

# **Public Scoping Report**

## **Clear Creek Management Area Resource Management Plan & Environmental Impact Statement**

**August 2008**

**Prepared by:**

**United States Department of the Interior  
Bureau of Land Management**

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## 1.0 Introduction

Management areas are typically large units of public lands that have a degree of similarity with regard to resource characteristics and planning issues. The Clear Creek Management Area (CCMA) is located in central California in the southern portion of San Benito County and the western portion of Fresno County. It encompasses approximately 63,000 acres of public land managed by the Hollister Field Office of the Bureau of Land Management (BLM) and 12,000 acres of State and private lands.

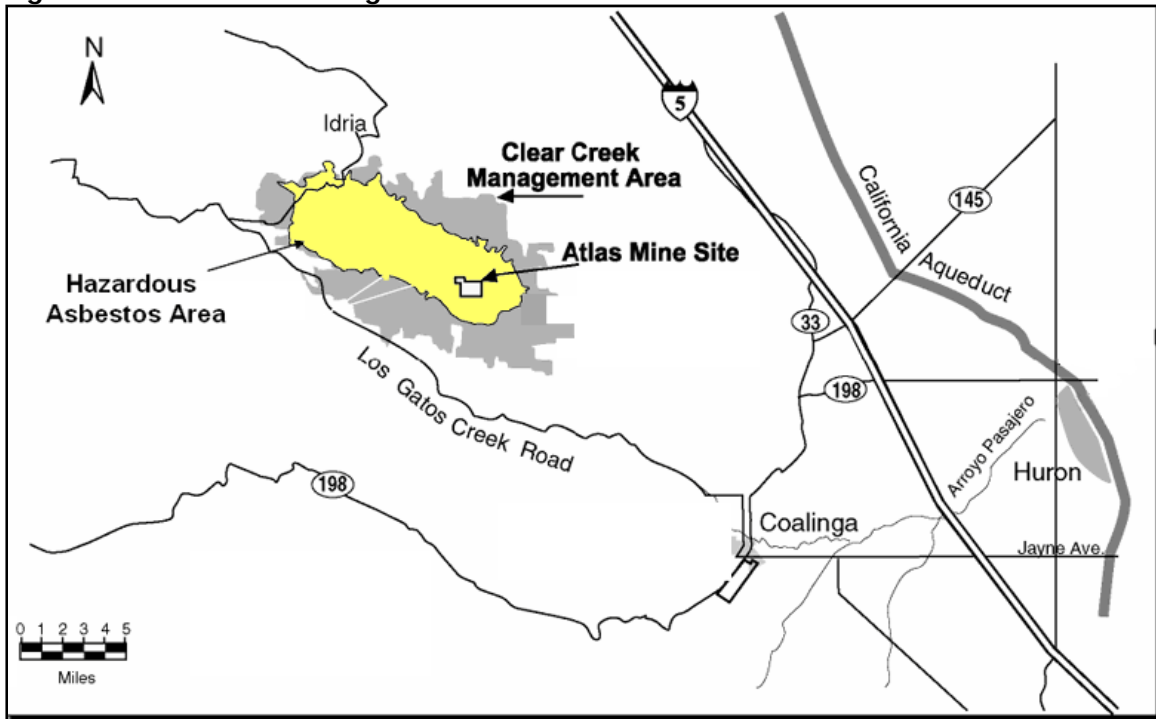
The CCMA has been used extensively for off-highway vehicle (OHV) recreation for decades. A variety of other recreation activities also occur within the CCMA including, hunting, rock-hounding, and hiking. Human disturbance to soils and plants in the Serpentine ACEC is a special management concern because soil formation is slow and the topsoil is shallow. Plant regeneration is also slow, and accelerated erosion from human activities has adversely impacted soil and vegetative resources over the years. Minimizing soil erosion and minimizing the damage to vegetation is a management priority.

Within the Serpentine ACEC is the San Benito Mountain Research Natural Area (SBMRNA), which is approximately 4,147 acres in size. This area was originally designated as the San Benito Mountain Natural Area in 1971 covering about 1500 acres. It was also designated an "instant" wilderness study area (WSA) with the passage of the Federal Land Management and Policy Act of 1976 (FLPMA), due to the pre-existing status as a Natural Area.

RNAs are designated for the protection of public lands having natural characteristics that are unusual or that are of scientific or other interest. The SBMRNA was designated because of the unique vegetative communities associated with the serpentine soils. Its primary purpose is to provide research and educational opportunities while maintaining and protecting a unique assemblage of vegetation in as natural condition as possible. While Congress considers whether to designate a WSA as permanent wilderness, BLM is required to manage the area in a manner that prevents impairments to suitability for wilderness designation.

The general location of Clear Creek Management Area, the Hazardous Asbestos Area (a.k.a. Serpentine ACEC) and the Atlas Superfund Site are shown on Figure 1. The acreages of these areas, and the San Benito Mountain Research Natural Area (SMBRNA), are shown in Table 1 along with State and private land ownership in the planning area.

**Figure 1. Clear Creek Management Area**



**Table 1. Land Ownership in the CCMA (acres)**

Ownership	Clear Creek Management Area	Percent of CCMA	Serpentine ACEC	San Benito Mountain Research Natural Area	Atlas Superfund Site
BLM	63,197	83.3	30,968	4,147	450
Private	10,668	14.1			
State	1,964	2.6			
<b>Total</b>	<b>75,829</b>	<b>100.0</b>	<b>30,968</b>	<b>4,147*</b>	<b>450</b>

\* Includes the San Benito Mountain Wilderness Study Area (1,488 acres).

*History of Environmental Protection Agency (EPA) Involvement in CCMA*

The CCMA has a long history of use. The geologic nature of the area (with many minerals including nickel, mercury, chromium, copper, magnesite, and naturally occurring asbestos in serpentine rock) lead to extensive mining operations on land owned by the Federal Government and private parties since the mid-1800's. In the mid-1950's, an investigation by the California Division of Mines and Geology indicated that the serpentine matrix of the New Idria Formation was mainly chrysotile asbestos. 'Asbestos' is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength.

In 1962, the Atlas Division of the Atlas Corporation began construction of an asbestos mine and mill within the boundaries of the CCMA that was in operation until 1979. The mining activity included digging the asbestos ore out of surface pits and then milling the ore. The by-products (tailings) of the milling process were bulldozed into piles near the asbestos mill. The resulting fluvial and air asbestos emissions from the site lead the Atlas Mine to be approved for listing on the Environmental Protection Agency's (EPA) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund") program National Priorities List (NPL) in 1984. The NPL is the EPA's list of the hazardous waste sites potentially posing the greatest long-term threat to health and the environment.

In 1984, BLM formally designated the HAA (covering about 31,000 acres) as the Serpentine Area of Critical Environmental Concern (ACEC) based on the health concerns associated with exposure to naturally occurring asbestos, and because of the unique vegetation and forest types associated with serpentine formation. Asbestos is known human carcinogen and exposure to airborne asbestos poses a health and safety risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lung. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, or mesothelioma. The boundaries of the ACEC were defined by mapping of serpentine soils derived from the New Idria Formation.

According to the Agency for Toxic Substances and Disease Registry (ATSDR), a federal public health agency whose mission includes "providing trusted health information to prevent harmful exposure and disease related to toxic substances" *Asbestos and Health: Frequently Asked Questions* fact sheet:

**Being exposed to asbestos does not mean you will develop health problems.** Many things need to be considered when evaluating whether you are at risk for health problems from asbestos exposure.

The most important of these are:

- how long and how frequently you were exposed
- how long it has been since your exposure started
- how much you were exposed
- if you smoke cigarettes (cigarette smoking with asbestos exposure increases your chances of getting lung cancer)
- the size and type of asbestos you were exposed to, and
- other pre-existing lung conditions.

EPA issued a Record of Decision (ROD) selecting a cleanup remedy for the Atlas Asbestos Operable Unit of the Atlas Asbestos Mine Superfund Site on February 14, 1991. This document included four distinct geographical areas including a large portion of CCMA, which was included as part of the Atlas Mine Superfund Site because asbestos mining and milling waste has been transported throughout the CCMA by wind, water, and vehicular traffic. This area is sometimes referred to as the Hazardous Asbestos Area (HAA).

As the BLM was actively involved in the management of CCMA, EPA postponed any decision on further action under CERCLA for the CCMA geographical area. Instead, EPA stated in the Atlas ROD (1991) that it would evaluate whether amendments to BLM's land use plan for CCMA would minimize airborne asbestos emissions enough to protect of human health and the environment. Subsequently, BLM developed a series of CCMA Amendments to the 1984 Hollister Resource Management Plan (RMP) to address public health and safety concerns associated with exposure to asbestos and other emerging issues. These amendments, approved in 1986, 1999, and 2006 included management goals and objectives to reduce and minimize risk to human health and the environment. However, they also continued to allow public access for multiple uses and EPA concerns remained about risks to human health and the environment from CCMA visitor use. These concerns are described below.

#### A. Purpose and Need for the CCMA RMP/EIS

The purpose of this planning effort is to revise the Hollister Resource Management Plan (RMP 1984) and associated CCMA RMP Amendments for the comprehensive assessment, evaluation, and updating of current land use decisions on BLM-administered public lands in CCMA. Since the development of the Hollister RMP and associated amendments, many social, political, and environmental changes have occurred that affect resource conditions and influence public land uses.

Planning is critical to ensuring a coordinated and consistent approach to managing public lands. The resource management planning process is a key tool used by BLM, in collaboration with interested publics, to manage the resources and uses on public lands managed by the BLM. Resource management plan decisions establish goals and objectives for resource management (i.e., desired future conditions), the measures needed to achieve these goals and objectives, and parameters for uses on BLM lands. Subsequent to the resource management plan, implementation-level decisions are made on site-specific actions that implement the resource management plan (i.e., riparian restoration, vegetation treatments, right-of-way grants, research/education programs, etc.). Resource management plan decisions ordinarily are made on a broad scale and guide site specific implementation decisions.

The Hollister RMP was updated in 2006 to establish goals, objectives, and management actions for BLM public lands that address current issues, knowledge, and conditions. However, the CCMA was not addressed in that document because of EPA concerns about the technical deficiencies of a 1992 health risk assessment conducted for BLM to evaluate asbestos exposures and risks from typical CCMA recreational activities. Therefore, current management direction for Clear Creek Management Area is contained in the 1984 Hollister Resource Management Plan and subsequent amendments. This plan and its amendments, while providing a broad overview of goals, objectives, and needs associated with public lands, lack detailed direction and are generally outdated.

Social, political, and environmental changes, coupled with significant population growth not anticipated in the plan and amendments, have presented some complex management issues, which will benefit from an updated "stand alone" RMP. The current CCMA plan amendments do not address present program guidance, laws, regulations and policies developed since their conception. Development of a new CCMA RMP would enhance management by addressing planning needs discussed in the Hollister Field Office Land Use Plan Evaluation (2002) as well as concerns about the health risk from exposure to naturally occurring asbestos as agreed upon by BLM and the Environmental Protection Agency. A new stand alone RMP for CCMA will also provide the opportunity for public involvement in a new era of land use planning to address these complex and controversial issues.

The Record of Decision for Clear Creek Management Area RMP Amendment and Route Designation (2006) discussed the available studies at the time of publication on naturally occurring asbestos in the CCMA. At the same time, the U.S. Environmental Protection Agency was conducting an asbestos exposure evaluation study in the Clear Creek Management Area. The study was designed to provide further information on the exposure levels from various types of activities in the CCMA. Initial results from the EPA study indicated that an environmental impact statement would be necessary to consider the new information and a range of management options for the CCMA.

Accordingly, BLM agreed to work with EPA and the public to appropriately respond to the new information upon completion of the EPA human health risk study. If the information was significantly different than the 1992 risk assessment, BLM agreed to expeditiously initiate a National Environmental Policy Act (NEPA) review to consider the new information and potential management responses at the CCMA in light of any new findings. BLM and EPA agreed that this subsequent NEPA review would address general public access and recreation at the CCMA and analyze a full range of alternatives.

## B. Description of Current Resource Conditions

### *Visitor Use and Recreation*

The Clear Creek Management Area (CCMA) has been a destination for outdoor recreation for local residents since the 1960's. Since that time, the area has been known for visitor use by rock collectors, scientists, and game hunters. However, over the past 35 years the CCMA has become increasingly popular for motorized recreation as a result of the dramatic growth in high performance off-road vehicles and the advent of "off-highway vehicle" (OHV) recreation as it's evolved into the 21<sup>st</sup> century. Clear Creek was among the top five most popular areas cited by California off-highway-vehicle (OHV) users in a 1990 study conducted by the California Department of Parks and Recreation (CDPR, 1990).

### *Off-Highway Vehicle (OHV) Routes and Trails*

Motorized vehicles used throughout the area include two-wheeled drive vehicles, four-wheeled drive trucks and jeeps, ATV's, and motorcycles. In 2006, BLM designated 242 miles of routes and trails and 478 acres of barrens as "open" for OHV use in the Record of Decision (ROD) for the CCMA RMP Amendment and Route Designation. The route management objectives (RMO's) for the designated routes include: paved, improved, 4WD, jeep, ATV, and single track trails. Of these 242 miles of routes, 100 miles are single track which are accessible by motorcycle, 35 miles are ATV trails which are accessible by quads and motorcycles, and the remaining 107 miles are either improved, paved, jeep trails, and four-wheel drive recommended roads which are accessible by 4WD, ATV, and motorcycles. Only the main county road system (26 miles of improved routes) is accessible by two-wheeled drive vehicles during normal weather conditions.

As a result, motorcycle and ATV riding are the most prevalent recreation activities with almost all of the designated route system and use occurring within the 31,000 acre Serpentine Area of Critical Environmental Concern (ACEC). Primary access to the routes and trails in the ACEC stems from the lower six miles of Clear Creek Canyon. While motorcycle and ATV riding are the most common recreational activities, four-wheeled drive vehicles participate in a variety of recreational activities. Historically, several large organized OHV events are conducted annually in the CCMA. These include, Molina Ghost Run 4WD tour sponsored by California 4-Wheel Drive Association, the Quicksilver Enduro sponsored by the Salinas Ramblers Motorcycle Club (SRMC), and the Wild Boar & Piglet Enduro(s) sponsored by the Timekeepers Motorcycle Club. Other permitted events include the Racers Under the Sun (RUTS) Family Fun Ride and the Hare Scrambles (SRMC).



## Barrens

There are approximately 4,900 acres of barren areas scattered throughout the CCMA. Table 2 shows a breakdown of acres by State, private, BLM, and designated open barrens. The barrens are used primarily by quads and motorcycles as “open play areas”. These barrens provide visitors with challenging hill climbs for riders of all skill levels.

