Market near the western side parking lot. As such, the site has been exposed to decades refuse dumping from upslope. The presence of a historic bottle base within one of the BRMs (Feature 1) also suggests a historic presence at the site. Evidence of a very recent encampment (e.g., cardboard box bedding, water bottles, etc.) was noted immediately north of Feature 7. Additional encampments and activities (e.g., burn pits, refuse piles, etc.) were noted just downstream (southeast) of the site along Mariposa Creek. The site as a whole is in fair condition, while the features themselves are in good condition.

At the time of the survey, the ground surface in the site vicinity was almost entirely covered by grasses and vegetation. Areas where the ground surface could be seen (e.g., disturbed areas, rodent holes, etc.) were intensively investigated to identify any surface artifacts. Despite this effort, no artifacts were identified. However, it is likely that artifacts are present given the site type.

Based on the features present, the site likely represents a processing and/or a habitation locale. The presence of the petroglyph panel and at least one cupule suggests the site may also have served a ceremonial or spiritual purpose. It is difficult to ascertain the age of the site in the absence of temporally diagnostic artifacts; however, based on the presence of numerous BRMs, common in acorn and seed processing sites, the site presumably dates to the *Raymond Phase* (1700 YBP– 500 YBP) or *Madera Phase* (500 YBP – 150 YBP).

MARIPOSA-SITE-2

The resource consists of water conveyance and possible mining features situated along Mariposa Creek and within the town of Mariposa. The site measures 97-ft (northwest-southeast) by 62-ft (northeast-southwest) and is situated at an elevation of 1,952-ft amsl. The site is in good condition.

The site is comprised of four identified features consisting of a linear water conveyance feature (Feature 1), a small concrete basin (Feature 2) and a short rock retaining wall (Feature 3). An abundance of modern refuse from was noted in the area. Recent burn piles were noted just southeast of basin.

Table 6. MARIPOSA-SITE-2 Feature Designations, Dimensions, and Descriptions

Feature No.	Dimensions	Description
Feature 1	96-ft long by 2-ft wide and between 1-ft and 3-ft deep	Linear water conveyance feature comprised of locally available stone and cement with no additional structural components (e.g., milled wood). The drain source is a heavily overgrown culvert at the base of an adjacent hill just northeast of the site. The feature terminates at Mariposa Creek.
Feature 2	18-ft long by 7-ft wide and 3-ft deep	Small concrete basin. The stem walls are approximately 6-in thick and are partially buried by adjacent slope deposits. No external components (i.e., pipes) were identified attached to the basin.
Feature 3	15-ft long by 4.5-ft tall	Short retaining wall comprised of locally available stone and cement. The retaining wall supports the terrace on which F2 (concrete basin) exists. The wall is partially buried and overgrow and be longer than the visible extent. Small segments of pipe and concrete were noted atop this feature.

The features no longer serve their primary purpose of water conveyance and they have evidently been out of use for a significant amount of time. The site, and the features specifically, have fallen

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

into disrepair and many parts are covered by vegetation, brush, or sediment. The site is in poor condition.

The exact age of the features is unknown; however, according to USGS topographic quadrangles, historic aerials, and Google Earth, portions of the site appear in place by mid-20th century. It is possible that the water conveyance features may have been associated with mining or the formation of Mariposa; however, a positive association is impossible to make since many of the presumed connecting features have since been destroyed, removed, and built upon. The only association that can be made is the association with local water conveyance and storage at some point in the past.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 1124

5. SUMMARY AND RECOMMENDATIONS

An intensive Phase I survey was conducted in August and October 2022 for the Mariposa Parkway Project study area, Mariposa, Mariposa County, California. A records search was conducted at the Central California Archaeological Information Center, California State University, Stanislaus. This indicated that only a small portion of the study area had previously been surveyed and that three cultural resources were known to exist within it. A search of the NAHC SLF was also conducted and the results were negative for sacred sites or tribal cultural resources. Outreach letters and follow-up emails were sent to tribes on the contact list and no responses have been received.

The IC results indicated that three previous resources were known to exist within the study area: P-22-001393 (milling station), P-22-002016 (historic district), and P-22-002068 (mining features and refuse). Of the three previously recorded resources, P-22-001393 was inaccessible at the time of the survey due to overgrowth, no elements of P-22-002016 (historic district) were identified within the study area, and the portion of P-22-002068 within the study area was found to have been destroyed. Two new resources were identified during the Phase I survey and given the temporary field designations MARIPOSA-SITE-1 and MARIPOSA-SITE-2. MARIPOSA-SITE-1 consists of numerous bedrock mortar (BRM) features and a single petroglyph panel. MARIPOSA-SITE-2 consists of multiple water conveyance features.

5.1 RECOMMENDATIONS

Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, it is recommended that the recorded site location be avoided and preserved in place. If avoidance is not possible, it is recommended that a qualified archaeologist monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, it is recommended the site be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).

It is recommended that MARIPOSA-SITE-1 be avoided and preserved in place. To ensure the site is avoided, it is recommended that project activities do not occur within 10-m of the site boundary. If avoidance by project design is not possible, it is recommended that the site be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).

Site MARIPOSA-SITE-2 is recommended as not eligible for inclusion in the CRHR due to a lack of integrity and research potential. Any development or use of the site locations will not have an adverse effect on significant or unique historical resources.

With the avoidance of sites P-22-001393 and MARIPOSA-SITE-1, any proposed future use or development within the 11.8-ac study area does not have the potential to result in adverse impacts to unique or significant historical resources. A determination of no significant impacts for cultural resources is therefore recommended. It is further recommended that, in the unlikely event that cultural resources are encountered during any construction or use of the study area, a qualified archaeologist be contacted to assess the discovery.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Page is intentionally blank

REFERENCES

Bill Lockhart and Russ Hoenig,
2015 The Bewildering Array of Owens-Illinois Glass Co. Logos and Codes. Electronic Document, https://sha.org/bottle/pdffiles/OwensIllinois2015.pdf. Accessed 8, September 2022

Cook, S.F.
1960 Colonial Expeditions to the Interior of California, Central Valley, 1800-1820. *University of California Anthropological Records* 1(2):53-154. Berkeley.

DataUSA
2020 Economy, Mariposa, CA. Electronic document: https://datausa.io/profile/geo/mariposa-ca/, accessed 11 October 2022.

Dilsaver, Lary
1983 Post-Gold Rush Population Changes in a Serra Nevada Mining Region. *Yearbook of the Association of Pacific Coast Geographers,* Vol. 45:101-115.

Durham, David L.
1998 *California's Geographic Names: A Gazetteer of Historic and Modern Names of the State.* Clovis, CA, Word Dancer Press.

Farquhar, Francis
1925 Exploration of the Sierra Nevada. California Historical Society Quarterly, Vol. 4(1):3-58.

Gallucci, Elizabeth A.
n.d. Cultural Attractions: Travel Through Time on Highway 49. Electronic document: http://www.historichwy49.com/maripo/marcultatt.html, accessed: 11 October 2022

JRP Historical Consulting, LLC.
2009 *Sacramento Municipal Utility District. Solano Wind Project, Solano County, California, Historic Resources Inventory and Evaluation Report Update*.

Kroeber, A.L.
1925 Handbook of the Indians of California. *Bureau of American Ethnology, Bulletin 78*. Washington, D.C.

Levy, R.
1978 Eastern Miwok. In Handbook of North American Indians, Volume 8, California, edited by R.F. Heizer, pp. 398-413. Washington, D.C.: Smithsonian Institution.

Moratto, M.
1984 *California Archaeology*. New York: Academic Press.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Whitley, D.S.
2000 *The Art of the Shaman: Rock Art of California*. Salt Lake City: University of Utah Press.

Yosemite
2022 History of Mariposa. Electronic document: https://www.yosemite.com/mariposa-county/history/, accessed 11 October 2022.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Packet Pg. 1128

CONFIDENTIAL APPENDICES

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Appendix D: Aquatic Resources Delineation

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

LIVE OAK ASSOCIATES, INC.

AQUATIC RESOURCES DELINEATION
MARIPOSA CREEK PARKWAY PROJECT
MARIPOSA COUNTY, CALIFORNIA

Prepared by:

LIVE OAK ASSOCIATES, INC.

Austin Pearson, Vice President
Rebekah Jensen, Senior Project Manager and Ecologist

Prepared for:

Briza Sholars
Provost & Pritchard Consulting Group
455 W. Fir Avenue
Clovis, CA 93611-0242

October 26, 2022 File No. 2317-04

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

EXECUTIVE SUMMARY

Live Oak Associates, Inc. (LOA) conducted a delineation of aquatic features on an approximately 20-acre site ("study area") upon which certain components of the Mariposa Creek Parkway Project and 11th Street Paseo Graphic Enhancement Project will be implemented. The study area is located in the unincorporated community of Mariposa in Mariposa County, California.

Background information for the delineation was gathered during a March 2019 reconnaissance-level survey. The delineation was formally conducted over two additional site visits, one in June 2021 and the other in July 2022. The June 2021 survey targeted an approximately 18-acre portion of the current study area, while the July 2022 survey targeted an additional area of approximately 2 acres that was incorporated into the project. During the delineation surveys, field investigators examined the study area for aquatic features and gathered vegetation, soils and hydrology data at sampling locations within and adjacent to such features.

One aquatic resource, Mariposa Creek, was identified and delineated within the study area. This feature was delineated based on the boundaries of ordinary high water indicators. Aquatic resource boundaries mapped during LOA's field investigation total approximately 81,999 square feet or 1.88 acres.

Areas outside the boundaries of the delineated aquatic resource consisted of mixed riparian woodland habitat and ruderal/developed lands such as roads, parking lots, a county park, and several vacant lots.

TABLE OF CONTENTS

EXECUTIVE SUMMARY ii

1.0 INTRODUCTION 1

1.1 REGULATORY DEFINITION OF WATERS OF THE U.S. 1
1.2 STATE OF CALIFORNIA JURISDICTION OVER AQUATIC FEATURES 5

2.0 METHODS 6

2.1 SURVEY METHODS FOR DETERMINING AREAS MEETING THE TECHNICAL CRITERIA OF WETLANDS 7
2.2 SURVEY METHODS FOR TRIBUTARY WATERS 8
2.3 SURVEY METHODS FOR OTHER WATERS 8

3.0 RESULTS 9

3.1 SETTING 9
3.2 AQUATIC RESOURCES DELINEATED 9
3.3 OTHER AREAS 13

4.0 DISCUSSION 15

LITERATURE CITED OR CONSULTED 16

APPENDIX A: WETLAND DATA SHEETS 17

APPENDIX B: SELECTED PHOTOGRAPHS OF THE STUDY AREA 24

APPENDIX C: VASCULAR PLANTS OF THE STUDY AREA 30

APPENDIX D: SOILS INFORMATION 34

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

1.0 INTRODUCTION

This technical report presents the results of an aquatic resources delineation conducted by Live Oak Associates, Inc. (LOA) within an approximately 20-acre area ("study area") in the town of Mariposa, California. The study area is proposed for various improvements under the Mariposa Creek Parkway Project and 11th Street Paseo Graphic Enhancement Project. It is located northwest of State Route (SR) 140 and southeast of Joe Howard Street (Figure 1), and may be found in Township 5 South, Range 18 East of Rancho Las Mariposas, Mount Diablo Base and Meridian (Figure 2).

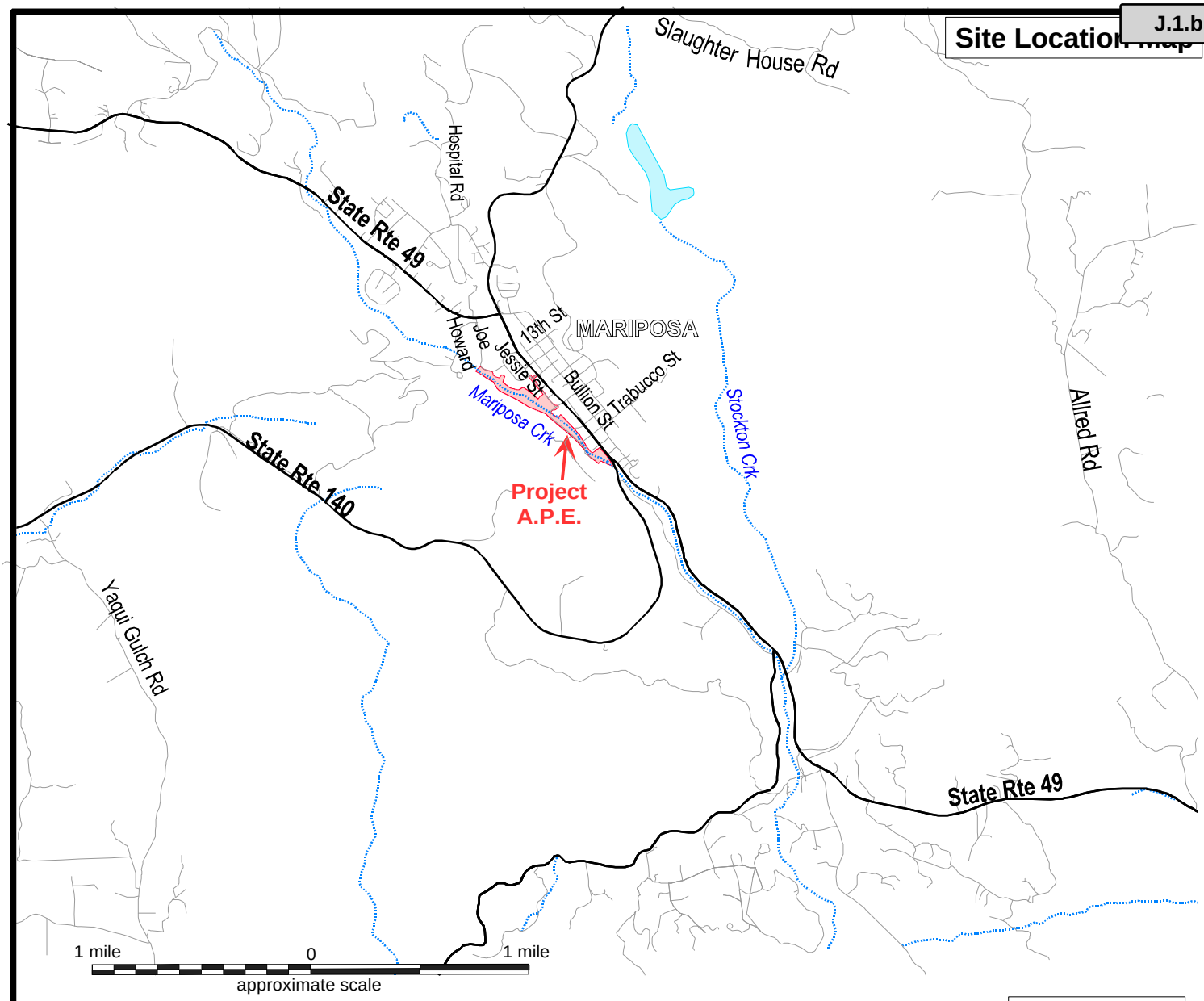
1.1 REGULATORY DEFINITION OF WATERS OF THE U.S.

