

MARIPOSA COUNTY

Merced River Trail Community Working Group

MEETING MINUTES

(Approved 4/14/25)

DATE: September 18, 2024
TIME: 12:00 PM
LOCATION: Board of Supervisors Chamber
5100 BULLION STREET, MARIPOSA, CA

1. **CALL TO ORDER:** Martin called the meeting to order at 12:02PM.

Members Present: Michael Martin, Kristina Rylands, Wendy Brown

Ex-Officio Members Present: Rosemarie Smallcombe (ex officio)

Members of the Public: Steve Dahlem

Members Absent: Miles Menetrey (ex officio), Bill King, Jeff Jenkins

Staff: Will Fassett, Hannah Harrison

2. **APPROVAL OF MINUTES FROM THE May 28th 2024 & July 17 2024 Meetings**

There were three ayes and the minutes for May 28, 2024 were approved.

Brown, Rylands, and Martin approved the minutes. The July 17, 2024 minutes were not approved because not enough members were present who participated in the July meeting.

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS**
4. **MERCED RIVER TRAIL UPDATES**
5. **COMMITTEE BUSINESS**

- a. **Discussion and Possible Recommendation to the Board to Sign Letter to BLM for North Fork Bridge**

Fassett introduced the item and said that the item before the group is to recommend that the letter in support of the construction of the North Fork Bridge be sent to the Board to be signed.

Martin summarized the terms of the re-licensing agreement and emphasized that “We want to them to make [BLM] aware of [our support] and that we’re behind it.”

Smallcombe asked, “What can we offer to BLM? Is it just – you should be aware?” She shared that it would be preferable to state clearly what the County can offer as a partner. She said the Board would want to know what that assistance could look like.

Fassett said that he didn’t know of County resources available to contribute to the project.

Smallcombe also asked that, when the item be brought to the Board, that we describe clearly how does it fits into our larger vision and make it clear to what extent the County will contribute.

Fassett said that the letter represents more of a statement and that Mariposa County residents are supportive of the project.

Smallcombe responded that the County values and appreciates its partnership with BLM and other agencies and we want to communicate with them as partners. She said that we want to frame our communications with the question, “How do we build and maintain relationships?”

Harrison said that we could bring this item back once there is greater clarification on whether the Ferguson slide rock shed received funding in October from the California Transportation Commission. Brown asked for clarification about the CTC funding and Smallcombe described the funding situation with the rock shed project.

Brown asked for clarification on whether the bridge is solely for pedestrian and bike trail use only. Brown said that there are many California backcountry horsemen who would be available to do trail work on the Merced River Trail. She pointed to the July minutes where it is stated that the trail is for “bike and pedestrian use”

Martin referenced the FERC EIR which states that the North Fork Bridge and the Sherlock Creek bridges will be constructed for pedestrian and bike use. He said that the EIR had no reference to whether the trail was for equestrians. He said that trail use restrictions are decided by landowner. Martin suggested that Brown ask BLM.

Discussion and Possible Recommendation to the Board to Hire Outside Legal Counsel to Review Historic Rights-of-Way Along Merced River Trail

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Fassett introduced the subject. He said that the item asks whether the group desires to recommend to the Board hiring outside counsel to conduct the research necessary to pursue perfecting right of ways through Millers Gulch and other private holdings.

Martin said that perfection of the trail right of way is vital to the success of the trail. He added that, without it, the trail would not be the Merced River Trail, but it would have to detour around the private property line.

Smallcombe emphasized that the Board wants to understand what they would get and what it would cost if outside counsel was hired. Smallcombe requested a scope of work. Fassett responded that an attorney was recommended, and a quote was provided. Smallcombe said that, when brought to the Board, an item like this would ordinarily be a discussion and direction item with “a not to exceed amount” for the scope of work. She emphasized that we need to know what we would get for X amount of money.

Dahlem asked why the item is just limited to Millers Gulch when there are many properties that need an easement perfected. Martin said that there are 17 or 18 total properties. He said that Millers Gulch is unique in that Incline Road may not exist on Millers Gulch, while on the other private holdings Incline Road is an existing road.

Dahlem emphasized that it is important for the Board to understand the full project cost. He said the quote is just to do an initial evaluation of doing a quiet title action and not the litigation costs for Millers Gulch and the 17 or 18 other parcels. Dahlem said the Board needs to understand the full cost to perfect and litigate rights-of-way for all of these properties. He said the Board would have to confront the sentiments, real or perceived, of this action. Smallcombe said that it would be important for outside counsel to also weigh liability and risk for the identified hazards on the site.