**Table 2. Barren Acres**

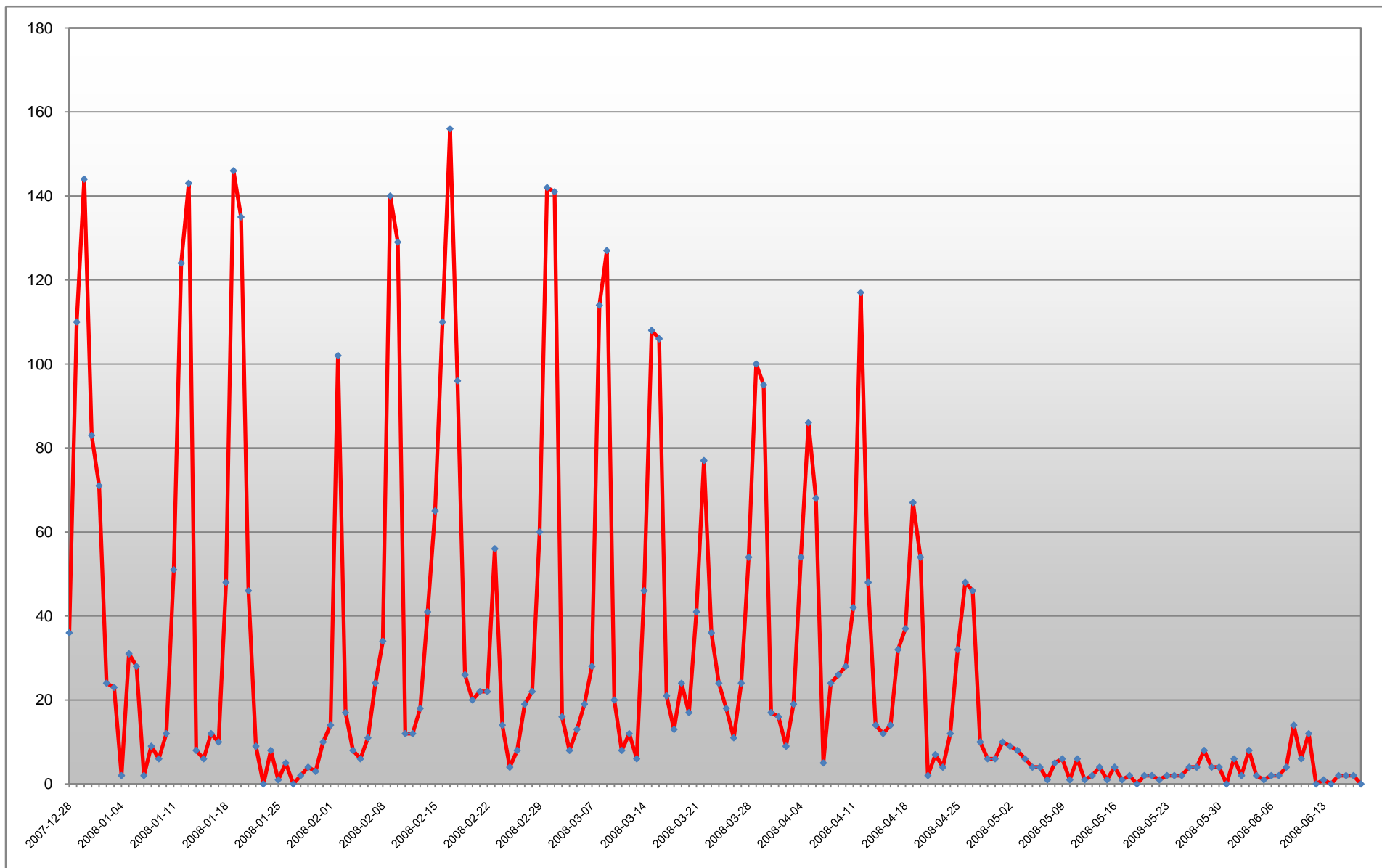
DESCRIPTION	ACRES
Total Barrens	4896
State Owned	367
Private	688
BLM	3841
Designated Open Barrens	478

The BLM's 2006 ROD estimated CCMA visitor use at approximately 35,000 visitors per year. Visitor use is most prevalent from November through April because winter rainfall keeps dust levels low and creates cool temperatures, as opposed to the extreme heat present during the dry summer months. Although recreation use declines by nearly 80 percent during the summer months, visitor use from August to mid-September increases substantially with the onset of deer hunting season. Table 3a and 3b display the most recent CCMA visitor use data collected by vehicle counters from December 28, 2007 – June 18, 2008. During this period, BLM implemented a recreation fee program (Jan.1, 2008) and issued the Temporary Closure of CCMA (May 1, 2008) due to public health and safety risks identified in the EPA's CCMA Asbestos Exposure and Risk Assessment (2008).

**Table 3a. CCMA Visitor Use (2008)\***

<b>TRAFx Counter Location:</b> CCMA Main Entrance			
<b>Start:</b> December 28, 2007		<b>Finish:</b> June 18, 2008	
<b>Total Weekday:</b>	<b>2015</b>		
<b>Total Weekend:</b>	<b>3212</b>	Daily Mean Weekday:	16.3
<b>Total Counts:</b>	<b>5227</b>	Daily Mean Weekend:	64.2
<b>1-day Maximum:</b>	<b>156</b>	Mean Saturday	67.9
<b>1-day Minimum:</b>	<b>0</b>	Mean Sunday	60.5
*Divide by 2 applied to avoid double-counting vehicles.			

Table 3b. CCMA Visitor Use Fiscal Year 2008\*



OHV users from the San Jose/San Francisco metropolitan areas experience an average travel time of approximately three hours to get to the CCMA. These users travel very close to the 6,627-acre Hollister Hills State Vehicle Recreation Area (SVRA) en route to Clear Creek. This intensively managed OHV use area is one and one-half hours closer, but the unique challenge of the steep topography, natural barren areas, and the amount of area available for OHV recreation continues to draw motorcycle riders to Clear Creek.

### *Recreation Visitor Services*

Visitor facilities are limited to Oak Flat Campground, Jade Mill Area, and five staging areas that have trash receptacles and pit toilets. Bulletin boards with general information and regulatory information are present at these areas and at the entrances to the CCMA. Information posted details upcoming events, campfire requirements, asbestos warnings, and user maps showing routes and other geographic points of interest.

Pursuant to the Federal Land Recreation Enhancement Act of 2005, BLM established a recreation use fee system in 2008 to supplement the recreation program in CCMA that generated approximately \$54,000 in weekly and annual recreation passes from January 1 – May 1, 2008. Since 1995, the Hollister Field Office has also received approximately \$8 million dollars in grant funding from the California State Parks Off-highway Motor Vehicle Recreation (OHMVR) Division.

### *Non-Motorized Recreation Opportunities*

Common non-motorized CCMA visitor use activities include hobby gem/mineral collecting, hunting, hiking/backpacking, and sightseeing. However, it should be noted that these uses still require motorized transportation to access CCMA, which typically involves the use of full-sized (4WD) off-highway vehicles and ATVs.

Hobby gem and mineral collectors are drawn to the Clear Creek area by the presence of over 100 semi-precious minerals and gemstones. This is one of the most highly mineralized areas in California. Collectable minerals include jadeite, cinnabar, andradite, tremolite, melanite, topazolite, barkevikite, clinocllore, vesuvianite, artinite, natrolite, neptunite, and benitoite. The official state gem of California, benitoite, is extremely rare and the CCMA is one of the few places in the world where it can be found. Highly mineralized areas generally occur along faults and inclusions/intrusions in and around the serpentine body. Hobby gem/mineral collecting (or rockhounding as it is commonly called) accounts for about five percent of the total recreation use in the CCMA.

Several commercial gem collectors also maintain mining claims on BLM-administered lands and work infrequently in the area. There is also a large commercial benitoite operation on a patented mining claim/private land in the CCMA known as the 'State Gem Mine', which hosted the Travel Channel's cable program 'Cash and Treasures' to invite the general public into the area to explore for rare minerals and gemstones like benitoite. The area's unique geology also attracts geology students and researchers from local and national universities including Stanford and Harvard.

Hunting activities occur primarily on the outskirts of the Serpetine ACEC boundary. The only motorized access to these hunting areas for the general public is through the Clear Creek Canyon; although adjacent landowners have leased their property to private hunting clubs that are accessing CCMA public lands on non-BLM routes from outside the ACEC. The primary game animals sought are wild boar and deer. Deer season occurs during the months of August and September with boar season occurring throughout the year.

Hiking/backpacking and sightseeing occur throughout the year. Visitors are drawn to the area to see the unique ecosystems and experience the rugged terrain present on the CCMA. Sport utility vehicles are used by weekend sightseers to traverse the more commonly used routes. These routes tour the unique habitats and geological formations found within the CCMA, and provide outstanding scenic views of the Central Valley and the Sierra Nevada.

### *Wildlife*

The planning area provides habitat for an abundance of wildlife species, including numerous birds, mammals, reptiles, and amphibians. Nevertheless, only key species and their habitat were accounted for in the 1984 Hollister RMP. These species include those of economic interest such as deer, wild pigs, and other game. However, CCMA is within the range of many special status animal species, including the California yellow-legged frog (state species of concern), the California red-legged frog (federally-listed threatened), and the California Condor (federally-listed endangered), as well as listed vernal pool species.

Wildlife species of management concern (including special status species) that occur or have potential to occur in the CCMA are described in Table 4. Special status animals, such as the California tiger salamander or rare invertebrates that have not been found within ten miles of the CCMA or that occupy habitats not found in the CCMA, are not known to occur in this area. Likewise, California state species of special concern may not have extensive data to include in the CCMA RMP/EIS. Future site assessments, monitoring, or confirmed sightings/ specimens recovered from the CCMA will establish a known occurrence for species that may occur in the CCMA. These new occurrences will become a factor considered in future planning for the CCMA.

**Table 4. Special Status Animal Species**

Common Name <i>Scientific Name</i>	Legal Status	Habitat	Vegetation Type
INVERTEBRATES			
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	FE	Vernal pools	Serpentine Vernal Pools
Vernal pool tadpole shrimp <i>Lepidurus packardi</i>	FE	Vernal pools	Serpentine Vernal Pools
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	Vernal pools	Serpentine Vernal Pools
AMPHIBIANS			
Foothill yellow-legged frog <i>Rana boylei</i>	BLM sensitive, FWS SC, DFG SSC	partly shaded, shallow streams and riffles, with some cobble-sized substrate for egg- laying.	Serpentine Riparian
California Red-legged frog <i>Rana aurora draytonii</i>	FT	ponds and pools with dense riparian vegetation	Serpentine Riparian, Serpentine Vernal Pools
REPTILES			
Northwestern pond turtle <i>(Clemmys marmorata marmorata)</i> and Southwestern pond turtle <i>(Clemmys marmorata pallida)</i>	FWS SC, DFG SSC & BLM sensitive	aquatic habitat including ponds, marshes, rivers, streams with aquatic vegetation. Requires basking sites and sandy banks or grassy open fields in upland habitat for egg-laying.	Serpentine Riparian
Two-striped garter snake <i>Thamnophis hammondi</i>	BLM Sensitive DFG SSC	aquatic, in or near permanent fresh water, along streams with rocky bottoms and riparian habitat.	Serpentine Riparian

Coast horned lizard <i>Phrynosoma coronatum frontale</i>	UFSWS SC DFG SSC	variety of habitats including open areas for sunning, brushes for cover, friable soils and abundant supply of ants and other insects.	Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
BIRDS			
California condor <i>Gymnogyps californianus</i>	FE, DFG SE	foraging; foothills, grasslands, oak-savannah, roosting /nesting higher elevation on cliffs.	Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Bald eagle <i>Haliaeetus leucocephalus</i>	BLM sensitive, USFWS SC, DFG SE,	breeding; mountain and foothill forests and woodlands near reservoirs; migratory	Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Golden eagle <i>Aquila chrysaetos</i>	DFG SSC	rock outcroppings, forest and woodlands, grasslands, streams and waterways.	Serpentine Foothill Pine-Chaparral Woodland, Serpentine Chaparral, Non-Serpentine (other)
Prairie falcon <i>Falco mexicanus</i>	DFG SSC	variety of habitats; open grassland, woodlands, streams and rocky outcroppings.	Serpentine Foothill Pine-Chaparral Woodland, Serpentine Chaparral, Non-Serpentine (other)
Sharp-shinned hawk <i>Accipiter striatus</i>	DFG SSC	mixed conifer forests, woodlands.	Serpentine Foothill Pine-Chaparral Woodland, Serpentine Chaparral Non-Serpentine (other)

Bell's sage sparrow <i>Amphispiza belli belli</i>	DFG SSC	chaparral, coastal sage scrub.	Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
MAMMALS			
Western mastiff bat <i>Eumops perotis californicus</i>	BLM sensitive DFG SSC	Open woody and brushy habitats in arid, and semi-arid areas. Roosts in buildings, crevices in cliffs and trees, and tunnels	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Pallid bat <i>Antrozous pallidus</i>	BLM sensitive DFG SSC	Open woody and brushy habitats in arid, and semi-arid areas. Roosts in caves, mine tunnels, crevices in rocks, buildings and trees.	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Townsend's western big-eared bat <i>Plecotus townsendii townsendii</i>	BLM sensitive DFG SSC	Open woody and brushy habitats in arid, and semi-arid areas. Roosts in caves, mine tunnels and buildings.	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Fringed myotis <i>Myotis thysanoides</i>	BLM sensitive	Open woody habitats in arid, and semi-arid areas. Roosts in caves and buildings.	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)

Long-eared myotis <i>Myotis evotis</i>	BLM sensitive	Open, thinly woody habitats in arid, and semi-arid areas. Roosts primarily in buildings or trees, occasionally caves.	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Small-footed myotis <i>Myotis ciliolabrum</i>	BLM sensitive	Open woody habitats. Roosts in caves, mine tunnels, crevices in rocks, buildings, and trees.	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Yuma myotis <i>Myotis yumanensis</i>	BLM sensitive	Open woods in arid areas. Roosts in caves, tunnels, and buildings	Serpentine Riparian, Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)
Big-eared kangaroo rat <i>Dipodomys elephantinus</i>	DFG SSC	chaparral woodland communities	Serpentine Foothill Pine-Chaparral Woodland, Southern Ultramafic Jeffrey Pine Forest, Serpentine Chaparral, Non-Serpentine (other)

*FE: federally endangered; FT: federally threatened; SC: species of concern; SSC: State species of concern*

Traditionally, the major emphasis on habitat management in CCMA has been focused on the San Carlos Bolsa, Spanish Lake, and Condon Peak areas, although nearby public lands on Joaquin Ridge and Laguna Mountain are also managed for wildlife habitat and hunting opportunities. Habitat management in these areas has been a cooperative effort involving the California Department of Fish and Game and various sportsmen's groups. Although game species are usually emphasized for management purposes, habitat diversity is the overall goal in these areas.



## Vegetation

There are seven species of sensitive plants known to occur in the planning area, including the federally 'threatened' San Benito evening-primrose, or *Camissonia benitensis* (CABE). These plant species are either locally rare populations (geographic endemism) or are only known to exist on serpentine soils (edaphic endemism). Special status plant species of management concern that occur or have potential to occur in the CCMA are described in Table 5.

**Table 5. Special Status Plant Species**

Common Name	Scientific Name	Status
San Benito Evening Primrose	<i>Camissonia benitensis</i>	Federally Threatened
Rayless layia	<i>Layia discoidea</i>	Sensitive Species, CNPS1B <sup>1</sup>
Mt Diablo Phacelia	<i>Phacelia phacelioides</i>	Sensitive Species, CNPS1B <sup>1</sup>
San Benito Fritillary	<i>Fritillaria viridea</i>	Sensitive Species, CNPS1B <sup>1</sup>
San Benito Spineflower	<i>Chorizanthe biloba var immemora</i>	Sensitive Species, CNPS1B <sup>1</sup>
Slender pentachaeta	<i>Pentachaeta exilis ssp. aeolica</i>	Sensitive Species, CNPS1B <sup>1</sup>
Talus Fritillary	<i>Fritillaria falcata</i>	Sensitive Species, CNPS1B <sup>1</sup>
Carlotta Hall's Lace Fern	<i>Aspidotis carlotta-halliae</i>	CNPS4 <sup>2</sup>
Heerman's Buckwheat	<i>Eriogonum heermannii</i>	CNPS4 <sup>2</sup>
San Benito Monardella	<i>Monardella antonina ssp. benitensis</i>	CNPS4 <sup>2</sup>
San Benito Thornmint	<i>Acanthomintha obovata ssp. obovata</i>	CNPS4 <sup>2</sup>
South Coast Range Morning Glory	<i>Calystegia collina ssp. venusta</i>	CNPS4 <sup>2</sup>
Hernandez Bluecurls	<i>Trichostema rubisepalum</i>	CNPS4 <sup>2</sup>
Indian Valley Bush Mallow	<i>Malacothamnus aboriginum</i>	Sensitive Species, CNPS 1B
Guirado's Goldenrod	<i>Solidago guiradonis</i>	CNPS4 <sup>2</sup>

Valley grassland and half-shrub plant communities are located mainly in the northeastern portion of CCMA, west of the Cantua drainage between 600 and 2,500 feet, and support annual grasses with many herbs, such as filaree and fiddleneck. Common shrub species include saltbrush, Mexican tea, golden bush, buckwheat, coastal sage, and some California juniper at higher elevations.

Plant communities including chaparral, oak woodland, and conifer forest dominate from 2,550 feet to 5,000 feet in elevation. The chaparral has two major subtypes – chamise and mixed chaparral. Chamise chaparral is almost entirely chamise with some foothill pines scattered in favorable locations. Mixed chaparral contains chamise, foothill pines, manzanita, buckbrush, red berry, silk-tassel, mountain mahogany, California buckeye, interior live oak, and scrub oak.