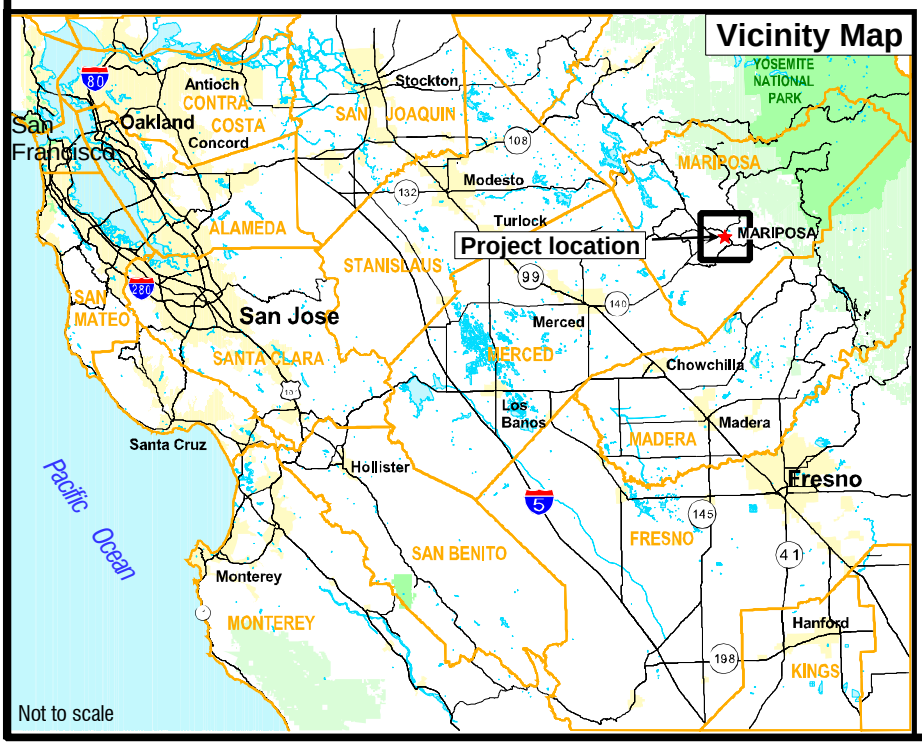
Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), defined in the CWA as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not supply a definition for waters of the U.S., and that has been the subject of considerable debate since the CWA's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and USACE. These definitions have been interpreted, and in some cases, invalidated, by federal courts.

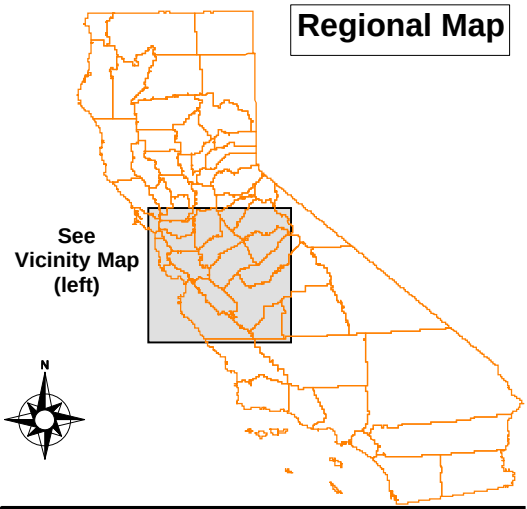
Most recently, waters of the U.S. were defined by the Navigable Waters Protection Rule (NWPR). The new rule was published in the Federal Register on April 21, 2020 and took effect on June 22, 2020. However, on August 30, 2021, in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*, the U.S. District Court for the District of Arizona vacated and remanded the NWPR. In light of this order, the EPA and USACE have halted implementation of the NWPR and, until further notice, are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime.

The interpretation of waters of the U.S. prior to 2015 generally included:

Site Location Map







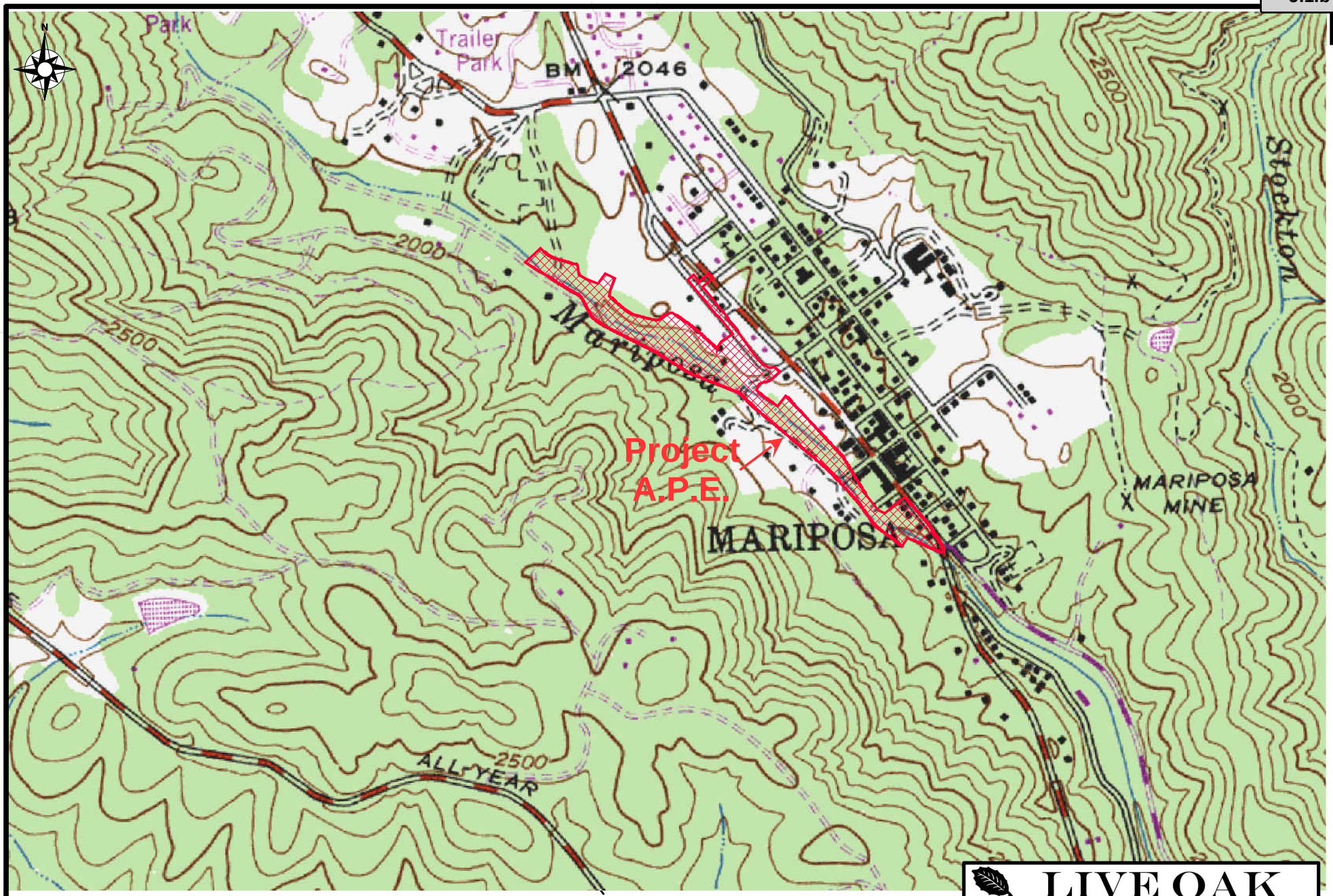
LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway A.R.D.

Site / Vicinity Map

Date	Project #	Figure #
08/17/2022	2317-04	1

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



1/2 mile 0 1/2 mile

approximate scale

From USGS
Mariposa 7.5' Quadrangle 1981

LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway A.R.D.

U.S.G.S. Quadrangle

Date	Project #	Figure #
08/17/2022	**2317-04**	

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated *Carabell/Rapanos* decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a jurisdictional water.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to Section 404 permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

1.2 STATE OF CALIFORNIA JURISDICTION OVER AQUATIC FEATURES

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("Waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into waters of the State through the issuance of various permits and orders. Discharges into waters of the State that are also waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all Waters of the State, even those that are not also waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a water of the U.S. may require a NPDES permit.

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

2.0 METHODS

LOA conducted three field surveys in support of this aquatic resources delineation. First, on March 11, 2019, LOA ecologist Jeff Gurule conducted a reconnaissance-level survey of the study area. The objective of this survey was to identify and characterize the study area's biotic habitats and generally note the presence of sensitive resources, including waters and wetlands. This survey was followed by a field delineation of aquatic resources, conducted by Mr. Gurule and LOA ecologist Arren Allegretti on June 24, 2021. These initial surveys targeted an approximately 18-acre portion of the current study area. When an additional 2-acre area was incorporated into the project, a follow-up delineation survey became necessary. This was conducted by LOA ecologist Colleen Del Vecchio on July 28, 2022.

The two delineation surveys were conducted on foot, and were aided by information collected by Mr. Gurule in 2019, GIS files of the study area projected over aerial photography, and a 1-ft contour topographic map generated from a digital terrain model created from drone flights over the study area in 2019. Aquatic resource boundaries, where accessible, were mapped to sub-meter accuracy using an EOS Arrow 100 GPS receiver paired with a mobile device running the ESRI Collector app. Some portions of the study area were inaccessible due to impenetrable thickets of Himalayan blackberry (*Rubus armeniacus*) (FAC) and/or steep terrain. Where access was problematic, a variety of data collection methods were used including an estimation of channel width where the channel was inaccessible but visible from the top of bank, collecting individual boundary points with the GPS receiver at accessible areas, and walking the centerline of the channel with the GPS unit while estimating widths at regular intervals where the center channel was accessible but overhanging blackberry vines inhibited access to the edge of the channel.

LOA's survey was consistent with guidelines found in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987), *Minimum Standards for Acceptance of Aquatic Resources Delineation Reports* (USACE 2016), and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008).

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

2.1 SURVEY METHODS FOR DETERMINING AREAS MEETING THE TECHNICAL CRITERIA OF WETLANDS

Wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas" (Environmental Laboratory 1987). The diagnostic environmental characteristics of wetlands include hydrophytic vegetation, hydric soils and a hydrology characterized by an aquic or peraquic moisture regime. Accordingly, LOA surveyed the site for wetland indicator plants, positive indicators of hydric soils, and wetland hydrology.

Three sampling locations were selected within the investigation area to assess and collect vegetation, hydrology and soils information associated with observed hydrologic features and adjacent upland areas. The location of the sample points was selected to best represent the predominant characteristics of the hydrologic feature(s) or upland area(s). This information was entered onto standard data sheets patterned after those used by the USACE for the Arid West Region. The data sheet for each numbered sampling location can be found in Appendix A. The numbered sampling locations have been identified on the map depicting the study area's aquatic resources. Color photographs, presented in Appendix B, were taken at each sampling location.

Plants observed within an approximate two-meter radius of each sampling location were identified to species using *The Jepson Manual: Vascular Higher Plants of California, Second Edition* (Baldwin et al, 2012). The wetland indicator status of each species was obtained from *The National Wetland Plant List: 2018* (Lichvar et al. 2018). A plant's wetland indicator status is so designated according to its frequency of occurrence in wetlands, as follows.

OBLIGATE (OBL)	Probability to occur in wetland is >99%
FACULTATIVE WETLAND (FACW)	Probability to occur in wetland is between 67-99%
FACULTATIVE (FAC)	Probability to occur in wetland is between 33 to 67%
FACULTATIVE UPLAND (FACU)	Probability to occur in wetland is between 1 to <33%.
UPLAND (UPL)	Probability to occur in wetland is <1%

Hydrophytic vegetation is considered present when more than 50% of the dominant species at a given location are composed of obligate, facultative wetland and facultative plant species. However, the Arid West Supplemental Guidelines also incorporate an alternate prevalence index

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

to be calculated in determining the presence of wetland vegetation if the dominance test is not met. A complete list of vascular plants identified on the study area during the surveys can be found in Appendix C.

Each sampling location was also examined for positive indicators of wetland hydrology and hydric soils. Evidence of wetland hydrology consisted of primary indicators such as surface water, watermarks, drift lines, sediment deposits, etc. Secondary indicators of wetland hydrology include drainage patterns in wetlands, watermarks (Riverine), drift lines (Riverine), sediment deposits (Riverine), etc. In accordance with USACE guidelines, a soil pit 12 inches in depth was dug at all sampling locations. The soils excavated from each pit were also examined for hydric soil indicators such as low chromas, gleying, mottling, concretions, sulfidic odors, etc.

2.2 SURVEY METHODS FOR TRIBUTARY WATERS

In the absence of adjacent wetlands, the limit of jurisdiction in navigable rivers and their tributaries, whether inter- or intrastate, extends to "ordinary high water" (OHW). OHW refers to "that line on the shore established by the fluctuation of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

The term "channel" as used in this report refers to a drainage feature with a bed and defined bank. The field investigators visually inspected the study area for drainage channels and, if present, physical characteristics of an OHW mark. The OHW mark was then used to map the boundaries of the aquatic resource.

2.3 SURVEY METHODS FOR OTHER WATERS

During the field investigation, LOA inspected the study area for other aquatic features such as ditches, culverts, and artificial basins. Such features, if encountered, were mapped to their OHW mark or wetland boundaries, whichever were greater.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3.0 RESULTS

3.1 SETTING

The study area is situated within an urban landscape associated with the town of Mariposa. Climatic and topographic features of the study area are typical of those found in California's lower Sierra Nevada Mountains. The study area contains the drainage corridor of Mariposa Creek, associated riparian habitat, oak woodland, and developed land. Elevations of the study area range from approximately 1,900 to 2,000 feet National Geodetic Vertical Datum (NGVD) (see Figure 2).

