MARIPOSA COUNTY
Merced River Trail Community Working Group

FINAL MEETING MINUTES
(Technical Approval)

DATE: **April 14, 2025**
TIME: **12:00 PM**
LOCATION: **Development Services Conference Room**
5100 BULLION STREET, MARIPOSA, CA

1. **CALL TO ORDER:** Martin called the meeting to order at 11:31AM.

   Members Present: Michael Martin, Kristina Rylands, Wendy Brown
   Ex-Officio Members Present: Rosemarie Smallcombe (ex officio), Miles Menetrey (ex officio)
   Members of the Public: None
   Members Absent: Bill King, Jeff Jenkins
   Staff: Will Fassett, Hannah Harrison, Clerk of the Board, Danielle Bondshu

2. **APPROVAL OF MINUTES FROM THE September 18, 2024 Meeting**

   There were three ayes and the minutes for September 18, 2024 Meeting were approved. First motion Kristina Rylands. Martin seconded. Brown, Rylands, and Martin approved the minutes. July 17, 2024 meeting recording will need to be sent out and approval can happen for the next meeting.

3. **COMMITTEE BUSINESS**
   1. Receive Information Regarding Planning Advisory Committees Possible Dissolution from Clerk of the Board, Danielle Bondshu

   In January, the Board directed Bondshu to meet with all the committees regarding a possible dissolution. The idea was to speak to the committees. The Board is interested in hearing why the Planning Advisory Committees feel they should continue or, alternatively, why they should dissolve. Bondshu will bring forth to the Board feedback from each committee.

Martin said that the Merced River Trail is a really significant addition to the recreational benefits of Mariposa County and, in the process, this committee advised the staff and the Board. The group successfully presented the Vision Plan to the Board. He said, in the interim, there have been additional actions that have occurred as the project develops, adding it is a very complex trail project. Martin then described the history of the Trail and described the committee's role, providing significant input to the Board. He continued:
The Vision Plan is simply the vision and now we are tasked with completing the Trail. There are a number of issues that are still unresolved. Sufficive to say that the trail needs more work. I'm working on behalf on my own NGO. I'm a consultant to the Southern Sierra Miwuk Nation, and there is continued support amongst our constituency to make the trail project real and bike/hike/ride from Bagby to Yosemite National Park. That's the vision that was expressed in the plan. There's also an additional component connecting Bagby connecting the Exchequer Dam and Mcswain Dam downstream. That work needs to be done with the public and agencies.

Brown asked if the trails above the River Trail along the canyon had been looked at. Martin expressed that those trails are up there and were well traveled in their time. The road between El Portal and the Valley was an original trail.

Brown said that additional stakeholder engagement is needed and that there's so many unfinished things that need to continue. She said, I see both sides – I see the roadblocks and difficulties in moving forward with the trail. Brown asked about the Master Plan: "We don't have one?" She asked if we need a Master Plan.

Smallcombe said that within the Vision Plan – it talks about the difference between a Vision Plan and a Master Plan. The Master Plan is a much more technical document that would likely be based on input from federal agencies and County staff. It's about how we collectively might go about this. A Master Plan is something very different – it would likely entail participation by agencies that are concerned about what happens in the River Canyon.

Brown said that it seems like the federal agencies are very busy and its hard to reel them in and get their involvement on the project.

Smallcombe said that she's been going through documentation – she said it seems unlikely that other agencies will allocate resources without the County having control. Forest Service has indicated this. Smallcombe spoke with County Counsel about the 16 parcels that would require some form of legal agreement. Dahlem felt he did not have the knowledge in-house to proceed to figure out how to gain "control" of these properties. County Counsel's initial recommendation is that we consider bringing an item to the Board and ask to direct staff to look for funding and contract with outside consultant to do a feasibility staff. County Counsel has a key role to play in picking up where Steve Dahlem left off. A possible contract for a feasibility study is something that could be explored. The Board needs to have that all laid out before they can provide direction to staff. Smallcombe likes the idea of feasibility study – what are the assumptions that recommendations those are based on?

Brown said that --- since we have discussed hiring a consultant – a real estate lawyer could help us establish a prescriptive easement through the historic railway grade through there. Our committee could pursue prescriptive easement. Martin said that when the railway was built --- they had no right-of-way.