The oak woodland commonly consists of open park-like stands of blue oak with an annual grass and herb understory (oak savannah). The mixed conifer forest (Douglas fir, Jeffrey pine) only occurs within the boundaries of the San Benito Mountain Research

Natural Area, which was originally established as an Outstanding Natural Area in 1970 in recognition of the unique forest assemblage.

### *Social and Economic Conditions*

The San Francisco Bay Area, Central Coast, and San Joaquin Valley populations, comprised of the San Francisco and Monterey bay areas, Santa Cruz and San Benito Counties, and portions of Fresno and Madera counties are the most frequent users of the CCMA. This region occupies an area of more than 17,000 square miles and a population of over 8 million people. The San Francisco Bay Area (including Santa Clara, Alameda, and Contra Coasta counties) accounts for approximately 52% of the population, followed by 27% in the San Joaquin Valley, 12% in Monterey County, 7% in Santa Cruz County, and 2% in San Benito County.

According to the Department of Housing and Community Development, the population in California is forecast to grow 1.3% per year from 2010 to 2020. By 2020, the Central Coast population will be just under two million. As stated on their website, "population growth will be evenly distributed throughout the region, with Monterey County likely to add the most additional population (+197,000), and San Benito likely to add the least (+36,000)." (<http://www.hcd.ca.gov/hpd/hrc/rtr/chp2r.htm>)

No studies have been conducted to determine local expenditures by Clear Creek recreation users. However, OHV recreation does contribute more than \$3 billion statewide to the California economy, including generating \$1.6 billion in personal income and 43,000 jobs. OHV recreation users spend considerable sums purchasing the specialized vehicles and support equipment needed to participate in this recreation activity. It is estimated that Californians spend \$1.2 billion annually to purchase off-road-vehicles. A portion of these expenditures contributes to the regional economy in the form of purchases for off-highway vehicles; parts, repairs, accessories, and equipment; fuel; and groceries and restaurants.

BLM has not estimated the economic benefits generated from recreation-related expenditures by visitors to the CCMA alone. However, studies conducted by the State Off-Highway Vehicle Commission and California State Parks to determine expenditures by visitors to OHV recreation areas indicate that the average OHV recreation user expended about \$50 per visitor day. Applying these figures to Clear Creek users would indicate that off-road-vehicle recreation use in the area could contribute as much as \$2.5 million annually to the regional economy. Other recreation use of the CCMA also contributes to the local economy through expenditures for gas, food, and miscellaneous supplies. Other major travel and recreation opportunities in San Benito County involve destinations including the Mission at San Juan Bautista, the Pinnacles National Monument, and Hollister Hills State Vehicle Recreation Area.

According to Dean Runyon Associates 'California Fast Facts: 2006', which describes statewide and regional tourism facts and figures, total travel expenditures in San Benito County generated over \$75,000,000 in 2004 (<http://www.visitcalifornia.com/media/uploads/files/FastFacts-06FINAL2.pdf>).

Much of the economic benefit for income and employment, from people's expenditures for motorized recreation, appears closer to the urban homes of CCMA visitors than in the communities surrounding CCMA. Purchases of vehicles for recreation use are prime examples of big-ticket expenditures that occur at considerable distances from CCMA, although several OHV dealerships are located in San Benito County because of the proximity to two major OHV recreation areas.

### *Soil, Air, Water*

#### Air Quality

The CCMA is within two air basins, as regulated by the State of California. These include the North Central Coast air basins and the San Joaquin Valley air basins. There are two regional air quality boards that oversee these air basins: the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and the San Joaquin Valley Unified Air Pollution Control District. The North Central Coast Air Basin (NCCAB) includes Monterey, Santa Cruz and San Benito Counties. The portion of western Fresno County located within CCMA is in the San Joaquin Valley Air Basin.

The Diablo Range effectively separates the San Joaquin Valley from the Salinas Valley and coastal marine weather patterns. Thus, the meteorological conditions in these two air basins are quite different. The mountainous Diablo Range restricts the circulation of air within the San Joaquin Valley, which is noted for its persistent winter inversions and "tule fog" and for its high summer temperatures. This restricted air circulation in the San Joaquin Valley allows for a build-up of pollutants which translates into a significant number of days with a poor-to-moderate pollution index. West of the Diablo Range, the air quality generally improves because the weather patterns and air circulation are heavily influenced by the cooler coastal marine conditions and air circulation; although, the NCCAB has significant influences to air quality from variable meteorological conditions, and transport of air pollution from the San Francisco Bay Area, along with locally generated emissions.

Within the CCMA is a large deposit of serpentine soils (the New Idria Formation) that contains naturally occurring asbestos. As indicated by the EPA Asbestos Exposure and Human Health Risk Assessment (2008), surface disturbance from visitor use activities can generate asbestos emissions that increase their long-term risk of developing cancer. BLM's resources management activities, road maintenance, grading, and construction activities can also contribute to airborne asbestos emissions.

Studies have been conducted over the past few decades by regulatory agencies to determine the impacts to air quality from vehicle use on unpaved roads in naturally occurring asbestos areas. The results of these studies indicate that the force of vehicle wheels on the road surface causes pulverization of the serpentine surface material, lifting asbestos fibers up by the passing vehicles and strong air currents, and suspending these particles in the air (EPA, 1989). The quantity of dust and asbestos emitted depends on vehicle traffic, vehicle weight, the number of wheels per vehicle, vehicle speed, soil moisture, and concentration of asbestos in the soil. Unpaved routes in the CCMA generally have a pulverized texture when dry. After rainfall has saturated these road surfaces they become muddy and slippery, but within a short time the route surfaces can dry out and generate dust. These conditions contribute to the EPA's risk assessment results that suggest asbestos exposure levels during wet winter months can also exceed the acceptable risk range for lifetime cancers.

Previous air quality investigations conducted by EPA indicated that asbestos concentrations were similar within the North Central Coast air basin and San Joaquin Valley air basin. Based on the EPA's Asbestos Exposure and Human Health Risk Assessment (2008), the onsite generation and inhalation of airborne asbestos was determined by both EPA and BLM to be a significant public health risk to all CCMA visitors, and a temporary closure to all public use was implemented on May 1, 2008.

## Soils

The Clear Creek Management Area is defined by a northwest-trending serpentine rock outcropping that measures three to five miles wide and 15 miles long. The serpentine mass is highly sheared with the exposed rock being made up of small chips and plates that are generally friable and erode easily. Locally, there are some blocks of more erosion-resistant rocks which have been only moderately crushed and sheared; these rocks generally form the higher mountain tops and rock escarpments. This serpentine uplift is thought to have formed over 65 million years ago (Cretaceous Age) and contains a unique collection of minerals. This geologic assemblage is called the New Idria Formation. Surrounding the New Idria Formation are the approximately 100 million year old Jurassic Franciscan Formation, as well as the Cretaceous marine sandstone and shale of the Panoche Formation. The Franciscan group is the oldest group of rocks in the area and consists primarily of marine sandstone with minor shale and conglomerate inter-layered with basaltic lavas and associated lenses of chert. The Panoche formation consists mainly of layered shale and sandstone.

Five major types of soils have been identified within the San Benito County portion of the management area. The major difference between these five soils types are the source rock from which they are formed. The two primary rock types within the Clear Creek Management Area are ultramafic rock (serpentine) and sedimentary rock. Soils derived from serpentine rock contain asbestos. Those soils derived from sedimentary rock do not contain asbestos. All soil types are prone to some form of erosion and soil loss due to natural conditions and human disturbance.

Soils within the Serpentine ACEC are of the Atravesada, Henneke, and Shadeleaf series, which are characteristic of serpentinite. The soils are composed of gravelly clay loam to gravelly loam textures, and generally are relatively thin, averaging between two and three feet in depth over bedrock. Left undisturbed, the serpentinite soils found in the barrens typically develop a gravel lag or armor at the ground surface which contributes to reducing erosion potential. The soils are extremely sensitive to manmade disturbances, such as OHV use. The properties of serpentine soils (low calcium/magnesium ratio, high Ph, low organic matter and the presence of toxic elements such as nickel, cobalt, mercury, chromium, and lead) are such that plant growth is stunted or inhibited, resulting in the barren slopes common to the CCMA. Soil formation and fertility are generally greater in the sedimentary derived soils. The sedimentary soils found in the CCMA are more productive and lack the barren areas typical of the serpentine-derived soil. Soil analytical results (Dynamac, 1998), revealed that the concentration of metals detected within the CCMA are inherent to a highly mineralized area. Some of these metals are in forms that are toxic to people and erode and flow out of the CCMA by water and air. Two metals are especially important: chromium and mercury.

Table 6 below depicts the percent of silt, and percent of asbestos in each soil type.

**Table 6.** Soil Type Characteristics

CCMA Soil Type	Soil Characteristics	Percent Slope	Percent Silt	Percent of Silt Containing Any Asbestos
742	Xerorthents, cool - Lilten association	30 to 65	30.7	0
744	Lilten - Xerorthents, cool association	15 to 50	36.1	0
757	Rock Outcrop - Borreguero complex	30 to 65	25.8	0
758	Xerorthents, cool - Rock outcrop complex	50 to 70	17.8	0
761	Barrens	30 to 50	18	33.8
765	Atravesada - Henneke, Shadeleaf complex	10 to 40	28	93.4
767	Atravesada gravelly loam	30 to 65	31.9	96.4
768	Barrens	30 to 65	8.1	54.4
769	Barrens - Roacha -Xerorthents	30 to 65	7.6	35.7
770	cool - Lilten association	30 to 65	38.6	0
773	Hentine - Rock outcrop complex	30 to 65	17.4	11.8
774	Hentine - Franciscan, Rock outcrop complex	30 to 65	16.6	9.3

## Water Quality

The study area encompasses eleven sub-watersheds located within the CCMA, including; Clear Creek, Larios Canyon/Creek, San Benito River, San Carlos Creek, East Fork San Carlos Creek, Cantua Creek, Sawmill Creek, Picacho Creek, Diaz Creek, Arroya Leona, and White Creek. These areas represent distinct watersheds, often with extreme geographic, topographic, and mineralogical variability. The watersheds are drained by higher order perennial streams that, with the exception of White Creek, descend from San Benito Mountain. White Creek descends from Wright Mountain and flows to the southeast. Clear Creek flows to the west until it reaches the San Benito River, where it discharges. Larios and San Carlos Creek flow to the north where they discharge to Silver Creek. The topography of the CCMA is dominated by convex gently sloping ridges, with slopes becoming quite steep as they approach the stream channels and inner gorges. Elevations within the CCMA range from approximately 2,500 feet at the mouth of the drainage to 5,000 feet along the crest of the Diablo Range. The ridges and slopes are dominated by naturally occurring areas of serpentinite soils forming complexes of barren areas interspersed with chaparral and conifers.

The serpentine watershed and riparian areas in the CCMA have been subject to widespread surface disturbances over the last century. In general, the watershed conditions observed in the CCMA reflect naturally high rates of erosion that have been accelerated by human impacts. These watershed conditions result from a long history of surface disturbance, beginning in the mid-1850's, from road construction, logging, and mineral exploration and extraction, and in more recent times by off-road vehicle travel and recreation. These watersheds have high erosion rates due to the steep, unstable slopes which are composed of soft sheared serpentine bedrock. Since the mid-1970's motorized vehicle recreation has been the dominant public use within the area. Road maintenance operations and techniques also influence erosion and sedimentation rates.

Because heavy metals and asbestos are concerns in this area, the BLM contracted a water quality study (Dynamac, 1998) to determine the magnitude of heavy metals being deposited into streams from 15 abandoned mines. Soil and water sampling was completed below, at, and above each of the mined areas. Results from this study produced important findings. The background concentration of metals detected in soils tended to be above stated standards, and is consistent with the natural geochemistry of the area. However, differences in the water samples taken from below and above mined sites indicated that disturbed areas are contributing to metal concentrations over and above the naturally high levels. Accessibility by vehicles was also found to potentially be a factor in increasing concentrations of metals transported in the water downstream. As a result of this study, five mine areas, the Alpine, the Aurora, Clear Creek, Larios Canyon, and the Molina were determined to not only pose the greatest ambient hazard in terms of inhalation of hazardous materials, but also pose the greatest water contamination risk. These were all closed to vehicle use with the issuance of a Federal Register notice in February, 1998.

To evaluate the potential threat to human health, BLM compared the results of surface water analyses (Dynamac, 1998) to Federal drinking water regulations. From six mine sites, down gradient surface water samples contained concentrations of antimony, cadmium, chromium, mercury, and nickel that exceeded the Maximum Contaminant Levels (MCLs). On Clear Creek and the San Benito River, where multiple sampling points were established, cumulative, increasing concentrations did not appear to occur. Mine sites in the San Carlos and Larious Creek watersheds were the only locations where metals were detected at concentrations three times the background levels. In general, the metal concentrations detected in the Clear Creek watershed were very low. Mercury compounds were the most prevalent metal compounds detected, occurring in all but one sample, over the five watersheds. Results from combined surface water sample data for the San Benito watershed indicated background and down gradient concentrations of nickel that exceeded the MCL. The San Carlos watershed exhibited means background and down gradient concentrations of mercury that exceed the MCL. The surface water exposure pathway would appear to present a minimal risk to recreation users of the CCMA, because of the limited number of days that a typical user visits, and the fact that the surface water is generally not used as a potable water source. The Alpine Mine and Larious Canyon would present the greatest exposure to users.

TMDL stands for a Total Maximum Daily Load. This is the amount of a particular material that a water body can assimilate on a regular basis and still remain at levels that protect beneficial uses designated for that water body. A TMDL can be established by the Regional Water Quality Control Board, the State Water Resources Control Board or the US Environmental Protection Agency. A TMDL established by the State (i.e., the Regional Water Quality Control Board) is generally sent through the State Water Resources Control Board to the EPA for approval. A TMDL established by EPA is sent to the State for adoption by the Regional Water Quality Control Board.

A TMDL documents the water quality problem: the pollutant (e.g., mercury), the water quality standards that must be met (e.g., the MCL), numeric and narrative indicators that are consistent with achieving water quality standards, and an allowable amount of a pollutant to a water body. This is the total "load" that can be allowed of the pollutant and still meet water quality standards. That load is then apportioned, or "allocated," to various sources. The document includes a source analysis that supports the total load determination as well as the allocations. It will also include a Margin of Safety to ensure that any uncertainties are accounted for, discussions of critical conditions (e.g., interactions with Special Status Species), seasonal variations (e.g., low-flow conditions or storm periods), and opportunities for public participation, which is required.

EPA-established TMDLs do not specifically include implementation plans, because implementation is the responsibility of the States. However, they may include

implementation or monitoring recommendations developed during the course of the analysis. State-adopted TMDLs must include implementation plans to achieve the allowable amount of pollutant loading.

TMDLs are developed by analyzing data and information provided by existing or commissioned studies, and/or by stakeholders interested in the water body or conditions being investigated. Development results in a clear definition of water quality problems in a water body or watershed, a numeric value for the TMDL, and, from the Regional Water Board, implementation plan that identifies how the problems will be solved and the TMDL achieved. The implementation plans identify new requirements, based on existing regulations, in conjunction with other existing water quality management activities. The implementation plans identify which requirements or activities (via voluntary or regulatory programs) apply to which agencies, landowners, resource managers, and/or the public. Typically, TMDLs and their implementation plans will be approved by adoption into the Regional Board's Basin Plan.

Section 303(d) of the Clean Water Act requires States to identify waters not attaining applicable water quality standards. The State complies with this requirement by periodically assessing the conditions of the rivers, lakes and bays and identifying them as "impaired" if they do not meet water quality standards. Clear Creek and Hernandez Reservoir were identified as impaired by mercury on the 1998 Clean Water Act Section 303(d) list of impaired water bodies.

The California Regional Water Quality Control Board, Central Coast Region (Regional Board) adopted a "Total Maximum Daily Load" (TMDL) for Mercury in Clear Creek and Hernandez Reservoir at the March 19,2004 Regional Board meeting. This TMDL was approved June 21, 2004 by EPA, which became the effective date. The TMDL identifies attainable numeric targets to protect water quality, determines that the implementation measures to achieve these targets have already been established by the US Bureau of Land Management, and designates a monitoring program to ensure that the implementation is effective. Key components of the Resolution are to place responsibility upon the BLM to submit a satisfactory monitoring plan to the Regional Board, and to report monitoring results quarterly.