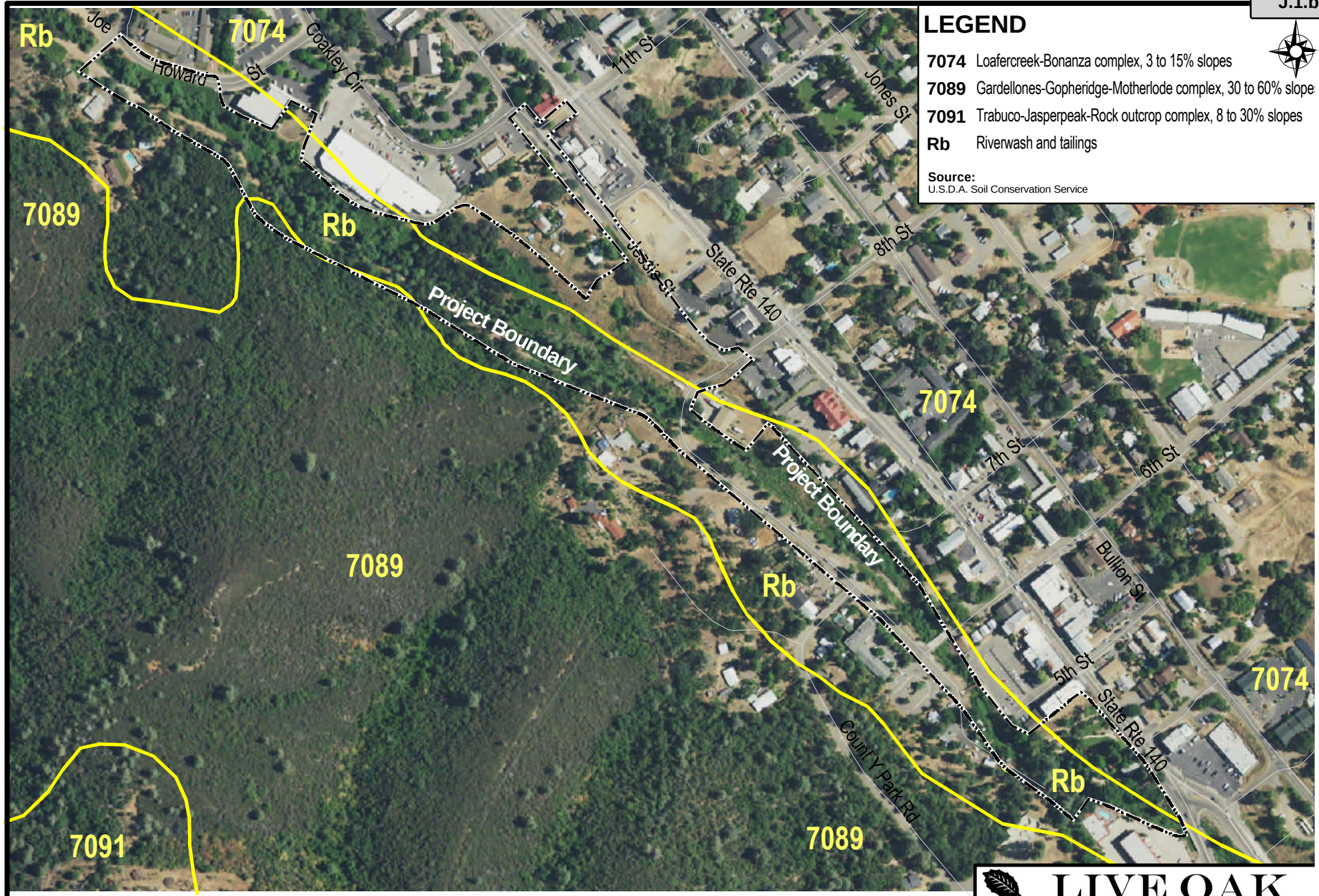
Average annual precipitation in the general vicinity is approximately 30 inches, 85% of which falls between the months of October and March. Stormwater readily infiltrates into the soils, but when field capacity has been reached or bedrock is encountered, stormwater runs off into drainages. The primary drainage in the project vicinity is Mariposa Creek, which runs through the study area.

Soils within the study area consist of three soil mapping units: Loafercreek and Bonanza complex, 3 to 15 percent slopes; Riverwash and tailings; and Gardellones, Gopheridge, Motherlode complex, 30 to 60 percent slopes. (Figure 3). One of these mapping units, Riverwash and tailings, is classified as hydric, meaning it has the propensity to pond water and support the growth of wetland vegetation. Detailed information pertaining to the site's soil mapping units can be found in Appendix D.

3.2 AQUATIC RESOURCES DELINEATED

A single aquatic resource, Mariposa Creek, was identified within the study area. Mariposa Creek passes through the study area for a distance of approximately 4,050 linear feet and encompasses 81,999 square feet or 1.88 acres below OHW. The extent and location of this feature is presented in Figure 4.

Mariposa Creek carries seasonal flows from its headwaters through the northern portion of the town of Mariposa. It becomes a perennial stream near the downtown area, and the study area, due to spring activity and urban runoff (County of Mariposa 1992, County of Mariposa 2006).



LEGEND

7074	Loafercreek-Bonanza complex, 3 to 15% slopes
7089	Gardellones-Gopheridge-Motherlode complex, 30 to 60% slope
7091	Trabuco-Jasperpeak-Rock outcrop complex, 8 to 30% slopes
Rb	Riverwash and tailings

Source:
U.S.D.A. Soil Conservation Service

500' 0 500 feet
approximate scale

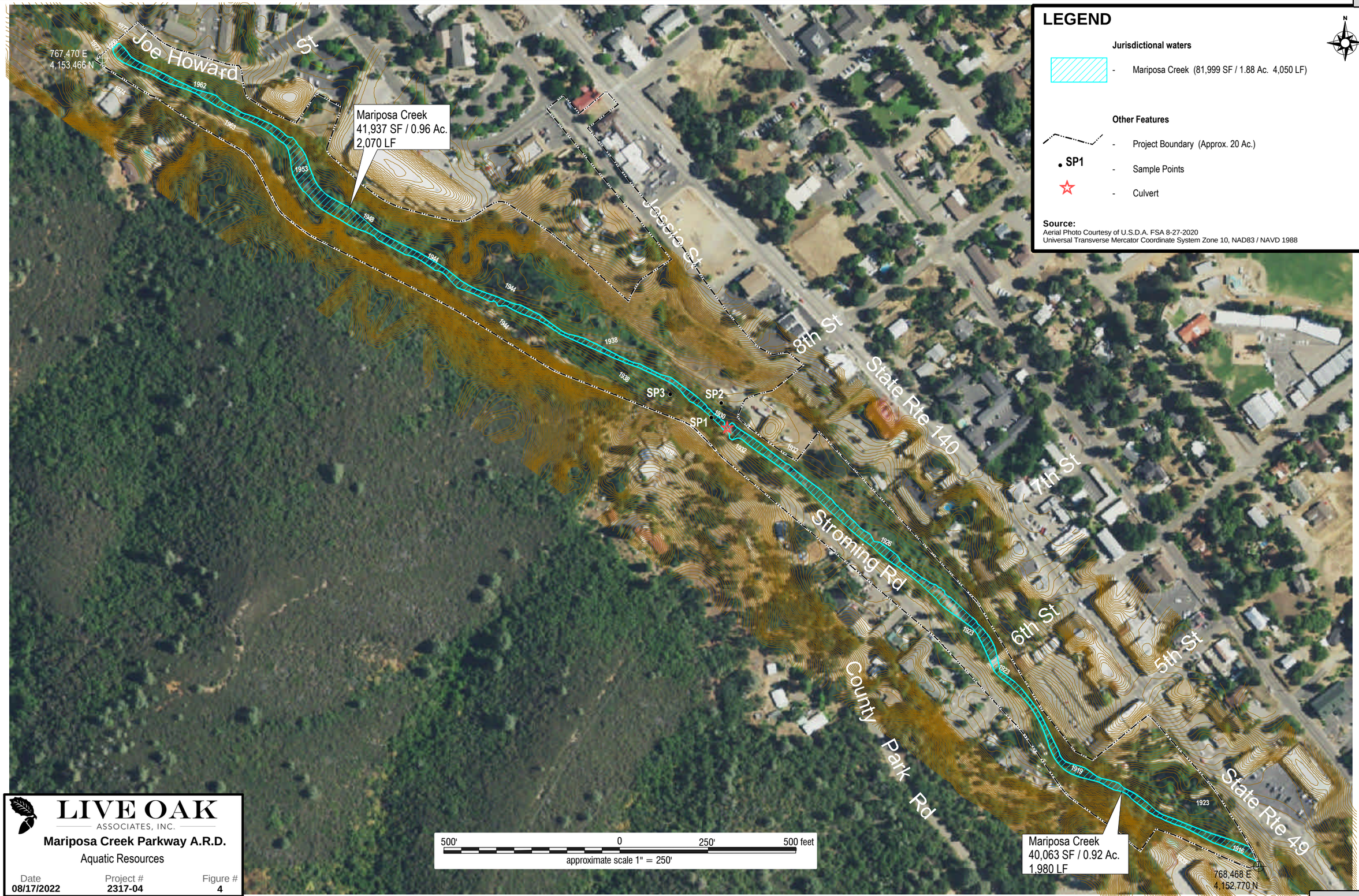
Aerial Photo courtesy of
U.S.D.A. National Agriculture Imagery Program (NAIP)
Aerial Photo Field Office 8/27/2020

LIVE OAK
ASSOCIATES, INC.

Mariposa Creek Parkway A.R.D.
Soils

Date	Project #	Figure #
08/17/2022	**2317-04**	

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for



LEGEND

Jurisdictional waters

- Mariposa Creek (81,999 SF / 1.88 Ac. 4,050 LF)

Other Features

- Project Boundary (Approx. 20 Ac.)
- SP1 - Sample Points
- Culvert

Source:
Aerial Photo Courtesy of U.S.D.A. FSA 8-27-2020
Universal Transverse Mercator Coordinate System Zone 10, NAD83 / NAVD 1988

LIVE OAK ASSOCIATES, INC.

Mariposa Creek Parkway A.R.D.

Aquatic Resources

Date	Project #	Figure #
08/17/2022	2317-04	4

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

During LOA's surveys, the channel contained both dry and inundated sections. Some stretches of the creek were surrounded by an understory of dense Himalayan blackberry (FAC) that, in many places, overhung into the channel. The overstory of the creek in many places consisted of riparian trees that included valley oak (*Quercus lobata*) (FACU), California sycamore (*Platanus racemosa*) (FAC), red willow (*Salix laevigata*) (FACW), Fremont's cottonwood (*Populus fremontii*) (UPL), white alder (*Alnus rhombifolia*) (FACW), and tree of heaven (*Ailanthus altissima*) (FACU). Nearly all of these trees were rooted outside of Mariposa Creek OHW with the exception of some white alders and red willows that were rooted at the edge of OHW with visible roots extending into the rocky creek channel.

One sample point, Sample Point 1, was taken within the creek channel. The vegetation, hydrology, and soils characteristics at this sample point are discussed in more detail below.

Vegetation: Vegetation was mostly absent from the channel at Sample Point 1. The dominant species were rabbits foot grass (*Polypogon monspeliensis*) (FACW) and curly dock (*Rumex crispus*) (FAC). Tree and shrubs were absent from this area. The Dominance Test was used to determine that the hydrophytic vegetation criterion was met.

Soils: Soil development within the creek bed at Sample Point 1 was absent. The bed of the creek here consisted of a mixture of sand, gravel, and cobble sized rocks underlaid by bedrock or large rocks that precluded further digging. The creek bed did not meet any hydric soil indicator categories.

Hydrology: The creek at Sample Point 1 was dry during the 2021 survey, when sample data were collected. Hydrology indicators were present in the form of surface water-stained leaves and rocks and watermarks observed during the field investigation, as well as inundation visible on aerial photos and during the 2019 survey. Therefore, the wetland hydrology criterion was met at this sample location.

Due to the absence of hydric soils, the channel did not meet the criteria of a wetland. Hydrologic indicators of OHW including watermarks, scoured surfaces, and vegetation were used to map the limits of potential USACE jurisdiction.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

3.3 OTHER AREAS

The remainder of the study area comprised mixed riparian woodland habitat and ruderal/developed lands. The latter included several vacant lots, roads, sidewalks, walking paths, portions of several parking lots, a native plant exhibit and county park, and other landscaped areas. No drainage features or potential wetland features were observed in any of these other areas of the site. Nevertheless, sample data were collected at two locations, Sample Points 2 and 3. The vegetation, hydrology, and soils characteristics at these sample points are discussed in more detail below.

Vegetation: Large portions of the study area were dominated by dense stands of Himalayan blackberry (FAC). The blackberry was rooted outside the OHW of Mariposa Creek, but in many areas the berry vines overhung the creek channel. Other portions of the study area outside of Mariposa Creek were dominated by upland and mostly non-native vegetation. Vegetation cover at Sample Points 2 and 3 contained herbaceous upland vegetation in the form of white horehound (*Marrubium vulgare*) (FACU), ripgut brome (*Bromus diandrus*) (UPL), black mustard (*Brassica nigra*) (UPL), rattail sixweeks grass (*Festuca myuros*) (FACU), and field hedge parsley (*Torilis arvensis*) (UPL); as well as shrubs and woody vines consisting of Himalayan blackberry (FAC) and California grape (*Vitus californica*) (FACU). While trees were not directly over the sample point areas, trees observed in the study area that were rooted outside the OHW of Mariposa Creek included valley oak (FACU), California sycamore (FAC), red willow (FACW), Fremont's cottonwood (UPL), white alders (FACW), interior live oak (*Quercus wislizeni*) (UPL), foothill pine (*Pinus sabiniana*) (UPL), California buckeye (*Aesculus californica*) (UPL), and tree of heaven (FACU).

Soils: No indicators of hydric soils were observed at Sample Points 2 or 3. Sample Point 2 exhibited a Munsell soil color notation of 10YR 3/3 and a sandy loam texture from 0 to 4 inches. Below 4 inches soil development ceased and cobbles dominated the substrate. Sample Point 3 exhibited a Munsell soil color notation of 10YR 3/2 and a sandy loam texture from 0 to 12 inches. Redox features and other hydric soil indicators were absent at both locations.

