



**Heritage Trails Association**  
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March 26, 2014

UPDATED LETTER

To: Jody Noiron, Forest Supervisor  
US Forest Service San Bernardino National Forest Front Country District  
AND Sixto Fernandez, Grant Manager and Grant Board  
Off-Highway Motor Vehicle Recreation Division, Sacramento, California

RE: Baldy Mesa OHV Trails and Staging Area Project

To Ms. Noiron, Mr. Fernandez and Others To Whom It May Concern:

Please make the following letter part of the public record and note that this updated letter has been received within the public comment period, deadline April 1, 2014.

I am writing to express my concerns and give further details I believe have not been considered in the Forest Service project for an OHV course at Baldy Mesa in the Cajon Pass. I am the president of the Heritage Trails Association. We promote the history of the historic trails between Utah and California.

In 2001 we worked closely with the local Forest Service office in Lytle Creek and obtained permits to bring our 150<sup>th</sup> Anniversary Wagon Train through the Cajon Pass from Spanish Fork, Utah to Glen Helen Regional Park in the Cajon Pass. We used the wagon train to bring to light the history of the trail and those who made the historic trek in 1851 as the first colonists to settle in Southern California after statehood. They were a group of Mormon, Black and Jewish pioneers. This is an important milestone in state and local history.

The trail they used in 1851 was cut by William Sanford in 1850. The Wagon Wheel Monument on west-bound Hwy 138 in the Cajon Pass points to this trail. Some emigrants came over the trail before this group but the Mormons, Black and Jews developed the trail through subsequent wagon trains and freighting. The first Jewish torah in the Southwest was brought to San Bernardino by a Jewish pioneer on a subsequent Mormon wagon train over this trail as well. That same torah is still housed at Temple Emanuel.

Since our wagon train, interest in the trail has greatly increased and even over the last few months there have been a number of tours there. Many families who are descendants of the pioneers have hiked it or gone by horse back over the trail; visiting LDS Church (Mormon) authorities have hiked it, as well as interested historians and others. There are others who take school children on the trail by wagon or on foot to retrace the footsteps of the pioneers. The Black Voice News has shown an interest in putting markers along the entire trail including this portion in memory of the Black pioneers who were the first Black pioneers in the valley.

I have been made aware that the San Bernardino National Forest office has applied for a grant to develop a course for OHVs that would actually cross this Sanford/Mormon Trail on the ridge at the “hogs back” and at the northern end of the trail that is near the boundary of the National Forest land.

I am extremely concerned as are members of my association and many I know in the public about the safety of those hiking and riding on horseback and in wagons along the ridge trail. I am also extremely concerned that public interest in the trail will decrease as they will not feel safe to be on the trail and use will diminish. My greatest fear is that in the future, the trail will be “erased” physically and from memory.

One of the members of HTA has been told by local Forest Service personnel, that the OHV course will actually improve the historic trail. I cannot imagine how that will happen. I would like to be shown how that will be accomplished. The two crossings will be used frequently by OHV but the historic trail between the crossings and then below on the south side of the ridge will then go unused because of the safety issues and become overgrown and lost. Frequent use is the best way to “improve” a trail.

**I would like to challenge Forest Service (FS) findings in your published report:  
“Decision Notice and Finding of No Significant Impact.”**

#### **Page 5 Public Involvement**

Listing a project on your Forest Service website does not in any way constitute public involvement. Unless the FS took steps to involve the community other than their own website and an announcement in a public notice section of two newspapers for one day, the public cannot be involved. There is no way the public can keep up with all of the matters that are critical to their lives and FS projects as well. This important project needed to have historical societies, recreation groups, and the citizens notified over a period of time and in much more effective ways in order for them to attend your meeting. It is evident in this section of your “Decision” that the efforts of the FS failed as it is reported that only 11 people attended your meeting. This is NOT a show of disinterest. It is a show of the FS failure to communicate with the public in an effective manner.