### *Livetsock Grazing*

Within the CCMA there are 14 grazing allotments, most of which are cattle operations. These allotments cover a total of 43,278 acres of BLM-administered lands, but only 26,284 acres are inside the CCMA boundary. The forage produced is primarily annual grasses and forbs that grow during the wet season from winter to spring. Issuance of the grazing authorizations is in conformance with the Hollister Resource Management Plan (RMP) approved in August 1984 and as further amended for Central California Rangeland Health Standards and Guidelines for Livestock Grazing, approved in April 1998.



### *Oil, Gas, and Minerals*

The planning area is currently open to mineral exploration and development with the exception of 1,500 acres. Historically, the only mineral production occurring has been mercury and asbestos in the Clear Creek area of southern San Benito County. Federal oil and gas production is occurring in three locales outside the CCMA: western Fresno County in the fields surrounding Coalinga, southern Monterey County near San Ardo and Hames Valley, and east central San Benito County in the Vallecitos area. Salable mineral production of building stone occurs nearby in southern Monterey County.

### *Cultural Resources*

The Clear Creek Management Area (CCMA) is a unique complex of geology, botany, and human use that creates a special cultural landscape. Situated within the CCMA there are series of small prehistoric habitation, processing, and interment sites dating back at least five hundred years, perhaps several thousand. The combination of these archeological sites represents the physical remains of Native Californian seasonal villages or extended family residences. There is also a rich historical record of intensive mercury mining that one time reflected the second largest mercury producing area in the United States.

Ethnographically the area may lie within the Chalon Costanoan/Ohlone region of California Indians. The Chalon were known to have occupied the area around Chalone Creek - bounded to the west towards the Salinas River and east to the headwaters of the San Benito River. However, it can also be argued that the CCMA region lies in an area where exact Native Californian tribal affiliation is unclear. Classic ethnographic literature ascribes the area to the Tachi band of Yokuts Indians largely on the basis of hydrographic provenance. A less investigated hypothesis relies on ethnohistoric data obtained from the baptismal records at Missions of San Antonio de Padua, Mission San Miguel, Mission San Juan Bautista, and Mission Soledad, indicating that the district may belong to the Chene band of the Salinan Indians.

With respect to artifacts, the archeological sites appear to be inter-related based upon regional bead and projectile point typologies. Functionally the combination of sites represent a range of domestic subsistence behavior that included plant collection and processing, animal hunting and processing, trade material manufacture, intensive short-term habitation, and interment. The full extent of prehistoric time depth is not fully understood for the CCMA. Based upon observed surface indicators with previous excavation and collection data, sites in the region date to 1000BC – AD1690.

Historically the CCMA was known as the New Idria Mining district. Discovered in the late 1840s – early 1850s by Mexican prospectors, large portions of the CCMA were mined for mercury to produce quicksilver during the California Gold Rush era. Later in

time, the district's mercury was used in medical products, paint, and even munitions for World War I. Other materials such as asbestos, magnesite, nickel, chromium, and benitoite were also extracted.

In the CCMA approximately 50-100 acres of public land have been inventoried for cultural resources to BLM Class III standards (Manual 8110.21C). Much more of the area has been subject to a general reconnaissance level of survey and inventory (Manual 8110.22A). At least 25 archeological sites have been recorded, 5 of which are eligible to be listed on the National Register of Historic Places as single properties. Site types include small and large occupation sites with midden, rancherias, temporary camp sites, rock shelters, rock art/ceremonial sites, bedrock mortars, lithic scatters, historic mining sites, and protohistoric-historic homestead sites.

### *Native American Values*

Native American interests with the CCMA primarily involve access to traditional use areas, the protection of these use areas, the protection of Indian burials sites and cemeteries, and the nature/extent of archeological sites involved in research or land management activities (e.g., controlled burning).

Consultation with Native Americans for CCMA management has occurred for the past 25 years. In 2004, more intensive consultation for the CCMA began with site specific requests for access to traditional use areas and increased involvement in archeological site management issues. This trend continues in 2008 with federally recognized and non-federally recognized tribal groups.

### *Visual Resources*

BLM lands in the CCMA were inventoried for scenic quality in 1979. These inventories were used to assigned the area to one of four visual resource management (VRM) classes in the original Hollister RMP (1984). Visual resource classes for CCMA are defined as follows:

- San Benito Mountain Research Natural Area = Class I
  - Objective: To preserve the existing character of the landscape. The level of change to the characteristic landscape should be very low and must not attract attention.
- Condon Peak = Class III
  - Objective: To partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate and may attract the attention but should not dominate the view of the casual observer.
- Remainder of CCMA = Class IV
  - Objective: To manage activities that require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high and may dominate the view and be the major focus of the viewer's attention.

## 2.0 Description of the Public Involvement Process

### A. Notices

BLM published the Notice of Intent To Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement in the Federal Register (Volume 72, Number 172) on September 6, 2007. The NOI states, "The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and EIS alternatives... The major issues that will be addressed in this planning effort include: impacts to public safety and human health from naturally-occurring asbestos and past mining activities; designation and management of special management areas; ecosystem management and desired conditions; wildland and prescribed fire management; livestock grazing; motorized and non-motorized recreation management; lands available for disposal or of interest for acquisition; and potential for energy development."

In conjunction with the NOI, BLM issued a news release on September 6, 2007 announcing three public scoping workshops for the CCMA RMP/EIS. Following the release of the EPA Asbestos Exposure and Human Health Risk Assessment, BLM announced three more public scoping meetings, one of which included a presentation by EPA staff to explain the results of the EPA study. The dates and locations of each meeting are listed below:

#### *Public Meetings (Round One)*

September 27, 2007	Veterans Memorial Hall 649 San Benito St. Hollister, CA
October 4, 2007	Harris Ranch Garden Ballroom 24505 W. Dorris Ave. Coalinga, CA
October 11, 2007	Dr. Martin Luther King Jr. Library Room 225 150 E. San Fernando St. San Jose, CA

#### *Public Meetings (Round Two)*

May 8, 2008 <i>EPA Presentation</i>	Santa Clara Convention Center 5001 Great America Parkway Santa Clara, CA
May 19, 2008	Veterans Memorial Hall 649 San Benito St. Hollister, CA
May 21, 2008	Dr. Martin Luther King Jr. Library Room 225 150 E. San Fernando St. San Jose, CA

## B. Summary of Public Meetings

Over 1000 members of the public, mainly off-highway vehicle users, discussed the future management of the Clear Creek Management Area at the CCMA scoping meetings in Santa Clara, Hollister, Coalinga, and San Jose.

With the exception of the May 8<sup>th</sup> meeting in Santa Clara, all the BLM public scoping meetings opened with a presentation by the Hollister Field Office planning specialist to outline the purpose of the CCMA RMP/EIS and the public scoping meetings. Following the presentation, participants were encouraged to break into working groups to identify issue and develop comments to be addressed in the RMP/EIS. Many comments reflected concerns about the Environmental Protection Agency's CCMA Asbestos Exposure and Human Health Risk Assessment (2008) and BLM's temporary closure of the area. Additional public comments requested further review of the EPA data, considering ways to reduce asbestos exposure to mitigate risk and allow continued OHV use in the Serpentine ACEC, and providing opportunities for other uses outside the hazardous asbestos area.

Public Meeting: May 19, 2008: BLM planner (right) listens to a comment from a RAC member.



Overall, the success of these scoping workshops are determined by the quality and quantity of the comments received from individuals who were able to attend the meetings and the general public in response to the stated goals of the CCMA RMP/EIS. During the meetings, people were encouraged to take extra information packages and comment sheets and distribute them to interested individuals that were not able to attend the meetings.

### C. Additional Outreach

A number of potential partnerships exist that could help BLM broaden involvement in the planning process and widen acceptance and ownership in the future management of CCMA public lands. Agreements with local counties and communities will continue to be utilized and explored for activities and needs such as planning, transportation, emergency services, law enforcement, infrastructure, and tourism. BLM will seek to incorporate management actions into the CCMA RMP/EIS that would compliment adjacent communities.

Prior to all public involvement opportunities, BLM invites parties interested in the Clear Creek Management Area RMP/EIS to participate through local media and on-line news releases, and by sending letters to people on the CCMA mail list.

### D. Cooperating Agencies

The Hollister Field Office will invite federal, state, and local agencies to participate in development of the CCMA RMP/EIS to provide information and/or technical assistance in evaluating public land resources in the planning area.

These agencies include:

U.S. Environmental Protection Agency;	California Department of Forestry & Fire Protection;
U.S. Fish & Wildlife Service;	California Department of Fish & Game;
California State Historic Preservation Office;	California Regional Water Quality Control Board;
California Department of Parks and Recreation,	Monterey Bay Air Pollution Control Board
Off-Highway Motor Vehicle Recreation Division;	San Benito County
California Department of Toxic Substance Control;	

### E. Collaboration with Tribes

The Tachi Yokut Tribe of the Santa Rosa Rancheria is the only federally recognized Native American group in the planning area. Representatives of the tribe are aware of BLM's intention to prepare the CCMA RMP/EIS. In general, they support BLM's conservation goals in the Hollister Resource Area, provided that they are informed of any potential impacts to cultural resources.

Members of the tribe were invited to the public scoping workshops, although none were able to attend. Nevertheless, personal contacts between BLM officials and tribal representatives are routinely scheduled for other planning activities in the Hollister Field Office, and BLM has extended the opportunity to provide input for the CCMA RMP/EIS to the Tachi Yokut Tribe throughout the planning process.

## F. Written Comments

BLM's official public scoping comment period began September 6, 2007 with the publication of the NOI in the Federal Register. However, the comment period was extended to June 21, 2008 due to a delay in the release of the EPA Asbestos Exposure and Human Health Risk Assessment for CCMA (2008).

A majority of the public comments were submitted during the scoping workshops on flip charts and 'scoping worksheets'; although BLM received many written letters and emails that reflect the interest of the constituents of those who did not attend the public meetings and workshops.

### 3.0 Summary of Comments

#### A. Methodology

This report summarizes the comments received in response to the Notice of Intent to Prepare the CCMA Resource Management Plan. Generally, each letter, email, or group discussion during public meetings contained many different points; each one is considered in its' entirety, but comments were then broken down into categories for presentation in this report.

The intent of this chapter is to provide a view of the range of comments received during the scoping process. Pursuant to 43 CFR 1610.2(d), the BLM National Land Use Planning Handbook (H-1601-1) says,

*Field offices must write a scoping report to capture public input in one document (recommended). The documentation must summarize the individual comments received during the formal scoping period of the planning process. It must also describe the issues and management concerns from public scoping meetings, internal scoping meetings, and those included in the preparation plan.*

Therefore, the following sections present a summary of issues identified by federal, state, and local agencies, clubs, organizations, and individuals rather than providing a comprehensive listing of all the comments received during the scoping process. In the case where the numbers of comments received are listed, these numbers were not used to constitute a "vote", because BLM considers all public comments during the planning process, even if only made by a few people or one individual.

#### B. Agency Comment Letters (2)

- California Department of Parks and Recreation, State Motor Vehicle Recreation Division
  
- California Department of Toxic Substances Control

## B1: California Department of Parks and Recreation Comments



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942886 • Sacramento, CA 94296-0086  
(916) 224-6811

Ruth Colquhoun, Director

June 20, 2008

CCMA RMP  
Attention: George Hill  
Hollister Field Office, BLM  
20 Hamilton Court  
Hollister, CA 95023

Re: Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement

Dear Hollister Field Office:

As long time partners with your office, the Off-Highway Motor Vehicle Recreation (OHMVR) Division of California State Parks offers these comments in the hope that an alternative can be identified which will result in the continued ability of the Bureau of Land Management (BLM), Hollister Field Office, to provide some level of off-highway vehicle (OHV) recreational opportunities at the Clear Creek Management Area (CCMA).

Over the years, the OHMVR Division has invested approximately \$7 million of OHMVR Trust Funds for trail maintenance, restoration, law enforcement, resource conservation, and other projects for the improvement of the CCMA as a venue for OHV recreation opportunities. This significant investment of public funds was made with the full expectation of long-term opportunity for OHV recreation at the site. While we recognize the reasoning behind the recent Immediate Temporary Closure of the area to public use, we strongly encourage you to seek alternative management strategies that will result in re-opening some OHV routes and trails rather than complete closure. Our challenge is to work with all the interested agencies and stakeholders to provide reasonable alternatives to complete closure that address the asbestos issue. After examining the available information, we believe there are additional actions that should be considered as alternatives to continued complete closure.

### Minimizing Dust Generation and Asbestos Exposure

Surface Hardening and Soil Amendments. It is very likely that a high percentage of the soil disturbance and resulting dust generated at the site is due to large, heavy vehicles traversing the CCMA's dirt roads and staging areas. In order to reduce the likelihood of stirring up potentially hazardous airborne substances, the BLM should consider hardening and/or paving road surfaces and staging areas within the CCMA that are primarily used for access and egress by full-sized highway legal vehicles.

In addition or as an alternative to hardening surfaces, BLM should consider the use of soil amendments. This option is now commonly used by BLM in other Field Offices. These actions would result in a significant reduction in the generation of dust, and an overall improvement in air quality at the site. While these options vary in price, cost should not be a reason for automatic dismissal. The closure of CCMA has drawn attention worldwide, and BLM should explore areas for partnership in funding heretofore thought impossible.

Limit Single-Track Trail Use to Dirt Bikes. In an effort to continue to lower the amount of dust generated into the air, another alternative for BLM to consider would be limiting OHV recreation in the CCMA to dirt bikes and eliminating use by all-terrain vehicles (ATVs) on the single track trails. Dirt bikes are less likely to stir up dust when operated in a responsible manner. We realize this alternative is quite a radical departure from the usual approach by the OHMVR Division to encourage multiple-use OHV recreational opportunities. However, we feel this departure is warranted because Clear Creek is nationally recognized as a premier dirt bike riding area with a reputation for its single track dirt bike trails.

Trail Re-routes and Reduced Trail Widths. To further reduce the potential for visitors to come into contact with potentially hazardous materials, the existing single track trail system should be carefully examined and re-routed around areas of the most readily disturbed soils, such as thin, poorly consolidated silt-rich soils. Creation of a one-way trail system would also allow for a dramatic reduction in trail width as part of a "motorcycle only single track system." Together, reroutes and limited trail widths would greatly reduce the amount of dust created as well as potential exposure rates for the riders. By limiting trail width and restricting trail riding to those areas where soils are more sustainable and durable to dirt bike recreation, the potential for significant dust exposure is reduced.

Use of Dust Abatement Additives. The application of dust abatement additives (such as "dust off") should be considered on single track trails. We recognize this may be a difficult undertaking and clearly would not be practical on all trails, but there are certainly opportunities to apply dust abatement additives to the most frequently disturbed sections of single track trails. We recognize this may require purchase or development of specialized equipment in order to access the trails and apply the additives. The OHMVR Division stands ready to assist in exploring possibilities for developing the techniques needed for this type of application. By judiciously applying such measures to the most disturbed sections of trails, reductions in dust generation could be achieved.

Rider Education. An education campaign should also be considered that emphasizes responsible motorcycle riding and avoidance of unnecessary wheel spin which exacerbates dust production.



Limit Vehicle and Visitor Use. The number of vehicles also impacts the amount of fugitive dust that is generated. A lottery system could be created to limit the number of vehicles allowed in the CCMA at one time. Visitors could be limited to the number of times they can visit and for how long each year. Age restrictions could be imposed (18 and older) with implied consent waivers such as are employed at some county OHV parks.

Seasonal Closure. The potential for dust to be generated is reduced with increased soil moisture. An effective means to reduce dust generation at CCMA is to seasonally limit visitation to periods when soil moisture is replenished by precipitation. Seasonal closure dates could be adjusted based on a predetermined prescription of soil moisture values found at sampling stations set up throughout the riding area. Dust reduction is increased further by coupling a seasonal closure strategy with the other strategies detailed above.

Wash Racks. The secondary "non-point source" pollution concerns could be offset by requiring the use of the wash racks for all visitors. Wash systems would return the water in a tertiary condition for reclamation and possible application to trails.