Hydrology: No indicators of wetland or tributary hydrology were observed at Sample Points 2 and 3 or any other portion of the study area outside of Mariposa Creek. All areas outside of

OHW exhibited soil development, at least within the first 4 to 6 inches; accumulation of leaf litter; and well-established dominant upland vegetation. These observations indicated that high water flows were absent from these areas.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

4.0 DISCUSSION

The reach of Mariposa Creek that runs through the study area is situated at the upper end of the Creek's watershed. Because of the limited watershed feeding this reach of the creek, highwater flows are not expected to widely fluctuate as they could at lower reaches of the creek that carry flows generated from a much larger watershed. As a result, OHW indicators observed within the creek channel were well-established and unambiguous.

Mariposa Creek within the study area carries intermittent to perennial flows and was historically, and is assumed to currently be, tributary to the San Joaquin River, a traditionally navigable water. As a result, areas within the OHW of Mariposa Creek appear to meet the criteria of a water of the U.S.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

LITERATURE CITED OR CONSULTED

Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D. G. Wilken, editors, 2012. *The Jepson Manual: Vascular Plants of California, second edition*. University of California Press, Berkeley.

California Department of Fish and Game. 1995. California Fish and Game Code. Gould Publications. Binghamton, N.Y.

County of Mariposa. 1992. Mariposa Town Planning Area Specific Plan.

County of Mariposa. 2006. County of Mariposa General Plan – Volume III. Technical Background Report.

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Department of the Army. Washington D.C. 100 pp.

Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2018. *The National Wetland Plant List*: 2018 Update of Wetland Ratings.

U.S. Army Corps of Engineers (USACE). 2016. Minimum Standards for Acceptance of Aquatic Resources Delineation Reports. USACE Sacramento District.

USACE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Department of the Army.

U.S. Department of Agriculture. Web Soil Survey. Available online at: http://websoilsurvey.nrcs.usda.gov/app/ Site accessed July 2021.

Wetland Training Institute, Inc. 1990. Federal Wetland Regulation Reference Manual. B.N. Goode and R.J. Pierce (eds.) WTI 90-1. 281p.

Wetland Training Institute, Inc.1995. Field Guide for Wetland Delineation; 1987 Corps of Engineers Manual, Glenwood, NM. WTI 02-1 143pp.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX A: WETLAND DATA SHEETS

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Mariposa Creek Restoration City/County: Mariposa Sampling Date: 6-24-2

Applicant/Owner: Mariposa County State CA Sampling Point: 1

Investigator(s): Jeff Gurule + Arron Alligretti Section, Township, Range: T5S, R18E Ranchos Las Mari

Landform (hillslope, terrace, etc.): Drainage channel Local relief (concave, convex, none): Concave Slope (%): <2

Subregion (LRR): C Lat: 37.486464427 Long: -119.968896908 Datum: NAD8

Soil Map Unit Name: Rb Riverwash and Tailings NWI classification: Freshwater Forested wetla

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? N Are "Normal Circumstances" present? Yes ✓ No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? N (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ✓	No ____	Is the Sampled Area within a Wetland? Yes ____ No ✓
Hydric Soil Present?	Yes ____	No ✓	
Wetland Hydrology Present?	Yes ✓	No ____	

Remarks: Area within OHW of Mariposa Creek channel. Creek bed dry and cobble-laden.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 1m radius)			
1.			
2. None			
3.			
4.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 1m radius)			
1.			
2.			
3. None			
4.			
5.			
	0	= Total Cover	
Herb Stratum (Plot size: 1m radius)			
1.			
2. Polygonum monspeliensis	1	Y	FACW
3.			
4. Rumex crispus	1	Y	FAC
5.			
6.			
7.			
8.			
	2	= Total Cover	
Woody Vine Stratum (Plot size: 1m radius)			
1.			
2. None			
		= Total Cover	

% Bare Ground in Herb Stratum 98 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals: (A)		(B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ✓ No ____

Remarks: Vegetation sparce at sample location.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-4	Not Applicable						Mix of Sand, gravel, & cobble	
>4"	Not Applicable						Rock	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Rock

Depth (inches): 4 inches

Hydric Soil Present? Yes ___ No ✓

Remarks:

Soil development absent.

Hydric soil criteria not met.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ✓ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ✓ Inundation Visible on Aerial Imagery (B7)
- ✓ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ✓ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- ✓ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ✓ Depth (inches): ___

Water Table Present? Yes ___ No ✓ Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No ✓ Depth (inches): ___

Wetland Hydrology Present? Yes ✓ No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Surface water present during Mar 2019 site inspection.

Remarks:

Many wetland hydrology indicators observed. Surface water present in other portions of creek.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Mariposa Creek Restoration City/County: Mariposa Sampling Date: 6-24-2
Applicant/Owner: Mariposa County State: CA Sampling Point: 2
Investigator(s): Jeff Gurule + Arren Alligretti Section, Township, Range: T5S, R18E Rancho Las Mariposas
Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): concave Slope (%): <2
Subregion (LRR): C Lat: 37.48657795 Long: -119.96886758 Datum: NAD83
Soil Map Unit Name: Rb Riverwash and tailings NWI classification: Upland
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? No Are "Normal Circumstances" present? Yes ✓ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? No (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No ✓	Is the Sampled Area within a Wetland? Yes ____ No ✓
Hydric Soil Present?	Yes ____	No ✓	
Wetland Hydrology Present?	Yes ____	No ✓	

Remarks: Area an upland terrace adjacent to Mariposa Creek.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 2m Radius)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3. None			
4.			
	0	= Total Cover	

Sapling/Shrub Stratum (Plot size: 2m Radius)			
1.			
2. Rubus armeniacus	35	Y	FAC
3.			
4.			
5.			
	35	= Total Cover	

Herb Stratum (Plot size: 2m Radius)			
1.			
2. Marrubium vulgare	35	Y	FACU
3. Brassica nigra	15	Y	UPL
4. Bromus diandrus	7	N	UPL
5. Festuca myuros	8	N	FACU
6.			
7.			
8.			
	55	= Total Cover	

Woody Vine Stratum (Plot size: 2m Radius)			
1.			
2. None			
	0	= Total Cover	

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 3 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	1	x 3 =	3
FACU species	2	x 4 =	8
UPL species	2	x 5 =	10
Column Totals:	5 (A)		21 (B)

Prevalence Index = B/A = 4.2

Hydrophytic Vegetation Indicators:
✓ Dominance Test is >50%
✓ Prevalence Index is ≤3.0[1]
✓ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
✓ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No ✓

Remarks: Vegetation dominated by upland species.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-4	10YR 3/3	100					Sandy loam	
4-12							Cobble	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✓

Remarks: Hydric soil indicators absent. Soil formation in top 4 inches only.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Wetland hydrology indicators absent. No evidence of flowing water or saturation.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Mariposa Creek Restoration City/County: Mariposa Sampling Date: 6-24-2

Applicant/Owner: Mariposa County State: CA Sampling Point: 3

Investigator(s): Jeff Guryle & Arren Allegretti Section, Township, Range: T5S R18E Rancho Las Mariposa

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): convex Slope (%): 2

Subregion (LRR): C Lat: 37.48665459 Long: -119.96935863 Datum: NAD83

Soil Map Unit Name: Rb Riverwash and tailings NWI classification: Upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? N Are "Normal Circumstances" present? Yes ✓ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? N (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✓	Is the Sampled Area within a Wetland? Yes _____ No ✓
Hydric Soil Present?	Yes _____	No ✓	
Wetland Hydrology Present?	Yes _____	No ✓	

Remarks: Area an upland terrace adjacent to Mariposa Creek

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 2m Radius)			
1.			
2.			
3.			
4.			
	0 = Total Cover		
Sapling/Shrub Stratum (Plot size: 2m Radius)			
1.			
2. Rubus armeniacus	69	Y	FAC
3.			
4.			
5.			
	69 = Total Cover		
Herb Stratum (Plot size: 2m Radius)			
1.			
2.			
3. Bromus diandrus	1	N	UPL
4. Torilis arvensis	15	Y	UPL
5.			
6.			
7.			
8.			
	16 = Total Cover		
Woody Vine Stratum (Plot size: 2m Radius)			
1. Vitis californica	15	Y	FACU
2.			
	15 = Total Cover		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	1	x 3 =	3
FACU species	1	x 4 =	4
UPL species	2	x 5 =	10
Column Totals:	4 (A)		17 (B)

Prevalence Index = B/A = 4.25

Hydrophytic Vegetation Indicators:

N Dominance Test is >50%

N Prevalence Index is ≤3.0[1]

N Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

N Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No ✓

Remarks: Vegetation dominated by upland species

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 3/2	100					Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✓

Remarks: Hydric soil indicators absent.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Hydrology indicators absent. No evidence of flowing water or saturation.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX B: SELECTED PHOTOGRAPHS OF THE STUDY AREA

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 1: Sample Point 1 location in Mariposa Creek bed. Photo direction: northwest.



Photo 2: Broader view of Sample Point 1 from 8th Street crossing. Photo direction: northwest.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 3: Broad view of Sample Point 1 location from 8th Street crossing taken during a reconnaissance survey conducted in March 2019. Creek flows at that time were near high water levels. Photo direction: northwest.



Photo 4: Sample Point 2 east of OHW of Mariposa Creek. Photo direction: west.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 5: Sample Point 3 west of OHW of Mariposa Creek channel. Photo direction: northwest.



Photo 6: Another view of Sample Point 3 looking toward the Mariposa Creek channel. Photo direction: southeast.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 7: 8th Street crossing of Mariposa Creek channel. Photo direction: northeast.



Photo 8: Mariposa Creek channel south of 8th Street choked with Himalayan blackberry and other vegetation.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III



Photo 9: Another example of Himalayan blackberry choking creek channel.



Photo 10: Example of an inundated portion of the creek channel during June 2021 survey.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX C: VASCULAR PLANTS OF THE STUDY AREA

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX C: VASCULAR PLANTS OF THE STUDY AREA

The vascular plant species listed below were observed on the project site during surveys conducted by Live Oak Associates, Inc. on March 11, 2019, June 24, 2021, and/or July 28, 2022. The U.S. Fish and Wildlife Service wetland indicator status of each plant has been shown following its common name.

OBL - Obligate
FACW - Facultative Wetland
FAC - Facultative
FACU - Facultative Upland
UPL - Upland
NR - No review
NA - No agreement
NI - No investigation

AGAVACEAE—Century-Plant Family		
Yucca sp.	Yucca	UPL
ANACARDIACEAE – Cashew Family		
Toxicodendron diversilobum	Poison Oak	FACU
APIACEAE – Carrot Family		
Sanicula bipinnatifida	Purple Sanicle	UPL
Torilis arvensis	Field Hedge Parsely	UPL
APOCYNACEAE – Dogbane Family		
Vinca sp.	Periwinkle	UPL
ARACEAE – Arum Family		
Lemna sp.	Duckweed	OBL
ASTERACEAE - Sunflower Family		
Artemisia douglasiana	Mugwort	FAC
Carduus pycnocephalus	Italian Thistle	UPL
Centaurea solstitialis	Yellow Star-thistle	UPL
Cirsium vulgare	Bull Thistle	FACU
Grindelia sp.	Gumweed	FACW
Lactuca serriola	Prickly Lettuce	FACU
Xanthium strumarium	Rough Cocklebur	FAC
BETULACEAE- Birch Family		
Alnus rhombifolia	White Alder	FACW
BRASSICACEAE- Mustard Family		
Brassica nigra	Black Mustard	UPL
Hirschfeldia incana	Short-pod Mustard	UPL
BUXACEAE – Box Family		
Buxus sp.	Boxwood	
CALYCANTHACEAE – Spicebush Family		
Calycanthus occidentalis	Spicebush	FAC
CUPRESSACEAE – Cedar Family		

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Calocedrus decurrens	Incense Cedar	UPL
Sequoia sempervirens	Coast Redwood	UPL
CYPERACEAE – Sedge Family		
Carex nudata	Torrent Sedge	OBL
Cyperus eragrostis	Tall Flatsedge	FACW
ERICACEAE – Heath Family		
Arctostaphylos viscida ssp. *mariposa*	Mariposa Manzanita	UPL
EUPHORBIACEAE – Spurge Family		
Croton setiger	Turkey Mullein	UPL
FABACEAE - Pea Family		
Cytisus scoparius	Scotch Broom	
Hoita macrostachya	California Hemp	OBL
Melilotus albus	White Sweetclover	UPL
Vicia sp.	Vetch	
Trifolium sp.	Clover	
Wisteria sp.	Wisteria	
FAGACEAE - Oak Family		
Quercus douglasii	Blue Oak	UPL
Quercus kelloggii	California Black Oak	UPL
Quercus lobata	Valley Oak	FACU
Quercus wislizeni	Interior Live Oak	UPL
GERANIACEAE - Geranium Family		
Erodium cicutarium	Red-stemmed Filaree	UPL
Geranium mole	Crane's Bill Geranium	UPL
HYDROPHYLACEAE – Waterleaf Family		
Phacelia sp.	Phacelia	
JUNCACEAE- Rush Family		
Juncus effusus	Bog Rush	FACW
LAMIACEAE- Mint Family		
Lamium amplexicaule	Henbit	UPL
Marrubium vulgare	Horehound	FACU
Mentha spicata	Spearmint	FACW
MALVACEAE – Mallow Family		
Malva sp.	Mallow	UPL
MONTIACEAE- Miner's Lettuce Family		
Calandrinia ciliata	Red Maids	FACU
Claytonia perfoliata	Miner's Lettuce	FAC
MORACEAE- Mulberry Family		
Ficus carica	Common Fig	FACU
OLEACEAE—Lilac Family		
Ligustrum sp.	Privet	