Brown said that there could be an easement through "irrevocable easements …created by long-term public use as determined by the State (5-25 years)." This is one of the options that could be pursued, said Martin, if the landowner doesn't want to allow the easement. Martin said that all of that is captured by County Counsel's recommendation. Martin said that the buck stops with the Board on this decisionmaking.

Brown asked about what the Miller Gulch property ownership. Martin said that they own both sides of the River. Brown read off the purpose and functions document of the Committee. These included: Recommendations and periodic assessment.

Bondshu said that purpose and functions don't need to be met for the Vommittee need to be resolved. With the difficulties/standstill that we're currently at, she said, it may be feasible to dissolve the Committee until we have more movement.

Martin said that there's the difficulty in the canyon issue, but there's also future plans in the FERC license for the development of a concept trail from Bagby virtually all the way to Merced. For the protection of Mariposa County, the Board of Supervisors and the County need to participate in that. He said, we could just meet as concerned citizens. We have a lot of public interest on this Trail. Dissolving the committee might facilitate more communication with the people who care about it.

Bondshu asked if Committee members were on board with the committee being dissolved, and Brown and Martin said they would be.

Brown asked about the right-of-way work and contacted the landowners. Smallcombe said that we need to go back to the Vision Plan and Master Plan. Master Plan is when we would go through all the details and which organization is most well-positioned. We never got there. The group continued a conversation about the FERC relicensing agreement.

Harrison and Brown discussed the Purpose and Function of the Plan. Harrison clarified elements of the Vision Plan.

Rylands asked if the committee is dissolved, "What would be the next steps?" It sounds like we would go from this vision plan to a feasibility study. Smallcombe said that it's up to the Board and it's always a question of what resources are available in terms of expertise and money. If we lay out everything that we think they should know – including potential liability – that needs to be described. She said, my hope is that this concept of a feasibility study would have some legs. Maybe it's $20K or $30K we could maybe identify it? Smallcombe said that Planning Department staff could be tasked to look for grant funding to do a feasibility study. It depends on what information County Counsel can gather and other information he thinks the Board would have. To some extent, it's a function of what the Board says and what's possible from there. In terms of the Committee, it becomes a question – if we can go forward with the Feasibility Study – maybe the next step is to form a group that would develop a Master Plan.

Fassett asked what the nature of the Feasibility study would be. Smallcombe said that this would cover Miller's Gulch and the right-of-way through the properties.

Martin asked if an additional item would be the trail around El Portal/Forestra. There are a lot of items that are left dangling. He thinks some group needs to participate in how the future goes. The County has the potential resource benefits – a trail – that would be beneficial to the County.

The group returned to the discussion of Miller's Gulch. Martin said that hazardous waste remediation always costs more than the estimates. Smallcombe said that we're not playing fair with the Committee if we cannot financially or legally support the project at this time. Smallcombe said that a key assumption could be removed from this with a feasibility study. Right now, there is no clear direction from the Board on this.

Fassett expressed that he understood the need of expert opinion, but he has trouble seeing around the landownership issue. He questioned why a feasibility study would be needed if we already know the conclusion.

Harrison asked if we want to go to the Board to ask if we want direction to ask the Board for a feasibility study. Smallcombe said, an item could ask the Board for (1) direction on the private parcels; (2) position of the Board on Vince's memo; and (3) guidance to investigate if action could be taken against old insurance policies for remediation of toxic substances. Did they have insurance policies? There may also be other pieces of information that would have to be pulled together and brought to the Board.

Martin said that Montrose Chemical, as manufacturer of DDT went bankrupt, but they carried insurance, and those policies paid out after the company was disintegrated. Several of the claims went to the insurance companies and claims were paid out. Smallcombe said that she wasn't sure how feasible that would be in this situation.

Martin said that other issues on in the Vision Plan need to be addressed: bridge at North Fork and crossing at Sherlock Creek. If BLM builds a footbridge at the North Fork then the main fork bridge at Sherlock Creek. Martin said that this is something he believes the County should be involved with.

Smallcombe said that a feasibility study would help lay out all the facts. Rylands asked about the timeframe. Martin said that the 401 certification has not started. Martin said that it gives more time for BLM/community. Martin said that there would be inexpensive ways to construct the pedestrian bridge over the North Fork.

Bondshu confirmed with the group that they were comfortable with dissolution, and there was no one who objected.

Harrison asked if we should put together an item for Discussion & Direction to the Board for how to move forward. Smallcombe said that County Counsel would be involved.