#### Additional Studies

The OHMVR Division feels the actions detailed above could be part of a proactive management strategy which may more effectively reduce the potential for dust and asbestos exposure than simply closing off OHV access to CCMA. Whether or not these actions are pursued, the OHMVR Division feels strongly that more information is needed before any final decisions can be made. If some, or all, of the measures suggested above were to be employed, studies of the risk of exposure would need to be conducted to determine the overall effectiveness of the collective measures. By targeting the most egregious sources of dust and soil disturbance and either re-routing around them, hardening the surfaces, or treating them with dust abatement additives, in conjunction with some or all of the other suggested measures, a safe environment for recreational use should be possible.

Finally, if all other measures prove ineffective in creating an environment considered to be safe for recreational use in the current CCMA OHV trail system, we would encourage the Hollister Field Office to consider expanding the current footprint of the CCMA to incorporate nearby BLM areas which could be developed for OHV recreational opportunity. Areas that could be incorporated might be found to be more appropriate for OHV recreation and easily accessible to a larger population. Improvements to and management of this larger footprint could be addressed through a cooperative relationship with the state and/or local governments. In addition, other BLM lands in the region should be considered for development to provide OHV recreation.

Hollister Field Office  
June 20, 2008  
Page 4 of 4

The OHMVR Division is charged with the statewide management and provision of OHV recreational opportunities. The loss of such a significant area as the CCMA represents a significant reduction in our ability to continue to meet our mission. If the CCMA were to be permanently closed, the riders who formerly recreated at CCMA would be displaced to other areas. Nearby Hollister Hills State Vehicular Recreation Area (SVRA) is already experiencing increased pressure from riders who are not able to recreate in the CCMA due to the current temporary closure. As a result, Hollister Hills SVRA has reached capacity and has had to close to the public on several occasions.

The OHMVR Division understands and appreciates the challenges facing the BLM Hollister Field Office. Funding for federal land management agencies continues to decrease while the demands for responsible management are increasing. The closure of Clear Creek has resulted in a new outpouring of concern throughout the OHV community unlike anything we have seen before. The OHV community has made it clear to the Division that they stand ready to partner with BLM in whatever way possible to address this crisis in their recreation. We would encourage BLM to think "outside the box" as it prepares its Resource Management Plan and reach out to members of the OHV community to explore all options. The OHMVR Division is prepared to work closely with the BLM in developing alternatives which will lead to reopening the CCMA to continued OHV recreation.

Best,



Daphne C. Greene  
Deputy Director  
Off-Highway Motor Vehicle Recreation Division

## B2: California Department of Toxic Substances Control Comments:



Linda S. Adams  
Secretary for  
Environmental Protection



### Department of Toxic Substances Control

Maureen F. Gorsen, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor

May 6, 2008

United States Department of Interior  
Bureau of Land Management  
Attn: Mr. Rick Cooper  
Hollister Field Manager  
20 Hamilton Court  
Hollister, California 95203-2535

#### SUPPORT FOR BLM'S TEMPORARY CLOSURE OF CLEAR CREEK MANAGEMENT AREA

Dear Mr. Cooper:

The Department of Toxic Substances Control (DTSC) supports the Bureau of Land Management's (BLM's) May 1, 2008 decision to order an immediate temporary closure of the approximately 31,000 acre Area of Environmental Concern which represents nearly half of BLM's Clear Creek Management Area (CCMA). The order provides necessary protection to the public from human health risks associated with exposure to airborne asbestos generated from recreational and other uses of the CCMA.

As part of a 2001 review of U.S. EPA's cleanup efforts at the Atlas Asbestos Mine Superfund Site, DTSC recommended further evaluation of the surrounding CCMA for potential health effects resulting from exposure to naturally occurring asbestos. In 2003 these concerns were reiterated by both DTSC and U.S. EPA in comments on BLM's resource management plan amendment for the CCMA. DTSC supported and provided technical assistance for subsequent air sampling conducted during the period between 2004 and 2006 which was designed to model activities typical of users of the CCMA. On May 1, 2008, U.S. EPA produced the Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment report. DTSC concurs with the report's findings that the health risk for BLM workers and recreational users from exposure to asbestos is inappropriately high.

The CCMA receives about 35,000 visitors per year including families with children. Many of these visitors participate in activities that may result in unhealthful exposures to asbestos including riding motorcycles, all-terrain vehicles and SUVs as well as hiking, camping, and hunting.

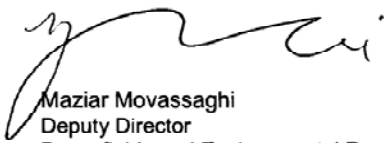
DTSC anticipates continued involvement with asbestos risk assessment efforts and the

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United States Department of Interior  
Bureau of Land Management  
Attn: Mr. Rick Cooper  
May 6, 2008  
Page 2

development of long-term resource management plans for the area. If you have any questions, please contact Mr. Steven Ross project manager for the site at (916) 255-3694.

Sincerely,



Maziar Movassaghi  
Deputy Director  
Brownfields and Environmental Restoration Program

cc: Mr. Kieth Takata  
U.S. EPA Region 9  
75 Hawthorne Street  
Mail Code: SFD-1  
San Francisco, CA 94105

C. Comment Letters from Clubs and Organizations (14)\*

- American Motorcycle Association, District 36
- Bay Area Mineralogists
- BlueRibbon Coalition (BRC)
- California Association of 4-Wheel Drive Clubs, Inc. (CA4WD)
- California Equestrian Trails Lands Council
- California Federation of Mineralogical Societies
- California Off Road Vehicle Association (CORVA)
- California Native Plant Society
- Hayward Motorcycle Club
- North Bay Motorcycle Club
- OHV Consortium rep. by Moore, Turcke, & Smith Chartered
- Sacramento Top Gun Jeep Club
- Searchers Gem and Mineral Society
- Timekeepers Motorcycle Club

\*Only select letters are included below to summarize comments from clubs and organizations.

C1: BlueRibbon Coalition (BRC) Comment Letter



June 19, 2008

Sent via Email and U.S. Mail

CCMA RMP  
Hollister Field Office, BLM  
20 Hamilton Court  
Hollister, CA 95023  
Email: [cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov)

Re: Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement

Dear Hollister Field Office:

These comments are submitted on behalf of the BlueRibbon Coalition (BRC), a national non-profit trail-based recreation group, and are directed to the Hollister Field Office's Notice of Intent (NOI) to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and associated Environmental Impact Statement. This document shall not supplant the rights of other BRC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received.

Submission of these comments does not imply that BRC agrees with the May 1, 2008 Closure Order effectively banning the use of OHVs on approximately 75,000 acres of the Clear Creek Management Area (CCMA) or the recent seasonal June 1 through October 1 interim "dry-weather" closure . Neither does BRC cede its right to pursue remedies outside of the

administrative process regarding the interim closure or final report issued by the Environmental Protection Agency (EPA). In fact, we are deeply disappointed with this action, which flies in the face of prior analysis, prior decisions by leadership, and broader BLM policy. It is appropriate for all to review that "BLM is dedicated to the responsible management of the public lands to provide for a wide array of recreational opportunities, including outstanding opportunities for motorized recreational use." BLM Website, "Statement of Ed Shepard, Assistant Director for Renewable Resources and Planning Bureau of Land Management," dated July 13, 2005, <http://www.blm.gov/nhp/news/legislative/pages/2005/te050713.htm>, Accessed September 24, 2007. Whether it be through RMP generation and/or project-specific analysis, we urge BLM to vigorously formulate and explore a robust range of alternatives that will truly reflect an agency commitment to active and effective recreational management.

#### **BRC's Vision or Mission for CCMA**

BRC believes the 75,000 acres of CCMA should remain as, and be managed for, a destination recreation area that serves all aspects of the agency's multiple-use mandate. This is the only federal multiple-use recreation area in a 300 mile section of California which extends from the SF Bay Area to the Santa Barbara area. The OHV, hunting, gem collecting, rock hounding, equestrian and other uses must be preserved in this unique area.

BRC believes the agency should develop its Mission, Goals, and Objectives and a range of alternatives to serve the historic public uses at CCMA for generations to come.

BRC seeks to continue our long standing partnership with the BLM in the management of responsible OHV recreation on federal lands in the State of California. BRC believes the agency should develop two "pro-recreation" alternatives based on its review of the various comments submitted either in verbal form at public hearings or in the written word regarding serious and substantive flaws in the EPA report, new science that shows an acceptable health risk to the public, soil mitigations for hot spots such the old industrial sites at Jade Mill or Oak Flat Campgrounds, and respiratory protective gear available to the public.

BRC continues to believe the EPA report is flawed and should not be relied upon for the agency's decision to enact an interim closure of the CCMA to all public uses during the RMP planning process. BRC believes that new information should be reviewed by the agency and then utilized in an expeditious manner to withdraw the current closure order and, if needed, reinstate the "dry-season" closure on an interim basis until the RMP planning process is completed.

We wish to highlight certain information that should be reviewed by BLM and incorporated within the planning record. These examples are not exhaustive, and we intend to provide additional information and analysis as we are able to retrieve and generate the same. This information does not supplant additional data sets or testimony (verbal or written) submitted by other publics during this comment period. Additional information that should be considered includes, but is not limited to:

(1) Ilgren/BRC April 16 Letter/Questions to EPA

This information presents substantive questions to the BLM/EPA regarding the validity of the agencies' continued efforts to present the naturally occurring asbestos in CCMA as a health risk.

(2) Ilgren Article: Coalinga Chrysotile, A Short Fiber, Amphibole Free, Chrysotile: Part V – Lack of Amphibole Asbestos Contamination

(3) Ilgren Article: Coalinga Chrysotile – The Case of the Missing 'Asbestos Study': Corporate Connivance or Plaintiff Ploy?

(4) The California Coalinga Chrysotile Miners and Millers – Further Evidence for a Lack of Attributable Disease including a Refutation of Egilman and Roberts's [2004] Claims

(5) Additional publications and other resources cited by Dr. Ilgren which we understand will be presented to BLM as part of his independent submission in response to the NOI.

BRC believes BLM should consult with sister land management agencies (e.g. Forest Service, CA State Parks, etc.) regarding mitigation or alternative management strategies such as adding soil or road treatments, public outreach and education, or how they handle similar low risk public health issues or if they even consider the findings in the EPA report as mandating a closure.

We strongly recommend that BLM continue to evaluate the latest EPA report, which is not the sole or even most robust analysis of "asbestos" on the CCMA site. At the May 8 public hearing, the EPA admitted they did not know about, nor did they factor into their analysis, information about air sampling routes, which appear to have included staging in areas that were actually old historic commercial mining sites. Additionally, the sampling routes appear to have traversed numerous historic sites for mining, industrial and other development. Agency personnel stated at the meeting that they did not separate the air/dust collected via the rider worn vacuum pumps at the developed sites from the route systems outside of these atypical sites.

BRC believes two sustainable recreation alternatives should be created and submitted for full analysis and public input during this planning process. NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives. 40 CFR § 1502.14. We do not herein attempt an exhaustive outline of these alternatives, but a checklist of key concepts that they could include. Obviously the agency would need to exercise discretion to refine these core concepts, while adding additional decision elements.

**ALTERNATIVE ONE – The No-Health Risk Recreation Alternative**

-Allow OHV use all year on the approximate 272 miles of routes and 400 acres of barren areas previously approved in the area's travel management plan.

**ALTERNATIVE TWO – The Acceptable Health Risk Alternative**

-Utilize new science submitted during the public comment period or by ongoing new scientific research (which may include an opportunity to partner with public and private interests on joint research project using improved or defensible methodology) in management prescriptions and public outreach/education.

-Harden and/or clean-up hot spots such as the old industry sites at Oak Flat and Jade Mill Campground. Apply appropriate dust control measures (i.e. chip seal, or other methods) the road beds in front of the affected sites.

-Post health risk signs at public entry points and require that OHV events have warnings on their flyers.

-Allow OHV use to continue all year on the approximately 272 miles of routes and 400 acres of barren areas previously approved in the area's travel management plan, or on such other and/or additional routes/areas that are deemed to be appropriate for OHV use following additional analysis.

BRC appreciates this opportunity to be involved in the public planning process on behalf of its many members who enjoy recreation in the CCMA. Please contact me if you have questions or wish to discuss any aspect of these comments.

Sincerely,



Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
555 Honey Lane  
Oakley, CA 94561  
Office: 925.625.6287  
Email: [brdon@sharetrails.org](mailto:brdon@sharetrails.org)  
cc: CD with cited ref. materials

## C2: California Off Road Vehicle Association (CORVA)



1500 W El Camino Ave. #352  
Sacramento · California · 95833-1945  
Phone · 800-42CORVA · Facsimile · 818-957-4435

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June 21, 2008

CCMA RMP  
Hollister Field Office, BLM

20 Hamilton Court  
Hollister, CA 95023

Email: [cahormp@ca.blm.gov](mailto:cahormp@ca.blm.gov)

Re: Notice of Intent to Prepare a Resource Management Plan for the Clear Creek Management Area, California, and Associated Environmental Impact Statement

Dear Hollister Field Office:

Please accept the following document on behalf of the California Off-Road Vehicle Association, Inc. (CORVA) its members, affiliated clubs, and myself. CORVA is a non-profit corporation representing off-road users who enjoy all types of off highway vehicle recreation throughout the state of California. CORVA is proud to be celebrating our 40<sup>th</sup> year as recreation activists, *"Dedicated to protecting our lands for the people, not from the people."* This document shall not supplant the rights of other CORVA members from submitting their own comments and the agency should consider and appropriately respond to all comments received.

CORVA agrees with and support the BlueRibbon Coalition's vision for the Clear Creek Management Area. The 75,000 acres of CCMA should remain and be managed as a destination recreation area that serves all aspects of the BLM's multiple-use mandate. Because this is the only federal multiple-use recreation area in a 300 mile section of California which extends from the SF Bay Area to the Santa Barbara area, the CCMA serves as an important recreation area for a large urban population. The OHV, hunting, gem collecting, rock hounding, equestrian and other uses must be preserved in this unique area.

Based upon information obtained from the BLM at the final scoping meeting, a reading of the EPA study results, and an investigation into the methods and history of asbestos exposure risk assessment, it is our contention that the emergency closure is at best premature.

Although we do not question that studies have indicated asbestos as a human carcinogen, the validity of the data collected in the EPA study is unclear for several reasons as follows:

1. Questions regarding the data collection methods:

- A. Exactly which trails, and how much of the geographical area was used to collect air samples is not clear. It appears that the majority of the data was taken on graded roads which could reasonable be assumed to be far more dusty due to the volume of traffic from recreational, cars, trucks, and maintenance vehicles, not to mention the possibility of them being used as haul roads. The vast majority of recreational mileage is on back roads and single track trails, routes that do not seem to be represented in a balanced manner. There is no existing data to indicate that air quality is consistent assuming similar usage in different areas.
- B. Data was collected in both "lead" and several "trailing" positions, presuming groups traveling in a single-file fashion. It appears that final measurement results were obtained by averaging these values as a group. This completely eliminates data representing the single/solo rider or driver, a very common recreational scenario. Averaging data from vastly different scenarios is reason for invalidation.
- C. The results of an earlier air quality study which was recognized as qualitatively equivalent to the EPA study, resulted in fiber-count data about one order of magnitude (1/10<sup>th</sup>) that of the later study. A re-testing of samples from earlier collections also resulted in a much higher count. This, as well as the admittedly large variations between measuring methods puts any single method's data in question, and the fact that, in every case the measurements were higher (worse) in the EPA study could indicate a bias someplace in the process.



2. The validity of "risk" assessment values are not clear for several reasons:

- A. Risk data was developed using actual epidemiological data from populations of workers who were subjected to "chronic" exposure, meaning constant consistent exposure to significant levels of asbestos over long periods of time... years. There is no data to indicate any risk associated with inconsistent short term exposure.
- B. It is recognized, although not understood, that a synergistic effect between results when a smoker is exposed to chronic asbestos exposure resulting in a vastly higher risk of cancer. The data used to create risk estimates came from populations in the mid 1970's, and include a much higher proportion of smokers than would be present today. This would result in artificially high risk estimation.
- C. There is little consensus on just what constitutes acceptable risk. National and State estimations differ by a factor of 100.
- D. No epidemiological data was used in this study. Because the Clear Creek area contains a large natural asbestos formation it can be presumed not only that there has been asbestos in the air for as long as there has been human habitation, and that wind would have carried it to a much wider area than that considered in this study. There is also a population of workers who should have been exposed in a chronic manner. Data to indicate a statistical correlation to health effects should be available from the CDC, and if not, the study needs to be done.