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

PAPAVERACEAE- Poppy Family		
Eschscholzia californica	California Poppy	UPL
PINACEAE- Pine Family		
Cedrus deodara	Deodar Cedar	UPL
Pinus sabiniana	Gray Pine	UPL
Pinus halepensis	Aleppo Pine	UPL
PLANTAGINACEAE- Plantain Family		
Plantago lanceolata	Ribwort Plantain	FAC
PLATANACEAE- Plane-tree family		
Platanus racemosa	California Sycamore	FAC
POACEAE - Grass Family		
Avena fatua	Wild Oats	UPL
Bromus diandrus	Ripgut Brome	UPL
Bromus madritensis	Foxtail Brome	UPL
Cynoserus echinatus	Hedgehog Dogtail	UPL
Hordeum murinum	Barnyard Barley	FACU
Polypogon monspeliensis	Annual Rabbitsfoot Grass	FACW
Stipa sp.	Needlegrass	UPL
PODOCARPACEAE – Yellow-wood Family		
Afrocarpus sp.	Afrocarpus	
POLYGONACEAE - Buckwheat Family		
Rumex crispus	Curly Dock	FAC
PORTULACAEAE – Purslane Family		
Portulaca oleracea	Common Purslane	FAC
RHAMNACEAE- Buckthorn Family		
Ceanothus cuneatus	Buckbrush	UPL
Rhamnus crocea	Spiny Redberry	UPL
ROSACEAE – Rose Family		
Cercocarpus betuloides	Birch-leaf Mountain Mahogany	UPL
Heteromeles arbutifolia	Toyon	UPL
Prunus sp.	Fruit tree species	
Rosa californica	California Wild Rose	FAC
Rubus armeniacus	Himalayan Blackberry	FAC
SALICACEAE – Willow Family		
Populus fremontii	Fremont's Cottonwood	UPL
Salix exigua	Narrowleaf Willow	FACW
Salix laevigata	Red Willow	FACW
SAPINDACEAE- Soapberry Family		
Aesculus californica	California Buckeye	UPL
SIMAROUBACEAE- Quassia Family		
Ailanthus altissima	Tree of Heaven	FACU
VITACEAE- Grape Family		
Vitis californica	California Grape	FACU
ZYGOPHYLLACEAE—Creosote-bush Family		
Tribulus terrestris	Puncturevine	UPL

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

APPENDIX D: SOILS INFORMATION

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Mariposa County Area, California

7074—Loafercreek-Bonanza complex, 3 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2x296
Elevation: 840 to 1,890 feet
Mean annual precipitation: 24 to 33 inches
Mean annual air temperature: 59 to 61 degrees F
Frost-free period: 235 to 325 days
Farmland classification: Not prime farmland

Map Unit Composition

Loafercreek and similar soils: 58 percent
Bonanza and similar soils: 25 percent
Minor components: 17 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Loafercreek

Setting

Landform: Hills
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over residuum derived from metavolcanics

Typical profile

A - 0 to 5 inches: gravelly loam
Bt1 - 5 to 17 inches: gravelly loam
Bt2 - 17 to 24 inches: gravelly clay loam
Cr - 24 to 35 inches: bedrock
R - 35 to 79 inches: bedrock

Properties and qualities

Slope: 3 to 15 percent
Depth to restrictive feature: 20 to 49 inches to lithic bedrock; 20 to 39 inches to paralithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to high (0.01 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 3.1 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: F018XI201CA - Moderately Deep Thermic Foothills 22-31 PZ
Hydric soil rating: No

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Description of Bonanza

Setting

Landform: Hills
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Nose slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Residuum weathered from metavolcanics

Typical profile

Oi - 0 to 0 inches: slightly decomposed plant material
A - 0 to 2 inches: loam
Bt1 - 2 to 7 inches: loam
Bt2 - 7 to 12 inches: loam
Bt3 - 12 to 16 inches: loam
Cr - 16 to 22 inches: bedrock
R - 22 to 79 inches: bedrock

Properties and qualities

Slope: 3 to 15 percent
Depth to restrictive feature: 10 to 20 inches to paralithic bedrock; 14 to 30 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to high (0.01 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 2.9 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: D
Ecological site: F018XI200CA - Low Elevation Foothills 18-25 PZ
Hydric soil rating: No

Minor Components

Gopheridge

Percent of map unit: 10 percent
Landform: Hills
Landform position (two-dimensional): Summit, backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: F018XI201CA - Moderately Deep Thermic Foothills 22-31 PZ
Hydric soil rating: No

Rock outcrop, metavolcanic

Percent of map unit: 5 percent
Landform: Hills
Hydric soil rating: No

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Mined land

Percent of map unit: 2 percent
Landform: Hills
Down-slope shape: Concave, convex
Across-slope shape: Linear, convex
Hydric soil rating: No

7089—Gardellones-Gopheridge-Motherlode complex, 30 to 60 percent slopes

Map Unit Setting

National map unit symbol: 2n89g
Elevation: 980 to 2,440 feet
Mean annual precipitation: 25 to 34 inches
Mean annual air temperature: 57 to 61 degrees F
Frost-free period: 210 to 315 days
Farmland classification: Not prime farmland

Map Unit Composition

Gardellones and similar soils: 68 percent
Gopheridge and similar soils: 15 percent
Motherlode and similar soils: 15 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Gardellones

Setting

Landform: Hills
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over residuum derived from metavolcanics

Typical profile

Oi - 0 to 0 inches: slightly decomposed plant material
A - 0 to 4 inches: loam
Bt1 - 4 to 20 inches: very stony loam
Bt2 - 20 to 35 inches: clay
Bt3 - 35 to 46 inches: clay
Crt - 46 to 55 inches: bedrock
R - 55 to 79 inches: bedrock

Properties and qualities

Slope: 30 to 60 percent
Surface area covered with cobbles, stones or boulders: 0.0 percent

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Depth to restrictive feature: 39 to 49 inches to paralithic bedrock; 39 to 79 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high (0.01 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): 7e
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Ecological site: F018XI202CA - Deep Thermic Steep Hillslopes 28-35 PZ
Hydric soil rating: No

Description of Gopheridge

Setting

Landform: Hills
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over residuum derived from metavolcanics

Typical profile

Oi - 0 to 0 inches: slightly decomposed plant material
A - 0 to 3 inches: loam
BA - 3 to 6 inches: loam
Bt1 - 6 to 12 inches: loam
Bt2 - 12 to 23 inches: extremely gravelly clay loam
R - 23 to 79 inches: bedrock

Properties and qualities

Slope: 30 to 60 percent
Surface area covered with cobbles, stones or boulders: 0.0 percent
Depth to restrictive feature: 20 to 39 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high (0.01 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): 8
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: D
Ecological site: F018XI201CA - Moderately Deep Thermic Foothills 22-31 PZ
Hydric soil rating: No

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Description of Motherlode

Setting

Landform: Hills
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Colluvium over residuum derived from metavolcanics

Typical profile

A - 0 to 4 inches: loam
BA - 4 to 8 inches: loam
Bt1 - 8 to 20 inches: loam
Bt2 - 20 to 29 inches: very gravelly clay loam
Bt3 - 29 to 38 inches: gravelly loam
Bt4 - 38 to 48 inches: loam
BC - 48 to 56 inches: loam
R - 56 to 79 inches: bedrock

Properties and qualities

Slope: 30 to 60 percent
Surface area covered with cobbles, stones or boulders: 0.0 percent
Depth to restrictive feature: 39 to 59 inches to lithic bedrock; 39 to 59 inches to paralithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to high (0.01 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): 7e
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Ecological site: F018XI202CA - Deep Thermic Steep Hillslopes 28-35 PZ
Hydric soil rating: No

Minor Components

Rock outcrop, metavolcanic

Percent of map unit: 2 percent
Landform: Hills
Hydric soil rating: No

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Rb—Riverwash and tailings

Map Unit Setting

National map unit symbol: hk2x
Elevation: 310 to 3,500 feet
Mean annual precipitation: 12 to 45 inches
Mean annual air temperature: 55 to 63 degrees F
Frost-free period: 150 to 275 days
Farmland classification: Not prime farmland

Map Unit Composition

Riverwash: 50 percent
Tailings: 49 percent
Minor components: 1 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Riverwash

Setting

Landform: Channels, flood plains
Parent material: Mixed alluvium

Typical profile

C - 0 to 6 inches: extremely gravelly sand
C - 6 to 60 inches: stratified gravelly sand to extremely gravelly coarse sand

Properties and qualities

Slope: 0 to 4 percent
Drainage class: Well drained
Runoff class: Very high
Depth to water table: About 0 to 24 inches
Frequency of flooding: FrequentNone

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8w
Ecological site: R017XY903CA - Stream Channels and Floodplains
Hydric soil rating: Yes

Description of Tailings

Setting

Landform: Stream terraces
Parent material: Mixed alluvium

Typical profile

C - 0 to 60 inches: fragmental material

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Properties and qualities

Slope: 0 to 5 percent
Drainage class: Well drained
Runoff class: Very high
Frequency of flooding: Rare

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydric soil rating: No

Minor Components

Rock wasteland

Percent of map unit: 1 percent
Landform: Stream terraces
Hydric soil rating: No

Attachment: Mariposa Creek Parkway Phase III Final.IS.MND_03.2023 (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III

Mariposa County
5100 Bullion Street
Mariposa, CA 95338

RESPONSE TO PUBLIC COMMENTS

Mariposa Creek Parkway Phase III and Trailhead Project
Initial Study and Mitigated Negative Declaration

(State Clearinghouse Number 2023020034)

March 2023

Prepared by:

EST. 1968
PROVOST & PRITCHARD
CONSULTING GROUP
An Employee Owned Company

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

Table of Contents

Lester Bridges, Adjacent Property Owner (via email) 4

Comment A/1 4

Response A/1 4

Comment A/2 4

Response A/2 4

Southern Sierra Miwuk Nation Tribe (via email and in-person consultation) 5

Comment B/1 5

Response B/1 5

Comment B/2 5

Response B/2 5

California Department of Transportation (Caltrans) 6

Comment C/1 6

Response C/1 6

Comment C/2 6

Response C/2 6

Comment C3 6

Response C/3 7

Comment C4 7

Response C/4 7

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

The following are Mariposa County's responses to comments received during the public review period for the Initial Study/Mitigated Negative Declaration (IS/MND), dated March 2023, prepared for the Mariposa Creek Parkway Phase III and Trailhead Project. The Notice of Intent to adopt an IS/MND was circulated for public review from February 2, 2023 through March 6, 2023. Three (3) comment letters were received from the following entities: Lester Bridges, (an adjacent property owner), the Southern Sierra Miwuk Nation Tribe, and the California Department of Transportation.

Comments received did not result in changes to the IS/MND. No new unavoidable significant effects were identified, and mitigation measures were not lessened as a result of responding to comments.

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

LETTER A

Lester Bridges, Adjacent Property Owner (via email)
(February 6, 2023)

Comment A/1

I called your phone number and left a message concerning the plot map for Mariposa Creek Parkway Phase 111. I noticed that you have outlined my property parcel # 013-240-022 located next to the Pioneer Market. It appears that there is some confusion concerning this part that is outlined with red, as this parcel is not available for use for this Creek Parkway. This is a piece set aside for future development of 2 office buildings. I am cc'ing Steve Engfer in case we need to get him involved. Thank you, I will wait to hear from either one of you.

Response A/1

As requested by Mr. Bridges, the parcel will be removed from the scope of the Project.

Comment A/2

Thanks for getting back with me, I know you are probably a very busy guy these days. It is good to see the Mariposa Creek Parkway moving forward, I have always supported the project. I think it will be a huge plus for this community. I have been on board since the early 1990s. The parcel next to the O'Reilly building was designed to have office buildings on it and hopefully that will come to fruition someday. We are always looking to make the most of our properties in the community. Keep pushing to get this project finished, I think it will add a lot to our local township.

Response A/2

Comment noted.

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

Ryan McKelvey

From: Mikey Goralnik <mgoralnik@mariposacounty.org>
Sent: Friday, February 10, 2023 3:01 PM
To: Jackie Lancaster
Cc: Briza Sholars; Steve Engfer; Polina Pivak
Subject: FW: Mariposa Creek Parkway

Hey Jackie,

RE: Parkway comments on the NOI--I forwarded the below email to Michael and Briza earlier this week but I think I forgot to include you. Sorry! I'll definitely send you any more that we receive, thank you.

-----Original Message-----
From: Lester Bridges <lesternbridges@yahoo.com>
Sent: Tuesday, February 7, 2023 8:25 AM
To: Mikey Goralnik <mgoralnik@mariposacounty.org>
Subject: Re: Mariposa Creek Parkway

[You don't often get email from lesternbridges@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

A/2

Mikey,
Thanks for getting back with me, I know you are probably a very busy guy these days.
It is good to see the Mariposa Creek Parkway moving forward, I have always supported the project. I think it will be a huge plus for this community. I have been on board since the early 1990s.
The parcel next to the O'Reilly building was designed to have office buildings on it and hopefully that will come to fruition some day. We are always looking to make the most of our properties in the community.
Keep pushing to get this project finished, I think it will add a lot to our local township.

God Bless You,
Lester Bridges
Sent from my iPhone

> On Feb 7, 2023, at 8:03 AM, Mikey Goralnik <mgoralnik@mariposacounty.org> wrote:
>
> Thanks Lester,
>
> Yes, I received your message yesterday and meant to call you back in the afternoon but the day got away from me I'm afraid. Apologies!
>
> Thank you so much for reaching out with this update. The reason the parcel was included in the Area of Potential Effect was because several years ago, while the Mariposa Creek parkway master plan was being developed, you and I had discussed the possibility of one day, long in the future, developing that parcel as a park or some kind of connection to the Parkway below it. The parcel was included in the CEQA boundary just so that we could keep that option open in case it was still of interest. However, knowing that you have other plans for the parcel, we will happily remove it from the scope of the Parkway project.
>
> Let me know if you have any questions or want to discuss further, and best of luck on your office development!
>

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

> Sincerely,
> Mikey Goralnik
>
> -----Original Message-----
> From: Lester Bridges <lesternbridges@yahoo.com>
> Sent: Monday, February 6, 2023 8:53 PM
> To: Mikey Goralnik <mgoralnik@mariposacounty.org>
> Cc: Steve Engfer <Sengfer@mariposacounty.org>
> Subject: Mariposa Creek Parkway
>
> [You don't often get email from lesternbridges@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]
>
> Mikey,
> I called your phone number and left a message concerning the plot map for Mariposa Creek Parkway Phase 111.
> I noticed that you have outlined my property parcel# 013-240-022 located next to the Pioneer Market. It appears that there is some confusion concerning this part that is outlined with red, as this parcel is not available for use for this Creek Parkway.
> This is a piece set aside for future development of 2 office buildings.
A/1 > I am cc'ing Steve Engfer in case we need to get him involved.
> Thank you, I will wait to hear from either one of you.
>
>
>
> God Bless You,
> Lester Bridges
> Sent from my iPhone

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

LETTER B

Southern Sierra Miwuk Nation Tribe (via email and in-person consultation)
(February 14, 2023 and February 21, 2023)

Comment B/1

The commenter indicated during in-person consultation that the Southern Sierra Miwuk Nation Tribe's preference for the project to establish appropriate connections and interpretive elements to communicate the significance of cultural resources that were identified on the north side of Mariposa Creek (site P-22-001393 and MARIPOSA-SITE-1).