Brown asked whether the other private properties have contamination issues related to mining? Martin said there are three mines that he is aware of above Millers Gulch. He listed those mines and their ownership status. He mentioned that all have potential for risk of hazardous materials and could affect the railroad right-of-way. US EPA in Redding, CA is allowing the cleanup of a privately-owned abandoned mine under the superfund. He said this could have implications for the Merced River properties.

Harrison asked for direction from the group on how to proceed given the challenges presented.

Smallcombe asked “Is it your intent to use Millers Gulch property as a case in point? If the Board’s answer is ‘We don’t want to pay to go through the process or take on liability,’ is the alternative to seek another route and go up higher on the ridge? I’m trying to understand what the question to the Board would be.” She said that there should be enough specific pieces for the Board to take the request into consideration. She mentioned that Supervisors are concerned about taking on environmental liability.

Dahlem asked that there be a total project cost for pursuing possible litigation. Fassett asked “How can you estimate the litigation if these issues ultimately go to court?” Dahlem replied that he frequently receives estimated litigation budgets and that an estimate can be produced for contested and uncontested cases. He added that it is challenging, but doable to make these estimates.

Harrison said we could provide different options to the Board for consideration and multiple suggestions for options were discussed.

Harrison said the alignment of Highway 140 and the delays on the Ferguson rockshed are major barriers to this project. Smallcombe said that she is in communication with Caltrans on this – whether the California Transportation Commission is going to approve \$300 million dollars for this fiscal year for the rockshed. She said this decision is likely to come in November and December.

Martin asks if the rockshed is not allocated funding what would happen. He emphasized that it has always been presumed that the trail would go through there.

Smallcombe said that Caltrans has done an exhaustive analysis of their options. The only viable option given the potential for litigation is the rockshed. If they don’t get the funding, then it’s back to the drawing board. Forest Service allowed this construction as a one-time exception, so it would lead to new challenges if the rockshed were not funded.

Rylands asked a question about potential options and wondered if there were no right of way through Miller Gulch if it would then be a deal breaker for the trail. She asked, “Would this be dead on arrival if there’s an assumption of litigation?”

Dahlem says there’s a certainty of litigation. Dahlem suggested that it would be a large and significant cost and an alternative funding source might be necessary to identify. He said, “Everyone knows that the current County financial

situation,” and he mentioned that he is retiring in December and won’t have the capacity to pursue this project in the meantime.

The group discussed the EPA report and its implications on possible easements and rights of way. Martin said, “As a citizen of Mariposa, I don’t want the County to assume a liability.”

Fassett said, to pursue the EPA brownfield remediation funds, you would need to have site control. It’s a requirement of the grant. He asked again how the Committee should proceed.

Smallcombe said The Board is going to have to make a priorities-based decision – “Do we want to continue to expend staff time and resources? Do we want to prioritize other projects at this time?”

Rylands asked, “Is there a way to look at another subset of the trail?” She wondered if there was an opportunity to pursue a more short-term, achievable objective.

Smallcombe said that originally the vision put forward was the Merced to Mono trail. If that’s the vision, it’s end-to-end. She asked if there are other ways to achieve the group’s objectives? That’s a conversation that you could have with the Board. If there’s some other possibilities, then the Board consider it.

Fassett asked if a focus on the North Fork Bridge would be significant enough for the group to continue?

Martin said that the two bridges as described in the MID FERC re-licensing are important elements of the Trail. It’s important that the County and other NGOs support that effort. The bridge upholds the vision of a Merced-to-Yosemite bike path trail.

Smallcombe asked, “What is the probability that [BLM]] will have money for a bridge?” She suggested bringing an item to the Board, but with Jeff Horn’s (BLM) input. She said if the group is asking the Board whether there should be a focus on completing this section, then input from Jeff needs to be put alongside the information from the Merced Irrigation District (MID) agreement.

Rylands said if the North Fork Bridge is off the table and Missouri Gulch is off the table—those are both major threats to completion of this project. Harrison said if continue to have unfavorable conditions/decisions, then we’ll have to reconsider our objectives.

Rylands said as a 30+ year resident of Mariposa, that completing the Bagby to Briceburg section of the trail would be a significant step in creating a world-class recreational opportunity.

No action was taken on this item and the group said they would re-visit it at the next meeting.

b. Scheduling of Board Recommendations

6. FUTURE AGENDA ITEMS

BLM Bridge Discussion. Smallcombe suggested that we reach out to Art Baggett to potentially ask for a rough-order-magnitude estimate for the cost.

Harrison asked that people spread the word about openings on the Committee.

Talk about next steps for the Committee

7. ADJOURNMENT

ADJOURN: Martin adjourned the meeting at 1:30 PM.

Minutes Prepared by: Will Fassett