The results of this study are an indication that the investigation should continue, but needs to include representation from the BLM and user groups to insure an accurate representation of the recreational activities, and eliminate and intentional or unintentional bias in the data. The results do not, however justify a closure at this time.

But beyond this conclusion, there is a philosophical point to be considered. The EPA was formed and exposure levels developed, to protect the public from toxins produced in industry that can result in toxic workplace or residential exposure. The public has no argument that the government should take the roll of protecting them from such unseen and unnecessary dangers. There is also no argument that workers who MUST tolerate a higher level of exposure due to their chosen occupation, can be exposed to some higher level, because there is value in taking this risk. The value of recreation is being ignored by the Clear Creek closure.

Clear Creek was closed to protect the public from a naturally occurring substance, not an industrial toxin, and recreationalists are well aware of it's presence but choose to accept some risk because there is enormous value in their activities. It is reasonable to insist that a different level of acceptable risk needs to be developed if the EPA is to continue this extension of its responsibilities.

Clear Creek needs to be re-opened and a follow-on study designed that takes into consideration factors such as those presented in this document before such a drastic action as closure is considered. Because the overriding reason for this closure is to reduce the perceived liability, it should be considered that the BLM could be considered liable for the value of the activities they have taken from the public, which are quantifiable and considerable.

Sincerely,

Joseph Sand joe@specialized4wd.com  
Member, California Assn of 4 Wheel Drive Clubs, Inc.  
Member, California Off-Road Vehicle Association, Inc.  
Member, BlueRibbon Coalition, Inc.  
Trustee, California Assn. of 4 Wheel Drive Clubs Education and Conservation Foundation  
President, Specialized 4Wheel Drive, Inc.

Amy Granat granat.amy@gmail.com  
Director, California Off-Road Vehicle Association, Inc.  
Director, California Trail Users Coalition, Inc.  
Member, California Assn. Of 4 Wheel Drive Clubs, Inc.  
Member, BlueRibbon Coalition, Inc.

***"Dedicated to protecting our lands for the people, not from the people."***

C3: OHV Consortium represented by Moore, Turcke, and Smith

## MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702

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» Also admitted in California  
\* Also admitted in New Mexico  
\* Also admitted in Oregon  
◊ Also admitted in South Dakota  
≈ Also admitted in Utah  
† Also admitted in Washington

August 21, 2008

*Delivered via U.S. Mail and via email to [cahornmp@ca.blm.gov](mailto:cahornmp@ca.blm.gov)*

CCMA RMP  
BLM- Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

**RE: Scoping Comments on Clear Creek RMP**

Dear Planning Team:

Please accept these comments in response to the Notice of Intent to Prepare and Environmental Impact Statement (“scoping notice”) for the Clear Creek Management Area (“CCMA”) Resource Management Plan (“RMP”). These comments are submitted on behalf of our clients the BlueRibbon Coalition, as well as its numerous participating individual and organizational members, which specifically include but may not be limited to the Salinas Ramblers Motorcycle Club, Timekeepers Motorcycle Club, American Motorcyclist Association D36, California Enduro Riders Association, and the California Association of 4 Wheel Drive Clubs. Individual and/or organizational members of any of these organizations may submit their own comments, and all such comments must be separately and independently evaluated by BLM in framing the RMP analysis. Any communications regarding these comments should be directed to Paul A. Turcke at the contact information listed above and to [pat@msbtlaw.com](mailto:pat@msbtlaw.com).

### INTRODUCTION

BlueRibbon is an Idaho non-profit corporation with over 10,000 individual, business, and organizational members representing approximately 600,000 individuals nationwide. BlueRibbon members use motorized and non-motorized means, including off-highway vehicles, snowmobiles, horses, mountain bikes, and hiking, to access state and federally-managed lands throughout the United States, including the CCMA. BlueRibbon and several member organizations obtaining intervenor status and actively participated in *Center for Biological Diversity v. BLM*, Case No. C 04-4736 JF (ND Cal), in which BLM successfully defended preservationist special

interest group efforts to eliminate or drastically reduce OHV access to the CCMA. Sadly, BLM has recently chosen, upon the advice of EPA Region 9, to impose the result that anti-access advocates could not obtain in court through an ill-informed and irrationally cautious decision to effectively close the CCMA to general public visitation based upon alleged concerns about human health risk. This action presents a great risk of confusion in the RMP process, and threatens to improperly constrain decision options and focus debate on the EPA risk analysis.

Regardless of the validity of the EPA's latest report, BLM is under a legal obligation to consider viable management alternatives. Scoping is not the point in the analysis to limit potential management alternatives to the narrow choices (if any) that EPA or preservationist special interests would allow. We intend to show that EPA's latest report suffers fundamental methodological and other flaws which should render that report incapable of supporting the current "management by closure" strategy. Other reports and relevant information will demonstrate the flaws of relying on the latest EPA report, will explain EPA's potential findings of concern, will continue to demonstrate that there is virtually zero human health risk associated with *Coalinga chrysotile* asbestos, and that there are virtually no known cases of asbestos-related disease or injury associated with this area despite extensive human visitation of the site that is now the CCMA through a broad range of activities, many of which pose far greater theoretical risk of exposure than recreational activity. We urge BLM to explore a full range of options in the RMP, while at the same time undertaking appropriate and necessary parallel analysis to better understand and debunk the latest EPA report.

## **RESPONSE TO QUESTIONS PRESENTED**

We are mindful of the scoping comment form prepared by BLM and provide the following responses to the specific questions posed.

(1) Vision- what do you value most about CCMA and why? The CCMA should be managed in the true sense of multiple-use management, with particular emphasis on trail-based recreation and rock/gem collecting. Compared to many western public lands, the CCMA presents a relatively small block of lands that have undergone varied and intensive uses. The CCMA provides an important trail-based recreation opportunity in central California where relatively few others exist. Maintaining and enhancing these recreation opportunities should be the primary management goal.

In addition to these recreation opportunities, the unique features of the CCMA lend themselves to focused management. For example, unique botanical and geologic resources can be protected from and/or featured to the public through appropriate information, mapping, exclosures and similar techniques. Ideally, proper management could ensure protection of unique resources while offering an opportunity to better inform and educate visitors about those resources.

(2) The Human Environment- what are the key issues and/or concerns to be addressed in the RMP? Without discussion, and in approximate order of priority, we suggest the key issues are: (i) providing for a diverse range of recreational opportunity; (ii) complying with applicable law in managing special status species; (iii) special area designation/status; (iv) minerals and geologic resources (commercial and/or recreational);

(v) cultural resources; (vi) private property access; (vii) land tenure adjustment; (viii) vegetation/fire/fuels.

We caution BLM to avoid being trapped into managing the CCMA as a distinct ecosystem or an alleged component of some larger connected ecosystem. This is not to say the area lacks outstanding natural features, areas and resources, but rather that the CCMA, for various reasons including its particular size, location and history, does not fit within management frameworks popular to some interest groups.

(3) Community benefits/challenges- As noted previously and in numerous member comments, the CCMA provides a unique recreational niche in central California. The present closure creates a recreational void while placing unanticipated pressure on other areas that, while not providing equivalent opportunities to CCMA, will likely experience increased demand from displaced publics.

The CCMA-focused recreational community has helped create and support local businesses, such as specialized motorcycle/ATV shops, in the local area. A permanent loss of recreational opportunity at the CCMA could have profound adverse effects on such businesses.

The CCMA is a unique and nationally, if not internationally, known location in recreational gemological/mineralogical circles. The same geologic forces that create the potential for EPA inquiry/confusion are also associated with many unique and prized gemstones such as benitoite, the official gem of the State of California. Any management effort should recognize and attempt to address the importance of this resource and the various associated management challenges, including public/inholder access, commercial/private activity, and relation to other recreational activities.

### **ADDITIONAL INFORMATION**

We wish to provide additional information as invited by the comment form.

#### A. Range of Alternatives.

Critical to the legal, political and practical success of the RMP will be a robust range of alternatives. We recommend that BLM err on the side of overbreadth in defining the range of alternatives. *See*, 40 CFR § 1502.14 (“agencies shall rigorously explore and objectively evaluate all reasonable alternatives”). Specifically, with regard to vehicle access, we recommend that BLM include options that would designate as “open” to travel the roads/trails/areas available prior to the current May 1, 2008 closure order, as well as a separate alternative that would consider additional routes/areas for mechanized access. The planning process is intended as a dynamic exercise, not an inexorable push toward fewer and more limited opportunities for human visitation to public lands.

Among the range of alternatives to be considered, we specifically propose and incorporate by reference those submitted by Don Amador, BlueRibbon's Western Representative. BLM should be exploring all possible management solutions to any alleged health risks associated with specific portions of the CCMA or the site in general, should adequate documentation of any risk be developed.

## B. EPA Health Risk Assessment.

We recognize that RMP scoping is not the place to present or expect a thorough evaluation of the May 2008 EPA Human Health Risk Assessment. We have not completed our analysis of that report, but are doing so and evaluating all options for appropriate review. We are concerned by not only the substance but timing of the report, and particularly caution BLM against limiting the scope of analysis and range of alternatives in the RMP process based on EPA's latest conclusions.

While our efforts are not complete, we believe there are numerous arguments that render EPA's analysis questionable, if not irrational. We will only outline some of these arguments at this time. In addition, in conjunction with the comments of Dr. E.B. Ilgren, which we hereby incorporate by reference herein, we wish to take this opportunity to present additional information into the formal planning record. Specifically, we incorporate by reference the preliminary results of a geological survey performed by Fowkes, Junilla and Iddings. The results of this survey suggest that amphibole material(s) in the CCMA may be localized to discrete sites, and that sites which appear to contain asbestiform amphibole are "commercial" sites which represent commercial mining activity, not New Idria serpentinite or other "natural" geologic features occurring in the CCMA.

During one or more of the scoping meetings BLM employees referred to the decision in *Salinas Ramblers Motorcycle Club et al*, Case No. IBLA 2005-217, 171 IBLA 396 (July 10, 2007) in discussing the rationale for the current closure. We wish to clarify the context of the IBLA decision and limited nature of that holding. The IBLA is an administrative review board, not part of the federal judiciary. An IBLA decision thus represents a formal determination of the Department of Interior but is not judicial "precedent" that is binding upon a judicial body or officer. Perhaps more importantly, we read the IBLA decision to be premised largely on the characterization that the 2005 "temporary" seasonal closure is designed "to avoid further or elevated risk to visitors while more data is collected to better identify and quantify the risk to human health that may be posed by airborne asbestos." *Id.*, 171 IBLA at 401. This "close to study further" rationale can not reasonably be relied upon here- the 2008 EPA report is the "better identification/quantification" promised by the agencies. Finally, while we do not agree with the IBLA's characterization of our prior arguments as "challenging [n]either the sampling methods [n]or EPA's conclusion that ORV use...increases exposure to asbestos" an attack on the 2008 EPA report and associated BLM closure order will not be subject to these criticisms. *See, id.* Put differently, our initial analysis, as summarized by Dr. Ilgren's comments submitted contemporaneously herewith, suggests bases to challenge numerous aspects of the EPA methodology including study design, field methods, sample location(s), specimen handling/identification, and statistical design/analysis. Confirmation of our initial impressions regarding any of these methodological elements will raise serious questions about the legitimacy of the EPA analysis and resultant conclusions.

We wish to note two simple reflections on the EPA report. First, despite significant study in various contexts including by individuals and entities highly motivated to identify the existence of, and blame for, CCMA-caused “injury”, there exists virtually no evidence of asbestos-related injury traceable to the CCMA. Second, EPA’s current risk analysis hinges on the finding that PCME fibers appeared in an unprecedented amount in some EPA air samples. At the simplest level, EPA’s conclusions are vulnerable to rebuttal of the identification of the alleged PCME fibers, or an explanation for the existence of PCME fibers which is compatible with continuing recreational (and historical) access. An example of the latter might be identification of specific sites (eg historic mining/mill or other industrial sites) containing PCME fibers that were included in the EPA sampling routes but which are not representative of typical CCMA recreational activity or which could be properly remediated so as to eliminate associated risk. We note that comparison of even the EPA’s results tend to support the latter thesis, as the EPA soil samples, with limited exceptions at trivial levels, display only “short fiber” chrysotile which does not meet the PCME standard. *See*, EPA May, 2008 Risk Assessment at Appx. F (only 2 of 73 soil samples contained asbestos other than chrysotile, and those were identified as “<1% Tremolite/Actinolite”). In other words, even EPA’s results suggest that PCME fibers are not common along CCMA routes, but arise from a limited number of “hotspots” theoretically capable of being identified and properly managed.

BLM is not obligated to follow EPA’s recommendation. Rather, to use the IBLA’s words, “BLM is entitled to rely on the professional opinion of its technical experts” and “those experts may be selected from within BLM’s own ranks or from elsewhere, whether from within the Federal government or without.” *Salinas Ramblers*, 171 IBLA at 400. We believe that reasoned analysis of the EPA 2008 report will eventually lead BLM to conclude that this is an instance where it should look to the large volume of other information regarding asbestos-related health risks and those specific to the CCMA in placing the appropriate weight, if any, on EPA’s latest effort.

We appreciate the opportunity to submit these comments and look forward to participating in the ongoing process on behalf of our clients.

Sincerely,

MOORE, SMITH, BUXTON & TURCKE, CHTD

Paul A. Turcke

## C4: Bay Area Mineralogists

**Proposal for Rockhound Access to CCMA**  
**Bill Spence, President of Bay Area Mineralogists**  
**October 31, 2007**

### **Mineralogy of CCMA**

As background information, BLM should understand that without exaggeration CCMA is a world class rockhounding destination. Benitoite, California's state gem, is found nowhere else in the world in macroscopic crystals. Fresnoite, benitoite's peach-colored cousin, is unique from this area in macroscopic crystals. Neptunite and the joaquinite group minerals are found here either as unique species or as the world's best examples of their species. CCMA and the surrounding area also host a variety of unusual garnet species; rare and unusual forms of diopside; world class clinocllore crystals; and an abundance of unique microminerals. Artinite and perovskite from the CCMA area are also world class. Since WWII the discoveries of new minerals here have been made primarily by the efforts of rockhounds. Free access to CCMA for rockhounding is essential for the continuance of the hobby in northern California and continued research and discoveries related to the geology and mineralogy of San Benito County.

### **Rockhounder Profile.**

Typically rockhounds visit CCMA in groups of from 2 to 8 people, sometimes in larger groups but not often. (Larger groups would almost certainly restrict their activities to Clear Creek itself or the Gem (Benitoite) Mine, therefore using only Primary Access Roads R-1, R-11 and R-15. Previously R-1 and R-8 would have been the preferred route to south CCMA.) Caravans are typically comprised, therefore, of from 1 to 4 cars. The most active rockhounds may visit CCMA as much as 10 times per year, but the norm is probably between 1 and 3 visits per year. (This number would likely increase incrementally if year-round access were provided. The Dry Season closure seriously limits rockhounder use of CCMA.) Rockhounds sometimes camp over one night, but single-day trips are the norm. Multi-night camp-outs are rare. Collecting in mid-summer is normally not advisable due to the heat.

One fact that is perhaps not obvious is that most rockhounds are over 40 years of age. Long hikes with heavy tools or rocks are an extra burden for these individuals, and road access as close to collecting sites as possible is highly desirable from a health and safety viewpoint.

It is important to emphasize that the rockhounds I know rarely, if ever, go off road with their vehicles. Because rockhounding involves the transport of heavy tools and hopefully heavy rocks, we typically want to drive our cars via a pre-existing and maintained road as close to the collecting site as possible. We are advocates of improved road maintenance, not of OHV use. It is worth noting that on the return from a collecting trip, we will likely want to take the smoothest possible route home in order to protect our collected treasures from damage in transit. This counsels against any off-road adventures. Speeds on CCMA roads are typically about 5-10mph.