Response B/1

The recommended mitigation measures for these cultural sites have been revised to reflect the Southern Sierra Miwuk Nation Tribe's preference for appropriate public access and interpretation.

TCR-1: The project team will generate several conceptual alternatives to share with the tribe to identify a mutually preferred strategy for interpreting and providing access to the resources while ensuring their longevity and preservation. This will occur prior to completion of construction documents for this portion of the site. Anticipated mitigation measures may include some or all of the following:

- Interpretive signage.
- Boardwalk or other surface to minimize damage to soil near cultural resources.
- Screening or other barriers to eliminate physical contact with cultural resources.

The IS/MND has been revised to remove mitigation measure CUL-3 and replace it with the mitigation referenced above. The new mitigation measure would be designated as TCR-1. Pursuant to CEQA section 15073.5 recirculation of an MND is not required if mitigation measures are replaced with equal or more effective measures.

Comment B/2

The commenter requested, via email, Appendix B from the Cultural Resources Study that was prepared for the Project.

Response B/2

Comment noted. Appendix B was sent to the representative who had requested the Appendix B.

Ryan McKelvey

From: Mikey Goralnik <mgoralnik@mariposacounty.org>
Sent: Tuesday, February 21, 2023 3:05 PM
To: SSMN Cultural Preservation
Cc: Robert Azpitarte; pcarey@asmaffiliates.com; Tara Fouch-Moore; Waylon Coats; Briza Sholars
Subject: RE: Phase I CRS for the Mariposa Creek Parkway
Attachments: Confidential Appendix B DPR Forms.pdf

Hey Jazzmyn,

Definitely, see attached.

Also, following up on our conversation last week, I wanted to mention that the current recommended mitigations in our draft CEQA document for those two cultural sites (below in italics for reference) is a little different than the protected access and interpretation program that we talked about during our meeting.

If we're going to figure out ways for people to access and learn about the features, its probably a good idea to revise these recommended mitigations to reflect that. Do you want to provide some language that you'd like us to revise to? Or, would you like our team to draft something up for you to sign off on? Let us know how you'd like to proceed, thanks a bunch and talk soon.

Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, it is recommended that the recorded site location be avoided and preserved in place. If avoidance is not possible, it is recommended that a qualified archaeologist monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, it is recommended the site be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).

It is recommended that MARIPOSA-SITE-1 be avoided and preserved in place. To ensure the site is avoided, it is recommended that project activities do not occur within 10 meters (33 feet) of the site boundary if possible. If avoidance by project design is not possible, it is recommended that the site be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR)

From: SSMN Cultural Preservation <preservation@southernsierramiwuknation.org>
Sent: Tuesday, February 21, 2023 8:57 AM
To: Mikey Goralnik <mgoralnik@mariposacounty.org>
Cc: Robert Azpitarte <razpitarte@asmaffiliates.com>; pcarey@asmaffiliates.com; Tara Fouch-Moore <Secretary@southernsierramiwuknation.org>; Waylon Coats <vicechair@southernsierramiwuknation.org>
Subject: Phase I CRS for the Mariposa Creek Parkway

Hello All,

B/2 I was wanting to request the Appendix B from the Cultural Resources Study for the Mariposa Creek Parkway, please.

Thank you

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

Jazzmyn Gegere (Brochini)
Cultural Resource Preservation Department Manager
and Tribal Monitor Coordinator
Southern Sierra Miwuk Nation
Cell #209-742-3104
preservation@southernsierramiwuknation.org

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

LETTER C

California Department of Transportation (Caltrans)
(March 1, 2023)

Comment C/1

Traffic Operations: At the intersection of State Route (SR) 140/11th Street:

- Are sidewalk and/or driveway modifications proposed in front of the Paseo?
    - If so, any work within State Right of Way (ROW) will require an encroachment permit.

Response C/1

Yes, we will submit an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office for sidewalk/parking modifications within State ROW.

Comment C/2

Environmental: If any construction related activities encroach into Caltrans Right of Way (ROW), the project proponent must apply for an encroachment permit to the Caltrans Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans Right of Way (ROW), at the project site(s).

- If there are impacts to protected water resources within Caltrans Right of Way (ROW), Caltrans will need to see the correspondence with the permitting authorities. California Department of Fish and Wildlife (CDFW), United States Army Corps of Engineers (USACE), and Regional Water Control Board (RWQCB).

- There are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1, and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by Caltrans District 10 Environmental Office.

Response C/2

An Aquatic Resources Delineation was prepared by Live Oak & Associates in October of 2022. Any regulatory permits required will be coordinated with the appropriate agencies.

Comment noted. The IS/MND evaluates potential impacts to biological resources. See Section 4.4 and Mitigation Measures for nesting birds BIO-2A, 2B, 2C in the Mitigation Monitoring and Reporting Program.

Comment C3

Encroachment Permits: If any future project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of

potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications.

Response C/3

Yes, we will submit an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office for sidewalk/parking modifications within State ROW.

Comment C4

Hydrology: Please provide for our review the pre- and post- construction runoff calculations and drainage plans to understand the flow patterns, stormwater treatment, and management which could affect SR 140/49. With project development the surface runoff increases, and the flow pattern might be disturbed, the developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project.

If historical undeveloped topography shows drainage from this site does not flow into the State ROW, then it will not be allowed to flow into the State ROW at this time.

Since this plan is regional, it will become part of several bicycle routes extending into the national forests and Yosemite National Park. Funded by a grant from Caltrans, the County began work on the master plan on 2018.

The master plan process relied on extensive community engagement to develop a comprehensive vision for the creek corridor, and to define priority actions for implementing that vision. We understand that the plan could change as the project will move forward.

Additional review will be required once the grading, drainage plans, and calculations are submitted if the project is encroaching into the Caltrans ROW.

However, if the project limit will not reach to the Caltrans ROW please show details such that the review for that section might be exempt after reviewing such plan. However, initial plan was to extend path to 8th street, but current draft plan is showing to 11th street.

Response C/4

The drainage pattern in the Project area will not change. If required, we will submit plans and calculations showing no additional impact.

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov

March 1, 2023

Steve Engfer
Planning Director
Mariposa County Planning Department
4639 Ben Hur Road
Mariposa, CA 95338

MPA-49-PM 17.594
MPA Parkway Phase III
Trailhead Project
Initial Study
SCH# 2023020034

Dear Mr. Engfer,

Caltrans appreciates the opportunity to review and respond to the Mariposa Parkway Phase III Project Initial Study that proposes the development of a multi-use (bicycle and pedestrian) creek parkway trail and secondary (pedestrian only) trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with 8th Street, State Route (SR) 140/49 and the Joe Howard Bridge. Locally, it will extend the existing trail from the Mariposa County Arts Park to local businesses and a future transit center. Regionally, it will become part of several bicycle routes extending into the national forests and Yosemite National Park.

Caltrans has the following comments:

Traffic Operations
At the intersection of State Route (SR) 140/11th Street:

- Are sidewalk and/or driveway modifications proposed in front of the Paseo?
  - If so, any work within State Right of Way (ROW) will require an encroachment permit.

Environmental
If any construction related activities encroach into Caltrans Right of Way (ROW), the project proponent must apply for an encroachment permit to the Caltrans Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans Right of Way (ROW), at the project site(s).

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

- If there are impacts to protected water resources within Caltrans Right of Way (ROW), Caltrans will need to see the correspondence with the permitting authorities. California Department of Fish and Wildlife (CDFW), United States Army Corps of Engineers (USACE), and Regional Water Control Board (RWQCB).
- There are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1, and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by Caltrans District 10 Environmental Office.

Encroachment Permits

- If any future project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications

Hydrology

- Please provide for our review the pre- and post- construction runoff calculations and drainage plans to understand the flow patterns, stormwater treatment, and management which could affect SR 140/49. With project development the surface runoff increases, and the flow pattern might be disturbed, the developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project.
- If historical undeveloped topography shows drainage from this site does not flow into the State ROW, then it will not be allowed to flow into the State ROW at this time.
- Since this plan is regional, it will become part of several bicycle routes extending into the national forests and Yosemite National Park. Funded by a grant from Caltrans, the County began work on the master plan on 2018.
- The master plan process relied on extensive community engagement to develop a comprehensive vision for the creek corridor, and to define priority actions for implementing that vision. We understand that the plan could change as the project will move forward.

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

- Additional review will be required once the grading, drainage plans, and calculations are submitted if the project is encroaching into the Caltrans ROW.
- However, if the project limit will not reach to the Caltrans ROW please show details such that the review for that section might be exempt after reviewing such plan. However, initial plan was to extend path to 8th street, but current draft plan is showing to 11th street.

All future development for the project location will require further review by Caltrans. If you have any questions or would like to discuss these comments, please contact Lloyd Clark at (209) 941-1982 (Email: Lloyd.Clark@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,

Gregoria Ponce'

Gregoria Ponce', Chief
Office of Rural Planning

Attachment: Mariposa Creek Parkway Phase III - ISMND Response to Comments (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek

CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in Mariposa County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1: Mitigation, Monitoring, and Reporting Program presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of Table 5-1: Mitigation, Monitoring, and Reporting Program identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored.

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead

Packet Pg. 1191

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Table 5-1: Mitigation, Monitoring, and Reporting Program

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Aesthetics						
AES-1	All outdoor lighting shall adhere to International Dark Sky Association standards, including the requirement that all outdoor lighting shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent properties.	During construction activities	Once, near project completion	Mariposa County Public Works		
Biological Resources						
BIO-1A	(Pre-construction Survey): A pre-construction survey for western pond turtles will be conducted no more than 24 hours prior to the start of work in Mariposa Creek and the adjoining mixed riparian woodland habitat.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-1B	(Relocation): A qualified biologist will capture and relocate any turtles found within areas planned for direct impact. Turtles will be relocated to suitable alternative habitat within the Mariposa Creek corridor, outside of project boundaries.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-1C	(Avoidance): If any turtles are observed on site while work is occurring, work in the immediate area will cease and turtles will be allowed to leave the construction zone of their own volition, if feasible. If necessary, a qualified biologist will capture and relocate such turtles as described above under Mitigation Measure **BIO-2B**.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-2A	(Avoidance): To avoid impacts to nesting birds and raptors, construction will occur, where possible, outside the February 1-August 31 nesting season.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-2B	(Pre-construction Survey): If construction must occur during the February 1-August 31 nesting season, a qualified biologist will conduct pre-construction surveys for active bird and raptor nests within 10 days of the onset of these activities. Nest surveys will encompass the work area and	10 days prior to construction if construction activities that fall between February 1 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	surrounding lands within 250 feet. Nest surveys will be repeated whenever there is a lapse in construction of 10 days or more during the nesting season.					
BIO-2C	(Construction-Free Buffers): Should any active nests be discovered in or near proposed construction zones, a qualified biologist will identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.	During construction activities upon discovery of active nests near work areas.	Daily, upon discovery of any active nests near work areas	Mariposa County Public Works		
BIO-3A	(Avoidance): To avoid potential impacts to maternity bat roosts, removal of mature trees and snags shall occur outside of the period between April 15 and August 31, the time frame within which colony-nesting bats in the vicinity generally assemble, give birth, nurse their young, and ultimately disperse.	During construction activities March 1 through September 30	Daily. during construction activities March 1 through September 30	Mariposa County Public Works		
BIO-3B	(Pre-construction Survey): If removal of mature trees and/or snags is to occur between April 15 and August 31, then within 10 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.	10 days prior to construction if construction activities that fall between April 15 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		
BIO-3C	(Construction-Free Buffers): Should any active maternity bat roosts be discovered in trees or snags to be impacted, the biologist will identify a suitable construction-free buffer around the maternity roost. The buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nursery is no longer active.	During construction activities upon discovery of active maternity bat roosts near work areas	Daily, upon discovery of any active maternity bat roosts near work areas	Mariposa County Public Works		
Cultural Resources						

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
CUL-1	(Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.	During construction activities upon discovery of archaeological remains in the work areas.	Daily, upon discovery of archaeological remains in the work areas	Mariposa County Public Works		
CUL-2	(Human Remains): In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During any construction activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the project proponent. Protection measures for the site may include, but not be limited to, requiring the project proponent to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall	During construction activities upon discovery of human remains in the work areas.	Daily, upon discovery of human remains in the work areas.	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	be requested to be on-site during disturbance and/or removal of human remains.					
~~**CUL-3**~~	~~(Avoidance/Preservation): Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, the recorded site location shall be avoided and preserved in place. If avoidance is not possible, a qualified archaeologist shall monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, the site shall be subject to a formal evaluation for eligibility to the CRHR).~~ ~~The MARIPOSA SITE 1 shall be avoided and preserved in place. To ensure the site is avoided, project activities shall not occur within 10 meters (33 feet) of the site boundary if possible. If avoidance by project design is not possible, the site shall be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).~~	~~During construction activities.~~	~~Daily~~	~~Mariposa County Public Works~~		
Geology and Soils						
GEO-1	An engineered grading plan, erosion control plan, and stormwater drainage plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading, including road work, on slopes 15% or greater.	Prior to construction	One engineered grading plan prior to construction	Mariposa County Public Works		
GEO-2	A sedimentation control plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading requiring a grading permit and conducted between the November 1 and April 1.	Prior to construction	One sedimentation control plan prior to construction	Mariposa County Public Works		
GEO-3	All exposed and/or disturbed soils for grading which requires a grading permit shall be watered down or suppressed in other manners during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris,	Prior to construction	During grading activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	soil, sand, or other materials shall be protected from wind erosion.					
GEO-4	Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to Mariposa County for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.	During construction and ground disturbing activities	In the event paleontological resources are unearthed or exposed during any stage of Project construction activities	Mariposa County Public Works		
Hazards and Hazardous Materials						
HAZ-1	See **WLD-1** and **WLD-2**.					
Noise						
NOI-1	The County shall ensure the construction contractor implement the following construction noise reducing measures: • The construction contractor shall ensure that all noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise sensitive receptors nearest the project site during construction.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	• The construction contractor shall ensure that all equipment will have sound control devices that are no less effective than those provided on the original equipment. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as deemed to be in the public interest, considering the available technology and economic feasibility.					
NOI-2	The County shall ensure that equipment and trucks used for construction of the Project utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).	During construction activities	Daily, during construction activities	Mariposa County Public Works		
NOI-3	The County shall ensure that impact equipment (e.g., jack hammers, etc.) used for construction of the Project be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.					
	Tribal Cultural Resources					
TCR-1	The project team shall generate several conceptual alternatives to share with the tribe to identify a mutually preferred strategy for interpreting and providing access to the resources while ensuring their longevity and preservation. This will occur prior to completion of construction documents for this portion of the site. Anticipated mitigation measures may include some or all of the following: • Interpretive signage. • Boardwalk or other surface to minimize damage to soil near cultural resources. • Screening or other barriers to eliminate physical contact with cultural resources	Prior to construction		Mariposa County Public Works		
	Wildfire					
WLD-1	(Defensible Space). Pre-wildfire mitigation measures focus on the maintenance of defensible space and fire-focused landscaping, and may include: a) Highly flammable vegetation near the Project will be maintained to reduce fire fuel, as appropriate. b) Dispose of debris, such as dry debris, leaves, and dead limbs near and within the Project. c) Design defensible spaces with fire breaks around the Project, as appropriate.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
WLD-2	(Water Source). Adequate on-site water sources will be made available during high fire risk construction activities and will include, but not limited to, water truck, water backpacks, and/or fire extinguishers	During construction activities	Daily, during construction activities	Mariposa County Public Works		
Table Notes						