#### **Page 6 Section a – Context**

I do not believe the FS considered the impact of the OHV course on the historical trail. I have contacted all of the known local historians considered to be the best trail experts and they were not contacted by the FS. Who were the “local historians” you consulted with as you stated you did in your “Decision”? I would like a list of those with whom you consulted.

#### **Page 6 Section b – Intensity #2 Public Health and Safety,**

The public health and safety, according to the FS decision, “will increase when OHV activity is more regulated.” That “finding” first assumes that you *can* more effectively regulate OHV activity by limiting OHV use to a specific course. Many OHV riders are not prone to be confined to legal trails. It says that OHV riders currently “interface” with other user groups and this creates a potentially dangerous situation. This is true.

HTA “interfaced” with OHV’s as we made wagon train planning trips to the trail at the ridge. Because of our experience, to ensure our safety for our upcoming wagon train trek, the Forest Service put signs out for days before our wagon train arrived to warn OHV riders to stay off the trail. Even with all of

the signs, we encountered some OHV users. This could have been disastrous if our horses had been spooked by the motion and noise.

You cannot guarantee the safety of the public who use the trails through the development of the OHV course in a public use area. You can try to lessen the threat, but you cannot assure the public this will significantly decrease the risks – especially if you cross a trail with a race course - twice.

I strongly suggest that you reassess your risk factors specifically at the point where the OHV course crosses the Sanford/Mormon Trail at the “hogs back” and at the northern edge. I think you have seriously underestimated the safety of the public and your liability for placing the public in harm’s way.

The burden of proof is now on the FS to show how it will combine OHV use and public use to be able to make its claims of safety. The “Decision” does not show significant evidence to prove its claim.

**Page 6 – section b - #3 - Unique characteristics of the geographical area such as proximity to historical or cultural resources...**

Again, I submit that the FS did NOT confer with known Sanford/Mormon Trail experts concerning the crossing of the trail as the many well-know trail experts were not used. I would like to have the name and contact numbers of those you did consult to discuss their recommendations to the FS. I believe that they would all want to preserve the trail and keep trail users safe contrary to your “Decision.”

**Page 7 - #4 – The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The Sanford/Mormon Trail is not widely known, but it IS used. I have to assume that the FS finding that this project will not be HIGHLY controversial is based on its assumption that the trail is not widely used. For those who DO use the trail, this project **IS** HIGHLY CONTROVERSIAL. How many trail users constitute “enough” to be HIGHLY controversial to the FS?

I do know that many of the community who live at the northern base of the Sanford/Mormon trail in the area of Phelan are highly opposed to the FS OHV course. The FS decision said that their petition with over 1,100 names was entered but in reading the “Decision”, it shows that their concerns were deemed not significant to your project. They are the ones that will have to live the decision of the FS and the OHV Division day by day, hour by hour. I would strongly urge you to meet with the community in Phelan face to face and hear their concerns before proceeding with approval for funding. A delay would be in order to include and fully consider the testimony of the trail experts as well.

**You are embarking literally on a dangerous project – potential loss of life or limb and the destruction of a historic trail.**

There are many other issues in the FS decision that I would like to challenge but I think that my concerns, detailed in this letter, are sufficient evidence that the FS decision has some very big areas of liability, public risk and concern for the preservation of a still visible historic trail.

I would like to recommend that the FS change their project scope at the very least to stop the OHV course at least a mile east of the Sanford/Mormon Trail. There is no reason that the design of the track

cannot be altered to avoid this area. I am sure that OHV riders are also concerned about safety and do not want to injure those using the historic trail. I am sure that they would also prefer a course where they would not have to slow down or even stop at a "trail crossing" and always be on the look-out for those using the trail.

Thank you for your attention to my challenges and very serious concerns.

**ACTION ITEMS:**

I would like to have a written response with the contact information of those historians who the FS stated in the decision they used for ongoing consultations. Please include other pertinent information including how the Sanford/Mormon historic trail will be improved and how you can prove the trail will be safe. I would also like your response to removing the western loop from the OHV course or prove why it is essential to have the western loop at the sacrifice of public safety and the trail.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn Mills", with a long, sweeping underline.

Marilyn Mills, President  
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