The most common CCMA rockhounding destination is the Gem Mine now that it is open for fee digging. Other destinations include any of the numerous calc-silicate outcrops which host garnet and related species; the Clear Creek Mine area which hosts a variety of extremely rare microminerals; the Clear Creek drainage which hosts jadeite, plasma agate, magnesite and various other lapidary materials; the Aurora mine area for drusy quartz; the artinite locality just below the 4 Corners; Indian Creek where dolomite rosettes are found and which is the gateway to the Victor Claim; and the other blueschist outcrops that host or may host secondary benitoite deposits, including the Victor, Driggs (Fresnoite) and Numero Uno claims. (The Driggs claim is

private property, but the owner allows some digging with prior permission.) The calc-silicate locations are widely scattered but generally adjacent to non-primary roads. They and the blueschist outcrops are the most desirable collecting sites after the Gem Mine, and these are the locations for which access to the lesser roads is imperative. Many of them are accessible only when the roads are dry.

### **The Issues**

Rainy weather and cold make all of the roads in CCMA potentially hazardous during the fall, winter and spring. If in addition we are limited by a long dry season closure, the collecting season for locations not immediately adjacent to R-1, R-11 and R-15 may be limited to narrow windows of time in the spring and fall when the roads are sufficiently dry and the dry season restrictions are not in place. If the rainy season arrives early or ends late, these windows may disappear altogether, which essentially forecloses us from recreating in CCMA except at those locations which immediately border the primary access roads.

As most of the rockhounding trips originate some distance from CCMA (e.g. San Jose, Santa Barbara or San Francisco), it typically requires 2 hours travel time to arrive at the Clear Creek entrance, after which, depending on the specific destination collecting site, another hour or two of slow-speed, dirt road travel is required. These distances, of course, must be retraced at the end of the trip. The closure of R-8 has been a significant inconvenience in this regard. Most of the mineralogically interesting sites are located in the southern portion of CCMA. It would be an immense help to the rockhounding community to provide more direct access to south CCMA via good (i.e. blacktop) roads.

At the risk of pointing out the obvious, the current road configuration would make emergency evacuation of southern CCMA extremely difficult and slow, since all traffic would have to exit via Clear Creek. It would be highly desirable to open the existing locked access roads by agreement with the appropriate land/access owners. This would improve safety and allow faster ingress and egress to/from south CCMA.

Off-road use is not an issue for the rockhounding community; we don't wish to engage in off-roading. None of our activities jeopardize endangered plant or animal species. Nor do they disturb chrysotile-bearing soil in any significant way.

### **Proposal**

In order to meet the needs of the rockhounding community, I propose that BLM should issue a rockhounder-specific variation of the use permit that is to be implemented in February anyway. Under the terms of this permit rockhounds would be allowed access to all CCMA roads designated as "Jeep Trail" or better at any time during the entire year, weather permitting. Since rockhounds almost always travel in small numbers at very low speed on existing dirt roads, the effect on airborne asbestos levels would be trivial, even in the dry season.

Further, if access can be negotiated for the blacktop KCAC and Wright Mountain/Pine Canyon roads, then airborne asbestos contamination can be further reduced, access time reduced, and safety enhanced.



## D. Comments from Public Scoping Meetings (17+ Groups)

### **GROUP 1: Scope of the RMP EIS**

BLM should consider effect of wet weather conditions on reducing health risks.  
Other measures to reduce and minimize risk to public health and safety include public information at entrance i.e. outreach and education.  
Investigate potential for release of liability.  
Limit use annually or by season to reduce asbestos exposure.  
Identify hotspots and manage nonhazardous areas separately for use on designated routes.  
Survey additional public lands for nonhazardous writing areas (i.e. open Condon Peak for OHV use and increase access to other areas).  
Collect better air sampling data on all riding areas not just main road.  
Is closure due to mineral deposits and potential for future mining use?  
Is BLM worried about a lawsuit from environmental groups?  
Consider selling/lease BLM administered lands to a private entity.  
Use dust control on main roads (spraying) to mitigate health risks rotate trail use to reduce impacts and lower dust levels.  
Reduce use and lower amounts of main roads throughout CCMA.  
Route trails around hotspots.  
Identify other health risks and how they compare to asbestos "risk"  
Involve different testing firms other than the EPA and include different types of testing.

### **GROUP 2: Scope of the RMP EIS**

Liability waiver: sign in order to get access, need to sign a waiver to get season pass.  
Require a particulate mask (i.e. OSHA approved)  
Allow access to "non-" affected areas to and possibly open up more BLM land for only three use, for example opened up Panoche Valley for public use/OHV  
Contract/sell to an entity who will assume liability and will allow public access for a fee.  
Lease to state as a new SMVRA  
Put a transponder for tracking riding on non-contaminated land  
RMP/EIS must address claim that chrysotile asbestos is harmless  
Install mandatory bike wash station  
Install decontamination facility for public use  
Can BLM disapprove EPA study?  
Consider land trade  
Consider potential use at Henry Coe instead of CCMA.  
Consider building new trails  
Compare danger (health risk) to other hazards including driving  
Consider OHV use at Coast Dairies

### **GROUP 3: Best Available Science/information**

EPA shouldn't protect us from natural hazards.  
Show air sample data from race events to provide historical context for recreational exposure.  
Gather more air sample data and human health studies to determine actual risk  
Investigate if single-track riding is safer.  
What about people who will ride far less than hundreds of times over 30 years?

#### **Group 4: Alternatives**

Open Condon Peak access to allow access for camping and possible campground.  
Open area east of red zone to riding.  
Range of alternative should consider seasonal use and open access areas.  
Encapsulate surfaces/Harden roads to minimize and reduce health risks.  
Include measures like individual personal protective equipment.  
Focus use in areas with less dust, open new areas.  
Consider staging areas outside of red zone to reduce time and exposure.  
Consider age restrictions for liability.  
Limit number of days per year.  
Harden rode across red zone from areas outside.  
Relocate OHV users. Get us out of the canyon, we don't like the main road anyway!  
Use daily water truck on main road -- R1.  
Consider paving of R1.  
Use base rock on main road and heavily traveled areas.  
Can anything be done with "other" 40,000 plus acres of land at CCMA?  
Consider risks of different types of asbestos.  
Conduct health assessment of local landowners and ranchers.  
Dust mass required when riding.  
Indemnify CCMA/BLM such as skate parks and city governments  
Land trade -- Panoche? Cam Ave.? New OHV areas  
Open CCMA for special events by permit only until 18 -- 24 month time period expires.  
Sell off land, BRC and riders to purchase from BLM (similar to hunting and duck clubs).  
Segregate areas of CCMA. Locate OHV use in different areas versus naturalists.

#### **GROUP 5: Alternatives**

Gate/restrict access to R1 and other routes in the canyon and EPA study area only.  
Consider single-track trail alternative.  
Focus access and OHV use into the backcountry (i.e. consider routes that are outside the canyon for access to less hazardous areas)  
Conduct a broader risk assessment identify what's hot and what's not.

#### **GROUP 6: Best Available Science/Information**

Consider health effect impact and difference between short and long fiber asbestos  
distinguish between short and long fiber types  
Include epidemiological studies in impact analysis  
Conduct third-party independent soils testing  
Test all areas and trails not just primary roads  
Conduct health assessment of workers who previously worked Atlas and KCAC mines  
Conduct health testing of long-term Clear Creek riders. Prove damage to lungs by asbestos  
Are there any documented cases of asbestosis in San Benito Mare and Fresno counties?  
Include BLM asbestos sampling data analysis as compared to EPA data analysis.  
Asbestos exposure in summer versus winter needs clarification.  
Identify accurate estimate of visitor use, 35,000??

### **GROUP 7: Scope of the RMP EIS**

Develop liability waiver and education program to mitigate risk, post warnings.

Include certification program for riders.

Pave Clear Creek Road through the canyon and main staging areas.

Analyze Ridge routes and areas outside Clear Creek watershed for limited network including singletrack.

Please clarify/quantify risks standard and how EPA determined that less than one in 10,000 may get cancer.

Consider issues with health risk models (Iris, OEHHA) are for occupational exposure not recreational.

All risks and actions have no factual evidence in form of medical records or liability claims/lawsuits

BLM decisions should not be based on what ifs or might happen

Include comparison of naturally occurring asbestos and milled asbestos

Have any BLM employees had health impacts?

Need to manage for public use

Address toxicity value (or lack of) for CCMA asbestos and theory that one fiber kills as it relates to track out issue

BLM has known risk for 50 years. Why the emergency closure now?

Our management actions possible to reduce risk now and lift closure?

Can BLM get a second opinion (i.e. consider an independent peer-reviewed study along with EPA report)?

Can "hot areas" be mapped/identify and locate areas with reduced risk for use.

Apply restriction/mitigation in hot areas only

Issues regarding asbestos. Identify a health risk difference between different types of asbestos, chrysotile versus amphiboles, conflicting studies.

Address uncertainties regarding sampling methods and equipment.

Consider potential to study or at least consider health (and. lack of cancer) in local visitor/resident population.

Address liability risks to public versus employees. Why the public gets locked out because of employee risk?

Identify impacts to Hollister field office and BLM administered lands (CCMA) from closure.

Has there been a study about the mining activity and asbestos contamination from CCMA mines to King city? Is asbestos contamination from CCMA to King city a concern, were there problems? Will it be addressed??

### **GROUP 8: Scope of the RMP EIS**

Provide a comparison of risk, for example, cigarette smoking.

Include/consider user health studies, determine actual illness and include a smoker population.

Explain difference between health risk assessment now and 10 years ago

Provide health statistics risk requires long-term exposure

Address private land parcels access and impacts. What landowners can and can't do, for example, who is allowed in what are the conditions of access? Are permits required?

What about access for horses hiking hunting.

Provide for motorcycle and ATV access outside the red zone

### **GROUP 9: Alternatives**

Consider seasonal use an opening during wet non-dusty times of year  
Emphasize use on trails away from roads and reduce traffic on roads (report showed less dust on trails).  
Handout or use light paper filter masks to reduce intake of dust.  
Use daily water truck for spraying R roads.  
BLM RMP EIS focus should be on managing lands and appropriate health risk solutions.  
EPA should suggest to BLM how to mitigate health risk.  
Public sign the release of liability to enter.  
Open new trails in CCMA land outside of 31,000 acre area.  
BLM explore use of agronomic methods to reduce risk to acceptable level.  
Evaluate lower risk trail option.  
Reevaluate trails closed in past for possible reopening.  
Acquire adjacent more suitable lands.  
Connector routes to get two more favorable areas.  
Limit visits to CCMA to under five on permit basis per year.  
Applying fee for insurance that covers any result of asbestosis related to CCMA.

### **GROUP 10: Best Available Science/Information**

Open OHV in CCMA using these criteria: day restriction, seasonal, soil moisture criteria, limit numbers of visitors, use respirators, dust control, hazmat class, waiver of liability.  
Health issues: Who has been affected by CCMA asbestos? KCAC miners?  
BLM should not have OHV lobbyist speak at BLM public meetings.  
What is the amount of asbestos concentration in CCMA? Is it uniform?  
Identify number or percent of asbestos silt in CCMA.  
Is EPA involved in litigation?  
Describe toxicity of all fibers  
Is there a contingency plan if CCMA is closing?  
What about green sticker money?  
Is research or other natural values impacted by OHV?  
Who or what is driving the risk study (EPA versus BLM)?  
BLM OHV maps are horrible, need townships and sections and topographic lines.  
Include alternative to OHV in CCMA like Martin Ranch acquisition or other areas.  
Turn CCMA over to state parks or private concessionaire.  
Asbestos hazard is overblown.

### **GROUP 11: Alternatives**

BLM should ignore EPA risk assessment.  
BLM should consider a new risk assessment prepared by outside group with comparison of scientific study and medical involvement.  
Maintain roads for access to non-asbestos areas.  
Open area that is not in asbestos zone.  
Open alternative areas such as Williams Hill or Mercy Hot Springs, Panoche and Tumey Hills.  
Manage access based on weather conditions.  
Provide liability waivers, use concessionaire and name BLM/San Benito County as additionally ensured.  
Use outreach and education to mitigate risk.

Consider voluntary asbestos baseline tests for physical assessment of users using same threshold measurements as BLM employees.

### **GROUP 12: Alternatives**

Look into private ownership.

Use green sticker funds for better management or state purchase.

Who is dying from asbestos?

How many people are getting sick? Is it a real issue?

Consider Orestimba wilderness area for OHV.

Replace managers who are more favorable to OHV.

Fence off asbestos sites and not the plants.

To validate tests put the mask/filters onto dirt bike riders.

What is the real hazard of asbestos? Who were the scientists?

How many miners have died from asbestos?

People want to volunteer to have their health tested to validate risk from asbestos.

Consider limits for exposure for use in area (limits on daily usage).

Road closures are making it tough to find gas stations.

Have an independent study evaluating the EPA risk assessment.

Let people make their own decision about risk as opposed to BLM -- maybe make this a political decision with elected officials?

Limit use to wet season only.

Let's get the manufacturers to be more involved.

By closing CCMA, creates more illegal drug plantations/meth labs and more hazmat and trash left.

Post more information on website for example important meetings.

If closure sticks, describe money taxpayers lost.

### **GROUP 13: Alternatives**

Would equestrian use be allowed (or other uses not considered by EPA)?

Use air quality monitoring data to determine riding days.

Post warnings at entries and provide masks so riders enter at their own risk.

Limit number of riders on trails.

Eliminate large events.

Foot traffic only.

Limit season of use.

Exchange trails outside of HAA.

RMP EIS should look at New Idria area for acquisition and use.

Limit age/limit number of visits to acceptable risk range.

Consider use of soil amendments to reduce risk.

### **GROUP 14: Scope of the RMP EIS**

Temporary closure not necessary. Flawed process, conduct EIS while open.

Consider partnering with SMVRD to manage OHV use on public land.

Develop new road to access without going through the asbestos area.

Post off-limits areas to asbestos.

How can you have dust in mud conditions?

How can the public be kept out when BLM people work in CCMA?

Need a way to indemnify people (waiver to enter).

The number one resource of this area is recreation.  
Manage the area for recreation: particularly OHV.  
BLM needs more advertisement for meetings.  
Mercury problem with New Idria.  
Enter at your own risk. Figure out how to make people responsible for their own risk.  
Health problems for locals is not asbestos-related. The risk in that area by proof of the health of the locals is acceptable.  
The users are willing to live with the risk.  
Open Henry Coe for OHV use. Study the nearest possible new OHV area.  
Is closing Clear Creek due to asbestos going to set a precedent to close other areas that may contain asbestos?  
How many lawsuits in the last 20 years?  
San Benito County Road -- who will patrol?

### **GROUP 15: Scope of the RMP EIS**

Why the emergency? What's new?  
What's the history of illnesses in the area?  
What's the liability to keep it open?  
What level of risk is acceptable? Where did the threshold come from?  
How does it compare to cigarette smoking?  
Why no human habitation study? Were miners families studied? Were there rider studies and other long-term users studied?  
Why is there no waiver of liability?  
Why can't we go around the perimeter of 40,000 acres?  
Why didn't they test the whole area?  
What prompted the additional studies?  
Who was the driving force of recent studies?  
Even if closed, we want to see more studies.  
If OHV community raises funds for more studies, would the BLM comply?  
Where did the studied quads come from? Where did the tremolite come from? Did the quads have asbestos?  
Could tremolite have come from historic buildings (i.e. boilers)?  
BLM should have used more than the EPA report to decide on temporary closure.  
No dead bodies, no diseases recorded due to CCMA visits.  
Why hasn't the EPA done a baseline study in an urban setting to compare to amphibole exposure versus chrysotile?  
How many lawsuits are there?  
Why don't you protect BLM workers more?  
Why can't the public be allowed to take same asbestos precautions as worker?  
What if funds are raised to build a decontamination site for the public?  
Does BLM have immunity to lawsuits?  
EPA needs to lower their standards.  
Is the temporary closure a precursor to declaring all of CCMA a Superfund site, and if so, will it be subject to clean up?  
Are lands being considered to replace CCMA for continued OHV use?  
If public/private funds were available to purchase property to access perimeter of the red zone would BLM consider purchasing property for public use including OHV?

### **GROUP 16: Scope of the RMP EIS**

How much asbestos is really there? Provided an accurate estimate and or detailed study, including types of asbestos (amphibole versus chrysotile) and tensile strength and length of asbestos fibers.

Second hand risk reduced by washing down at decontamination site is appropriate mitigation to allow use.