Attachment: Mariposa Creek Parkway Phase III - MMRP (LTC-2023-7 : Adopt the IS/MND for the Mariposa

Notice of Determination

Appendix D

To:

☐ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☐ County Clerk
County of: Mariposa County
Address: 4982 10th Street, PO Box 247
Mariposa, CA 95338

From:
Public Agency: Mariposa County
Address: 4639 Ben Hur Road
Mariposa, CA 95338
Contact: Steve Engfer, Planning Director
Phone: (209) 742-1222

Lead Agency (if different from above):
Mariposa County
Address: 4639 Ben Hur Road
Mariposa, CA 95338
Contact: Steve Engfer, Planning Director
Phone: (209) 742-122

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: Mariposa Creek Parkway Phase III and Trailhead Project

Project Applicant: Mariposa County

Project Location (include county): unincorporated community of Mariposa in Mariposa County

Project Description:

See attached Project Description.

This is to advise that the Mariposa County (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on March 21, 2023 (date) and has made the following determinations regarding the above described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
4639 Ben Hur Road, Mariposa, CA 95338

Signature (Public Agency): _____ Title: Planning Director

Date: _____ Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Attachment: Mariposa Creek Parkway Phase III - NOD (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead

Mariposa County

Steve Engfer
Planning Director

5100 Bullion Street
P.O. Box 2039
Mariposa, CA 95338
209-966-5151 FAX 209-742-5024
sengfer@mariposacounty.org
www.mariposacounty.org

RECEIVED
FEB 0 2 2023
MARIPOSA COUNTY CLERK

February 2, 2023

Notice of Public Review Period and Intent to Adopt a Mitigated Negative Declaration

Project name and number: **Mariposa Creek Parkway Phase III and Trailhead Project**
Proponent's name: **Mariposa County Local Transportation Commission**

The project involves the following parcels and right-of-ways/easements:

012-143-001; 012-143-003; 012-143-004; 013-130-006; 013-130-077; 013-130-078; 013-230-047; 013-230-053 (all unassigned addresses); 013-130-045 (5085 Jessie Street, Mariposa, CA); 013-240-022 (4907 Joe Howard Street, Mariposa, CA); 013-230-028 (4922 Joe Howard Street, Mariposa, CA); 013-230-021 (5145 Antone Road, Mariposa, CA); 013-230-046 (5149 Antone Road, Mariposa, CA); 013-230-054 (5139 Antone Road, Mariposa, CA); Jessie Street from 8th street to Coakley Circle; 8th Street from Jessie Street to Stroming Road, portion of 11th Street from Highway 140 to Jessie Street, and a portion of Joe Howard Street at Antone Road (see attached vicinity map).

NOTICE IS HEREBY GIVEN that pursuant to the California Environmental Quality Act (CEQA), the Mariposa County Local Transportation Commission will consider the adoption a Mitigated Negative Declaration. A Mitigated Negative Declaration means that the project has been determined not to have a significant effect on the environment when certain mitigating measures are performed. The proposed Mitigated Negative Declaration and Initial Study are available for PUBLIC REVIEW on the following matter:

PUBLIC HEARING: The Mariposa County Local Transportation Commission will consider adoption of the proposed Mitigated Negative Declaration at the Board of Supervisors meeting on **Tuesday, March 21, 2023, at 9:00 am or soon thereafter as possible at the Mariposa County Board Chambers, 2nd Floor of 5100 Bullion Street, Mariposa, CA 95338**. Any concerns or issues relating to the project must be raised during the public review process for the Initial Study/proposed Mitigated Negative Declaration or at the public hearing if those issues are to be used for the basis of an appeal. Information regarding the Appeals process is available at Mariposa Planning, 209-966-5151.

PROJECT DESCRIPTION SUMMARY: Phase III of the Mariposa Creek Parkway Master Plan. The project includes the development of a multi-use (bicycle and pedestrian) creek parkway trail and secondary (pedestrian only) trails and associated improvements that will interconnect existing segments of the Mariposa Creek Parkway with 8th Street, State Route 140-49 and the Joe Howard Bridge in the community of Mariposa. Locally, it will extend the existing trail from the Mariposa County Arts Park to local businesses and a future transit center. Regionally, it will become part of several bicycle routes extending into the national forests and Yosemite National Park. The area of potential effect and Project area is approximately 11.1 acres in size.

Attachment: Mariposa Creek Parkway Phase III - NOI_stamped (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and

A portion of the Project is being funded by Senate Bill 1 (SB1) Augmentation of the Cycle 5 Active Transportation Program (ATP) grant program administered through Caltrans Division of Local Assistance with oversight and additional administration from the California Transportation Commission. In Spring 2022, the County received a grant from the Economic Development Administration to plan and permit the Phase III Trailhead and Destination Park on the north side of the creek in this segment.

The project will implement critical components of the Mariposa Creek Parkway Master Plan, 11th Street Paseo Graphic Enhancement Project, and the Trailhead Project. Specifically, it will construct (1) Phase III of the Mariposa Creek Parkway, an approximately 0.5-mile-long parkway segment between 8th Street and Joe Howard Street; (2) the 11th Street Paseo, an approximately 100-foot long strategic active transportation linkage between State Route 140/49 and Jessie Street; (3) new pedestrian and bicycle facilities along Jessie Street to connect the mobility resources and establish a safe bicycle and pedestrian network in this area of Mariposa; and (4) the trailhead area and its associated amenities near Jessie Street and 8th Street.

Mariposa Creek Parkway Phase III Elements
Project elements for the Mariposa Creek Parkway Phase III include the following:

Amenities

- Stepstone crossing
- Benches
- Lighting
- 11th Street Paseo
- Wayfinding signage
- Stormwater management facilities

Trails and Street Improvements

- Primary Parkway Trail Section
  - o 14' multi-use pathway
    - 8' wide Paved path
    - 4' wide Decomposed Granite path adjacent to paved path
    - 2' minimum buffers on outside of prepared paths
- Secondary Trail Section
  - o 4' – 6' wide earthen path
- Jessie Street Improvements
  - o Section A-A: 8'painted pedestrian and bike path with 2' painted buffer on creek side on existing or reconstructed asphalt pavement
    - Bollard separation between path and Jessie Street vehicular drive lane
  - o Section B-B: 8' painted pedestrian and bike path with 2' painted buffer on creek side
    - Bollard separation between path and Jessie Street vehicular drive lane (converted to one-way traffic between 8th Street and 9th Street)
- Up to two (2) Pedestrian bridges across Mariposa Creek
- Five (5) parking spaces with one accessible space (as mentioned below under Trailhead Project)
- Painted crosswalk connecting to terminus of Phase II Creek Parkway.

Attachment: Mariposa Creek Parkway Phase III - NOI_stamped (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and

The project will also implement conservation strategies for Special Status plants species, monarch butterfly habitat, and riparian habitat.

Phase III Trailhead and Destination Park Area Elements
In addition to the Mariposa Creek Parkway Phase III elements, the Project proposes to construct the trailhead area as described in the Mariposa Creek Parkway Master Plan. The Trailhead and Destination Park area includes the development of the trailhead, and its associated amenities, generally between the creek and Jessie Street, from 8th Street to Joe Howard Street bridge. The Trailhead and Destination Park includes the following elements:

- Creekside nature play area
- Trailhead pavilion
    - o Beacon, Anchor, Destination
    - o Shelter from weather (sun and rain)
    - o Restrooms
    - o Storage
    - o Trail/Parkway information
    - o Picnic space/small gathering space under roof
- Five (5) parking spaces with one accessible space
- Rock Outcropping Performance Space & Outdoor Classroom
- Downtown connection path
- Creek viewing platforms/Jessie St. overlook
    - o Approximately (TBD) square feet wood & metal structure cantilevered out over slope with staircase for pedestrian access connection to parkway and trailhead site
- Boulder scramble area
- Secondary (pedestrian only) trails between the creek and the town
- Locations and opportunities for public art installations
- Native American interpretive elements
- Creek access points & shade structures
- Fitness stations
- Trail information kiosk (at Joe Howard Street)

DETERMINATION: Based on the Initial Study prepared for the project, the project would have a less than significant effect on the environment when mitigation measures are incorporated. Although the project has the potential to have a significant impact on the issues of aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, tribal and cultural resources, and wildfire, there will not be significant impacts because proposed mitigation measures will reduce these potentially significant impacts to less than significant levels. The Mariposa County Local Transportation Commission will consider the adoption of a Mitigated Negative Declaration. Please note, this action is for the CEQA determination only. Any other required land-use entitlements for the project will be processed at a future date TBD.

PUBLIC COMMENTS: Public review of the Initial Study/proposed Mitigated Negative Declaration will commence on ***February 2, 2023,*** and will continue until 5:00 p.m. on ***March 6, 2023***. Written comments on the Initial Study and on the adoption of the proposed Mitigated Negative Declaration will be accepted during the public review period and may be directed to Briza Sholars at Provost & Pritchard Consulting Group, by mail to 455 W. Fir Ave, Clovis, CA 93611, or by email at bsholars@ppeng.com.

Attachment: Mariposa Creek Parkway Phase III - NOI_stamped (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and

COPIES FOR PUBLIC INSPECTION: The Initial Study/proposed Mitigated Negative Declaration and all documents incorporated by reference in the Initial Study/proposed Mitigated Negative Declaration are available for review at the Planning Counter of the Mariposa County Planning Department during normal business hours. The Planning Counter is located at 5100 Bullion Street, Mariposa, CA 95338. The proposed Mitigated Negative Declaration and Initial Study is also available for review at the Mariposa County Planning Department projects web page: https://www.mariposacounty.org/DocumentCenter/Index/3183.

You are receiving this notice as required by State law and County code because (1) you own property within the project area or within 300 feet of the project area; (2) you have previously asked us to inform you about projects associated with this project, or (3) you are an affected/reviewing state or local agency.

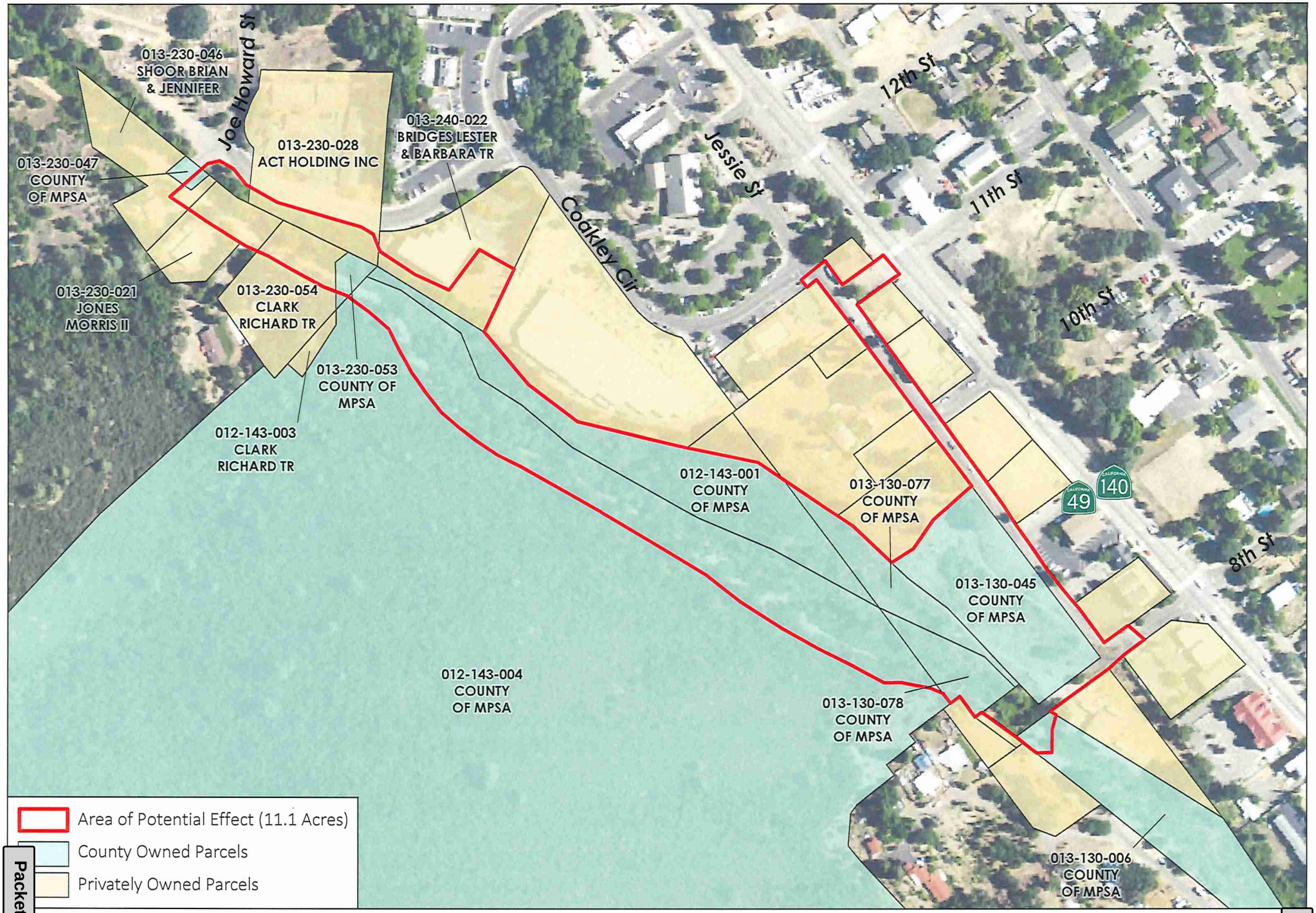
For further questions and general information, contact Steve Engfer, Planning Director, at (209) 966-5151 or by email at sengfer@mariposacounty.org; or contact Matt Hespenheide, County Engineer, at (209) 966-5356 or by email at mhespenheide@mariposacounty.org.