Rylands asked what should be done with Vision Plan. She asked, if there were such significant roadblocks, why the project was pursued. She questioned, ""If these issues were so significant, how were they not discussed more in-depth in the vision process."

Smallcombe said that how and what we pursue in terms of funding has been a topic of discussion with Joe Lynch. Our excellent staff brings in a lot of funding. It's not always clear to me if the Board understands how that vision fits into the County and what it means for ongoing commitment of resources. Joe Lynch is looking at that. Smallcombe said that at least two board meetings and Supervisor Forsythe brought up the liability of the Miller's Gulch property. She said, she's committed to the idea that each committee should be talking to the Board every year at least – so that the committees are making the Board aware of obstacles and opportunities (i.e., are there too much risk here or are there opportunities; should we continue?).

Rylands said that we're already accomplishing some of the objectives in the Vision Plan within the Upper Merced River Watershed Council.

Harrison said that the Vision Plan was never meant to be just implemented by the County.

Smallcombe said the County might be able to contribute expertise if the group takes on another form.

Bondshu said that the group could act now to dissolve the Committee. Smallcombe said that she would recommend that we dissolve now, so that we can have a possible majority of members go to the Watershed Council meeting. She said that would be important so as to not lose all the work that's been done.

Martin expressed that the group should make that decision today.

2. Potential Action to Recommend Committee Dissolution

Rylands made a motion to make a recommendation to the Board to dissolve the Merced River Committee. Martin seconded the motion and all said "aye."

4. MERCED RIVER TRAIL UPDATES

a. Caltrans Rock Shed

Harrison said that this is a standing item because we recognize the importance of the Rock Shed to the trail. Construction is going to start this summer. There's a meeting on Thursday at the Bug Hostel hosted by Caltrans. And then there's a meeting in El Portal on April 24. Smallcombe said there has not been an official allocation for the $300 million for the project. Brown asked why they had to take the rock to the dump. Smallcombe said that the County has a requirement for daily cover, and so the deal that they signed, with Myers & Wadworth was that it would be brought to the landfill and crushed to meet a certain size standard. If we had not done that, we would have purchased some sort of soil. Harrison asked what they are doing with that material. She said there are projects on the Creek Parkway that could benefit from having some of the crushed rock – they are going to coordinate. Rylands asked if this project is dovetailing with the mini-slide and remediation work that needs to be done there. Smallcombe said that there is still some work to be done on the pavement but that that slide is done. The tallus is 3-quarter inch or less.

Menetrey said that there's always the opportunity to come to the Board during public comment and update. Martin said he would commit to letting the Board know when there are important trail items coming forward.

5. COMMITTEE BUSINESS (Cont.)

a. Reading of letter from Sierra Freepackers

Brown said that she's been a member of the backcountry horse group for many years. Brown said that she wanted to know why the proposed footbridges wouldn't include equestrian use. They have a great partnership with Sierra National Forest – mostly in Goat Meadow and Fish Camp area. She said she's all about sharing trails. She said if we don't share them, then we will lose them. She said that the letter was drafted to go on the record. Brown said that she wanted to make sure that we're inclusive. We were riding along Silver Bar, they passed a local e-bike tour and they asked how we could share safely on the trails and trail etiquette. Brown said that she's been here for over fifty years and wants to keep trails open for 50 more years.

Smallcombe said, in the 1990s, a there was a Bicycle, Pedestrian, and Facilities Plan. In the Recreation & Resiliency Plan, there are references to equestrian use in Cathey's Valley. Smallcombe asked how are we looking for funding to implement those plans.

Smallcombe suggested there should be a public hearing to identify what to pursue. Fassett talked about how the process currently works.

b. Presentation on State Water Resources Control Board 401 Certification for the Merced Irrigation Districts 401 Certification for the Merced River and Merced Falls Hydroelectric Projects by Committee Chair, Michael Martin

Martin said Merced Irrigiation District opposed the licensed conditions (hundreds of pages of response). They asked the Board to deny the application without prejudice to restart the clock for another year. The dispute is basically over water and fish and how much water to divert and when. They are now going to try to do a voluntary agreement – which would create habitat without compromising their current unstainable diversions. The federal government is not very happy with that approach. The NGOs all dislike that approach as well – that's where we stand. Martin will be involved in a response next year.

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

ADJOURN: Martin adjourned the meeting at 1:02PM.

Minutes Prepared by: Will Fassett