Mailed: 2/2/2023
Posting Locations: ***Mariposa County Clerk's Office***
Mariposa County Courthouse
Mariposa County Planning Department
www.mariposacounty.org/planning

Please leave posted until 5pm, March 6, 2023

Attachments:
Project Vicinity Map

Attachment: Mariposa Creek Parkway Phase III - NOI_stamped (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and



Mariposa County

PROVOST&
PRITCHARD

Mariposa Creek Parkway Phase III

Attachment: Mariposa Creek Parkway Phase III - NOI_stamped (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
LOCAL TRANSPORTATION COMMISSION

Resolution
No. 2023- 7

A Resolution adopting a Mitigated Negative Declaration for the Mariposa Creek Parkway Phase III project.

WHEREAS, the Mariposa County Local Transportation Commission (LTC) adopted a 2017 Regional Transportation Plan (RTP); and

WHEREAS, the 2017 RTP Goals 4 and 10 call for adequate, safe, and efficient non-motorized travel, and recognize that alternative mobility options require coordinated land use decisions and improved infrastructure within the County's more developed communities; and

WHEREAS, on January 28, 2020 the LTC adopted Resolution 2020-03, adopting the Mariposa Creek Parkway Master Plan ("the Plan"); and

WHEREAS, carrying out the steps necessary to develop and ultimately implement the vision expressed in the Plan will result in a significant active infrastructure investment, strategically extending the existing Mariposa Creek Parkway resource and serving as a vital link for residents and visitors to cultural and economic nodes in the community; and

WHEREAS, implementing the Mariposa Creek Parkway will be a powerful catalyst for realizing the vision that will be expressed in that plan; and

WHEREAS, the County successfully pursued funding through the Caltrans Active Transportation Program and the US Economic Development Administration's ARPA grant program to fund implementation of the Phase III segment of the Mariposa Creek Parkway, including the Parkway, Phase III trailhead, and 11th Street Paseo; and

WHEREAS, the County used portions of these grant funds to conduct the project's review under CEQA; and

WHEREAS, the Public Works and Planning Departments prepared staff report and environmental documents in accordance with the California Environmental Quality Act and local administrative procedures being the Initial Study Mitigated Negative Declaration and Mitigation Monitoring Program (State Clearinghouse Number 2023020034); and

WHEREAS, public notice was given through mailed notices to neighboring property owners, notice in the Mariposa Gazette, and published with the California Office of Planning and Research's State Clearinghouse, all on the 2nd day of February 2023; and

WHEREAS, a duly noticed Local Transportation Commission public hearing was scheduled for the 21st day of March 2023; and

WHEREAS, the Local Transportation Commission did hold a public hearing on the hearing date and considered all the information in the public record, including the staff report packet and testimony from the public.

NOW THEREFORE BE IT RESOLVED THAT the Local Transportation Commission of the County of Mariposa does hereby adopt a Mitigated Negative Declaration for the Phase III segment of the Mariposa Creek Parkway.

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

NOW BE IT THEREFORE BE IT FINALLY RESOLVED THAT, the project approval is based on the findings and mitigation measures as shown in the Initial Study Mitigated Negative Declaration Documents State Clearinghouse (SCH) Number 2023020034 and Mitigation Monitoring and Reporting Program attached as Exhibit 1.

ON MOTION BY Commissioner Rosemarie Smallcombe, seconded by Commissioner Shannon Poe, this resolution is duly passed and adopted this 21st day of March 2023 by the following vote:

AYES: Toso, Poe, Smallcombe, Forsythe, Monetrey

NOES: None

EXCUSED: None

ABSTAIN: None

_____
Wayne Forsythe, Chair
Mariposa County Local Transportation Commission

Attest:

_____
Danielle Bondshu,
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM

_____
Steven W. Dahlem
County Counsel

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

EXHIBIT 1
Mitigation Monitoring and Reporting Program

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in Mariposa County. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1: Mitigation, Monitoring, and Reporting Program presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of Table 5-1: Mitigation, Monitoring, and Reporting Program identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored.

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Table 5-1: Mitigation, Monitoring, and Reporting Program

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Aesthetics						
AES-1	All outdoor lighting shall adhere to International Dark Sky Association standards, including the requirement that all outdoor lighting shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent properties.	During construction activities	Once, near project completion	Mariposa County Public Works		
Biological Resources						
BIO-1A	(Pre-construction Survey): A pre-construction survey for western pond turtles will be conducted no more than 24 hours prior to the start of work in Mariposa Creek and the adjoining mixed riparian woodland habitat.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-1B	(Relocation): A qualified biologist will capture and relocate any turtles found within areas planned for direct impact. Turtles will be relocated to suitable alternative habitat within the Mariposa Creek corridor, outside of project boundaries.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-1C	(Avoidance): If any turtles are observed on site while work is occurring, work in the immediate area will cease and turtles will be allowed to leave the construction zone of their own volition, if feasible. If necessary, a qualified biologist will capture and relocate such turtles as described above under Mitigation Measure **BIO-2B**.	During construction activities, if western pond turtles are identified	Daily during construction activities	Mariposa County Public Works		
BIO-2A	(Avoidance): To avoid impacts to nesting birds and raptors, construction will occur, where possible, outside the February 1-August 31 nesting season.	Prior to the start of construction activities	Once, prior to the start of construction	Mariposa County Public Works		
BIO-2B	(Pre-construction Survey): If construction must occur during the February 1-August 31 nesting season, a qualified biologist will conduct pre-construction surveys for active bird and raptor nests within 10 days of the onset of these activities. Nest surveys will encompass the work area and	10 days prior to construction if construction activities that fall between February 1 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		

Packet Pg. 1210
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	surrounding lands within 250 feet. Nest surveys will be repeated whenever there is a lapse in construction of 10 days or more during the nesting season.					
BIO-2C	(Construction-Free Buffers): Should any active nests be discovered in or near proposed construction zones, a qualified biologist will identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.	During construction activities upon discovery of active nests near work areas.	Daily, upon discovery of any active nests near work areas	Mariposa County Public Works		
BIO-3A	(Avoidance): To avoid potential impacts to maternity bat roosts, removal of mature trees and snags shall occur outside of the period between April 15 and August 31, the time frame within which colony-nesting bats in the vicinity generally assemble, give birth, nurse their young, and ultimately disperse.	During construction activities March 1 through September 30	Daily. during construction activities March 1 through September 30	Mariposa County Public Works		
BIO-3B	(Pre-construction Survey): If removal of mature trees and/or snags is to occur between April 15 and August 31, then within 10 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.	10 days prior to construction if construction activities that fall between April 15 to August 31	One time survey, 10 days prior to construction	Mariposa County Public Works		
BIO-3C	(Construction-Free Buffers): Should any active maternity bat roosts be discovered in trees or snags to be impacted, the biologist will identify a suitable construction-free buffer around the maternity roost. The buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nursery is no longer active.	During construction activities upon discovery of active maternity bat roosts near work areas	Daily, upon discovery of any active maternity bat roosts near work areas	Mariposa County Public Works		
Cultural Resources						

Packet Pg. 1211
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
CUL-1	(Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.	During construction activities upon discovery of archaeological remains in the work areas.	Daily, upon discovery of archaeological remains in the work areas	Mariposa County Public Works		
CUL-2	(Human Remains): In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During any construction activity that involves ground disturbance, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the project proponent. Protection measures for the site may include, but not be limited to, requiring the project proponent to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall	During construction activities upon discovery of human remains in the work areas.	Daily, upon discovery of human remains in the work areas.	Mariposa County Public Works		

Packet Pg. 1212
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	be requested to be on-site during disturbance and/or removal of human remains.					
~~**CUL-3**~~	~~(Avoidance/Preservation): Since the location of site P-22-001393 could not be accessed due to vegetation overgrowth to confirm its presence or absence, the recorded site location shall be avoided and preserved in place. If avoidance is not possible, a qualified archaeologist shall monitor vegetation clearing in the area and update the site if it is identified. If the site is relocated and cannot be avoided, the site shall be subject to a formal evaluation for eligibility to the CRHR).~~ ~~The MARIPOSA SITE 1 shall be avoided and preserved in place. To ensure the site is avoided, project activities shall not occur within 10 meters (33 feet) of the site boundary if possible. If avoidance by project design is not possible, the site shall be subject to a formal evaluation for eligibility to the California Register of Historical Resources (CRHR).~~	~~During construction activities.~~	~~Daily~~	~~Mariposa County Public Works~~		
Geology and Soils						
GEO-1	An engineered grading plan, erosion control plan, and stormwater drainage plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading, including road work, on slopes 15% or greater.	Prior to construction	One engineered grading plan prior to construction	Mariposa County Public Works		
GEO-2	A sedimentation control plan prepared and approved in accordance with applicable provisions of County Code shall be required for all grading requiring a grading permit and conducted between the November 1 and April 1.	Prior to construction	One sedimentation control plan prior to construction	Mariposa County Public Works		
GEO-3	All exposed and/or disturbed soils for grading which requires a grading permit shall be watered down or suppressed in other manners during grading operations to reduce the generation of fugitive dust. During non-grading periods, all stockpiles of debris,	Prior to construction	During grading activities	Mariposa County Public Works		

Packet Pg. 1213
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	soil, sand, or other materials shall be protected from wind erosion.					
GEO-4	Should paleontological resources be encountered on the Project site, all ground disturbing activities in the area shall stop. A qualified paleontologist shall be contacted to assess the discovery. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to Mariposa County for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.	During construction and ground disturbing activities	In the event paleontological resources are unearthed or exposed during any stage of Project construction activities	Mariposa County Public Works		
Hazards and Hazardous Materials						
HAZ-1	See **WLD-1** and **WLD-2**.					
Noise						
NOI-1	The County shall ensure the construction contractor implement the following construction noise reducing measures: • The construction contractor shall ensure that all noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise sensitive receptors nearest the project site during construction.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Packet Pg. 1214
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	• The construction contractor shall ensure that all equipment will have sound control devices that are no less effective than those provided on the original equipment. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as deemed to be in the public interest, considering the available technology and economic feasibility.					
NOI-2	The County shall ensure that equipment and trucks used for construction of the Project utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).	During construction activities	Daily, during construction activities	Mariposa County Public Works		
NOI-3	The County shall ensure that impact equipment (e.g., jack hammers, etc.) used for construction of the Project be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Packet Pg. 1215
J.1.g
Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
	air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.					
	Tribal Cultural Resources					
TCR-1	The project team shall generate several conceptual alternatives to share with the tribe to identify a mutually preferred strategy for interpreting and providing access to the resources while ensuring their longevity and preservation. This will occur prior to completion of construction documents for this portion of the site. Anticipated mitigation measures may include some or all of the following: • Interpretive signage. • Boardwalk or other surface to minimize damage to soil near cultural resources. • Screening or other barriers to eliminate physical contact with cultural resources	Prior to construction		Mariposa County Public Works		
	Wildfire					
WLD-1	(Defensible Space). Pre-wildfire mitigation measures focus on the maintenance of defensible space and fire-focused landscaping, and may include: a) Highly flammable vegetation near the Project will be maintained to reduce fire fuel, as appropriate. b) Dispose of debris, such as dry debris, leaves, and dead limbs near and within the Project. c) Design defensible spaces with fire breaks around the Project, as appropriate.	During construction activities	Daily, during construction activities	Mariposa County Public Works		

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)
Packet Pg. 1216
J.1.g

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
WLD-2	(Water Source). Adequate on-site water sources will be made available during high fire risk construction activities and will include, but not limited to, water truck, water backpacks, and/or fire extinguishers	During construction activities	Daily, during construction activities	Mariposa County Public Works		
Table Notes						

Packet Pg. 1217

Attachment: Resolution (LTC-2023-7 : Adopt the IS/MND for the Mariposa Creek Parkway Phase III and Trailhead Project)

J.1.g

MARIPOSA COUNTY

Administration · 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Closed Session - Hunter's Valley Fire Station

[ ] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed: 1

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
_____

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review:_____ (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[X] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property: 7919 Hunter's Valley Road, Mariposa, CA 95338
Agency negotiator: Dallin Kimble, County Administrative Officer
Negotiating parties: (Specify name of party or parties (not agent)): Pat Gibson, Jim Dahlstrom
Closed session will concern: ( ) price; ( ) terms of payment; (X) both.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

Agenda Item - No Resolution Requested

RESULT: **CLOSED SESSION HELD**

MARIPOSA COUNTY

County Counsel · (209) 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Closed Session - Workers' Compensation Matter

[X] **CONFERENCE WITH LEGAL COUNSEL**:

[X] **Existing Litigation: Sher're Hendricks** v. County of Mariposa
WCAB No. ADJ14464845
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
_____

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review:_____ (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:_____
Agency negotiator: _____
Closed session will concern: ( ) price; ( ) terms of lease/purchase.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

Agenda Item - No Resolution Requested

RESULT: **CLOSED SESSION HELD**

MARIPOSA COUNTY

County Counsel · (209) 966-3222

MEETING: March 21, 2023

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Closed Session - Workers' Compensation Matter

[X] **CONFERENCE WITH LEGAL COUNSEL**:

[X] **Existing Litigation: Walter Dwyer V. County of Mariposa; WCAB No.: ADJ10168154, ADJ10168168, ADJ1016816464**

[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**

[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
_____

[ ] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review:_____ (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:_____
Agency negotiator: _____
Closed session will concern: ( ) price; ( ) terms of lease/purchase.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

Agenda Item - No Resolution Requested

RESULT: **CLOSED SESSION HELD**