Consider epidemiological study of Atlas mine workers, also state mine?

Why is health risk different from 1990 study?

Consider impacts of overcrowding at Hollister Hills from more riders increasing danger on trails and to environment, public safety, erosion, etc.

Why is there little difference between health risk during the wet and dry conditions?

Asbestos is not a danger to non-CCMA users.

Recall supervisors who voted to close County roads.

Replace trails outside asbestos area.

Rotate use: red zone one year – outside red zone next year.

Consider economic impacts to San Benito County and surrounding area.

Consider impacts to BLM employees at Clear Creek management area.

### **Group 17: Alternatives (for continued OHV use):**

Maintain the existing trail system.

Explore more mileage to designated route system.

Explore recreational possibilities east of Hernandez reservoir.

Explore routes south of Condon Peak.

Research indemnification of liability.

Consider alternative access avoiding asbestos areas.

Provide multiple use recreation: OHV, rock hounding, hiking, horseback riding, hunting, camping, birdwatching, mining, hang gliding.

For continued sustainable use, use trail rehabilitation and alternate trail use.

Improve communication with public regarding plans for public lands.

Clarify BLM actions and public impact.

Increase scope of outreach to public.

Consider economic impact to local businesses, such as loss of revenue due to decreased sales and services of parts, vehicles, fuel, food, lodging and other residual loss from visitors out of the area, approximately 35,000 per year.

Consider impact of trespassing by people crossing private land to legally ride at CCMA and hunters poaching.

Provide sustainable trail systems through public volunteer groups.

Consider impacts to private landowners and loss of property value!

Review alternative studies on the health effects of asbestos.

Expand the EPA study to explore actual people who have been exposed to asbestos in the CCMA.

Allow people to ride at own risk. Post signage warning of asbestos exposure.

Allow public to determine their own health risk.

No caravanning (to reduce health risk).

Encourage County to pave the county road to help eliminate some dust exposure.

## E. Public Scoping Form Comments (80)

### **Question: What do you value most about CCMA, and why?**

A great place to ride my dirt bike. The area is one of a kind. Hollister Hills gets too crowded, and will be even more so with CCMA closed.

Camping and dirt bike riding. It's a wonderful and diverse place.

Clear Creek is one of the best riding areas in the country. From where I live, it's by far the best riding area around within about five hours. Besides great riding, this place is like a second home to me and my family. I have been recreating there since I was five years old. To have this place taken away is like losing a family member. OHV recreation -- close to my residence -- and the best place to ride in California -- the most miles of trails and terrain diversity (I drive 1.5 hours past Hollister Hills to recreate at CCMA!)

CCMA is the largest, most unique and most versatile area I have ever ridden. If it is close I will not have the opportunity to enjoy it anymore, nor will I have the opportunity to share it with my children.

The variety of terrain and great single-track! The weekends we enjoy as an entire family -- it would be very difficult to describe the importance to my entire family!

Dirt bike riding, it is a huge wilderness area with many trails. It is a great place to enjoy the outdoors with friends and family.

Clear Creek offers terrain not found anywhere else in California (legal sites). Taking it away will only overcrowd other riding areas that are already full to capacity.

Writing is a family sport that should grow, not be taken away.

CCMA offers exclusive OHV riding and competition possibilities. No other options anywhere else.

Diversity of terrain. A place family can go to spend time together a way from the city.

I enjoy camping and OHV. My family and friends have enjoyed using Clear Creek for many years. I enjoy camping, quad riding, four wheeling with my family and friends

I think we need to keep it open. Great for family activity.

This is the "best" use for this land. If you close it my business will be gone. 40 years of business! 40 years of the best recreation. The open country and lack of population. It is one of the few places in California left that can be used for motorcycles, hunting, etc.

If I want to go ride my motorcycle and asbestos it should be my God-given right to do so. I also used to like the difficulty level of the trail however they are considered way too easy for me now. Open use is basically on fire roads all day, BLM should open up the old trails!

CCMA is an area of history and heritage good for one thing, camping and riding. My club has used this area since the early 1950s and there's no cancer from asbestos.

An outstanding place to ride off-road motorcycles and ATVs and other off-road recreation, four wheeling camping, etc. generations of families have enjoyed this venue.

Great trails for enduros and cross-country events.

CCMA provides the most diverse experience anywhere in the nation for OHV use. CCMA was home to the longest-running national and early in the USA.

Mental health cannot be measured by any chart. Mental health that is received by riding at Clear Creek, outweigh any supposed health risk assumptions given. We are not criminals do not turn us into criminals, that is the only government agenda.

Freedom.

The riding this place is so special to ride, we don't ride the land and its dusty we ride when it's wet. That's the best. You can't compare Clear Creek to other places it's not the same.

Riding their bikes and be able to recreate in California how we want to.

Freedom to use and go, need no regulation.

There is a difference between refined and unrefined asbestos. None of you tree huggers have any idea what you are talking about. Your assumption is not enough evidence to make all of us suffer in any way at all. Just wait until someone snaps and you'll be very sorry that you made this decision.

A place to ride so I do not have to ride a legally. A place to go with friends and family. A place for kids to ride so they don't go down the wrong path.

It is a beautiful area to ride and OHV. With a variety of trails and roads, it is a wonderful place for my whole family.

I enjoy hiking and riding the area, it is one of the nicest places nearby, I hate to see it close.

Very pretty, unique area that you can be allowed to off-road/motorcycle for relatively long distances. It is secluded enough to not be crowded. It is the very best riding



**Question: What do you value most about CCMA, and why?**

experience I have ever had in California. It is the only large area available to ride and except Hollister, which is way too dusty and overcrowded.

Reopen with proper warning signage.

Access and use of public lands allowed to us as state and US taxpayers. Every piece of public land has some type of environmental issue; from endangered species to hide fire hazards; any piece of public property removed from public use should be replaced by state or fed institution "prior" to closure. Our rights and privileges are being taken without "proper" cause or reason. I value my hunting and access to all of California public lands.

It's a place you can bring your children and educate them on the basics of life, not confine them to cities and videogames. It's a very family-friendly area.

Freedom. Family. Friends. Nature. The best riding in the world. Clear Creek is what California and America are all about. Don't take away my freedom!

This area is one of the best riding areas in the state. We are losing areas all the time and do not need to lose anymore.

My friends and I have been off-road and, including 4x4 and motorcycle riding in Clear Creek for several years. I am also a hiker and between my several activities I enjoy I value the land and beauty of Clear Creek. I value the time spent there with friends and family and what Clear Creek offers people during the different seasons of the year.

It's a big open area without total saturation from the public and typically only real riders will go that far for real riding (not State Park over regulated).

I have enjoyed OHV riding in CCMA for over 35 years. I'm 68 years of age and have taken my family of four on many, many outings to CCMA.

I value the recreation aspect of CCMA. There are very few places with the capacity to serve the volume of OHV and enthusiasts. With the closure of CCMA the remaining parks will be severely impacted. The quality and quantity of trails available in CCMA are unmatched by any other available OHV Park.

Recreation area for my kids, an area that is wide open and not confined like a mall.

The OHV and camping activities. It is a very large area with a lot of diversity. Anything from ice roads to tough single-track trails. I have personally been enjoying the area since the mid-70s, and have watched them slowly take away more and more of the riding areas.

I value the world-class riding and four wheeling. The incredible feeling of freedom being surrounded by beauty and open spaces. The memories that I have made in Clear Creek are some of the fondest memories that I have.

The openness availability to move around unique soils and therefore plants and animals and birds. The stark beauty.

The most valuable attributes of CCMA are the extreme technical nature of the terrain, relative to the OHV use, as well as the large number of unique minerals. There's a reason so many hard-core OHV and enthusiasts ride at CCMA: there are few, if any, other riding areas that can offer the challenges found on CCMA trails. Other riding areas have either non-challenging trails and those with somewhat less challenging trails are out of date use distance from the bay area. As a rock town, CCMA is unparalleled for the number of unique minerals in such a relatively small area.

The outstanding example of serpentine soils and its associated flora. It's a unique look into endemism in California flora, and a geological marvel. It is very important to me that access to the land continues while protecting the land from destructive use that threatens the many rare species.

Please consider the facts and the level of non-friable and friable fibers, for the large cities we live in the streets are more of a hazard than "said land". I am speaking of brake dust and clutch dust, though DO mitigate the off-road bikes and four wheeling, as they have NO business on the land for the use they'd do to it. Please set aside an area for their use only. As has been done in the states such as Oregon. The price of a ranger to supervise the area would be cost effective.

Being able to get away from all the distractions at home (TV, phone, cell phone, etc.) and spend time together doing something we all enjoy is "priceless".

What I value most about Clear Creek is there hundreds of miles of trails for my OHV use. Its unique land and weather make it one of the top OHV locations in the US. I value the fact it was open during the winter, which is why most people go recreate there. I value its location, nowhere is as good and as close to the SF Bay Area than the CCMA. I value the organized enduros held at CCMA. I value the open spaces where I can teach my children to ride motorcycles without concern of the others hating them due to congestion and/or close proximity.

**Question: what are the key issues and/or concerns regarding public land resources that need to be addressed in the CCMA RMP/EIS?**

Keep the trails open and available for OHV.

I understand that environmentalists are concerned about a flower called the San Bonito evening Primrose. I don't have a problem respecting areas that may be fenced off for this, but if Clear Creek is close, nobody will be able to appreciate these flowers or great riding land.

Closure. CCMA is one of the very few riding and is available for OHV use! We have so few writing opportunities left. We must preserve them for future generations (including my family).

I think both sides should be heard. The EPA reports I have seen are not conclusive to the extent that any one person has had a case of cancer. Smoking cause's cancer but we still sell cigarettes?

Advise users and other them to decide, but allow use at own risk. Provide outreach and education to provide necessary information about health risk.

If park is closed what will economic benefit be for environmentalists, etc.?

Danger imposed by limiting riding too small area of trail will cause more accidents. Public lands are supposed to be for public use, not for special interest groups to dictate how and where it can be used.

The government cannot manage all our risk; they should not manage the risk to us at Clear Creek.

To give us a designated place to ride that we pay for and are green sticker fees.

Keeping the entire area open for all recreation -- hiking, OHV and others.

To leave some access for OHV and motorcycling. Do manage to protect the BLM staff, perhaps limit the area to adults.

Over management and jurisdictional conflict. Taking by government with "no reimbursement" or "replacement". Proper funding to go to maintenance not bureaucracy or studies.

Preventing vandalism. Maintain signage and keep trail markings posted.

Stop taking away our land. I belong to SRMC and no people that have been riding in the area since the 1940s and they are still healthy.

Full access should be allowed. We fully accept any hazards that exist there. I'm 64 and I have been there many times for many years. We don't need some bureaucrat telling us how to live and what to do.

I am concerned that by closing Clear Creek we as land users are losing our personal right to use the land when we are well aware of the health risks involved and are making informed and educated decisions about our usage. The public has a right to enjoy the land we pay hard earned tax dollars to use.

Asbestos risk is important, but the science may be flawed and the risk may be low or nonexistent.

Proving that the asbestos issue has been blown out of proportion. There has never been any case related to asbestos coming out of that area.

CCMA is a public asset that should be available for public use. Why do the EPA and BLM believe that they have the right to try to protect us from ourselves by closing land? The "risk" is known and people visiting CCMA make the educated decision to do so at their own risk.

Does the government have a right to force the public to protect themselves from possible dangers? How can the laws be used by various interests?

There is 25 mi.<sup>2</sup> of United Technologies land in South San Jose on Metcalf Road that is idle. Buy it for dirt bikes!

My personal findings of harvested game over the last four decades of close examination of the meat, muscle, and organs during this time tells me that the EPA studies are incomplete and focus on secondary issues rather than primary. Over the years of hunting on these lands, I have never found any cancerous growths in any harvested game.

If the BLM and EPA can shut down CCMA for asbestos, where does it end? We are going to lose everything if those who make the closures don't stop.

Let people make their own informed decisions about the health risks at CCMA.

There is nothing wrong with Clear Creek. Let the OHVs and responsible users assist BLM and making it a better place. Shutting down the area will not solve anything!

It would make sense to designate different areas for some of the different user categories, based upon the number of individuals comprising each user category.

Hunting and hiking mix well but neither mixes well with OHV while OHV and rock hounding together adequately. Condon Peak for hunting/hiking, Joaquin Rocks for hiking, much of the remainder for OHV/rock hounding. Areas that are uniquely sensitive, due to a high density of an endangered plant or animal species, may need to be more restricted (including foot traffic as hikers are nearly just as likely to have unknowingly carry in seeds of invasive species).

Control of the off-road motorcycle traffic. While trails have been designated for off-road use, the lack of enforcement from BLM and the unwillingness to follow the rules

**Question: what are the key issues and/or concerns regarding public land resources that need to be addressed in the CCMA RMP/EIS?**

by the users has led to a situation where the plants and landscape is becoming irreversibly damage, and one user group (OHV) are monopolizing the resource at the expense of other user groups.

No OHV's in the area and no off road use areas other than a small area outside the red zone!

Primary issue: the BLM should not be managing public land by closures. The BLM should adhere to their mission statement, specifically "the BLM is committed to manage, protect and improve these lands in a manner to serve the needs of the American people."

The key concern that needs to be addressed is ACCESS.

**Question: what are the benefits of living near public lands? What are the drawbacks?**

Easy access is a major benefit and there are no drawbacks.

After working hard and paying taxes all week, having a place to recreate so close is the best.

Being able to use public lands as it was intended. There is nowhere else within a short drive that provides experience Clear Creek does.

I live 85 miles away, but I live for motorcycling for sport and family. Fuel costs are a drawback and closure of public lands makes this worse.

Our club owns property adjacent to Clear Creek which allows a variety of terrain, and there are is no asbestos on or around our land.

User fees have become too high. We need more campsites inside available.

Families that participate in the off-road recreation usually contribute quite a bit to local economies. Many are included in club activities that promote the sport and support industries here in the valley.

Being able to drive down within 2 1/2 hours ride and come home on the same day, or camp.

There are benefits for the economy and the benefit of freedom to ride and camp, but a drawback is that there's nothing for our children to do.

The public lands are a beautiful, unpaved, untouched area for me, my family, and friends to escape the city and adventure in the outdoors with minimal interruptions.

Please don't take this away from us!

The fact that access is constantly being restricted without compensation is the greatest drawback.

Access to wilderness, opportunity for education and learning, enjoyment of the outdoors.

**General Comments:**

Chuck Moore:

There is an exposure issue brought forth by EPA. There is a perception that human contact that CCMA will increase our cancer threat. There are employees at KCAC and Union Carbide who worked with asbestos from the CCMA over very long periods of time and who are still alive and live in the community. Recommend a study be made of these people who had much greater exposure over longer periods of time than we OHV riders will ever achieve. The standard should be made realistic to the potential harm. Who has been harmed?

Rick Kennedy: scientific issues I have with the EPA study:

Too small a sample group -- does not include a large part of closed area -- no Ridge Road. Only Clear Creek basin.

November anomaly -- on wet roads, they found as much asbestos as dry roads -- as this was unexpected, more sampling and testing should have been done.

Different routes are not differentiated in the study -- they are all lumped together. Unsure about collection methods -- how much air samples? Smaller samples equal higher inaccuracy. Instead of a couple hundred samples -- 2000 to 3000 should have been taken during all times of the year.

Chrysotile behaves differently then amphibole asbestos -- the study tries to quantify unaffected that is still not understood.

**General Comments:**

Eric Temple:

To reduce risk and exposure, I would like to have a winter wet season open -- December through March period last asked equals less exposure. Have visitors sign waivers to public land and to ride at their own risk. Pave the county road to reduce dust, reduce risk of exposure. Open routes outside the hot zone.

David Pitfield:

here are some ideas for the BLM to consider: labor is a liability, posted signs on potential risk, restricted number of visits per year, seasonal closures, writer education on minimizing dust, pave the road main road to minimize deaths, amend soil or man roads and staging areas, controlled us a long man roads with water truck, public wash/decontamination areas, more single-track, fewer man roads equals less dust.

We also need to validate EPA's risk assessment: study incidence of cancer among CCMA OHV users, understand/validate wet season verse dry season findings, distinguish risk of amphibole versus chrysotile asbestos, validate models used to project rate of excess cancers, why is acceptable risk threshold lower than death rates from automobile accidents?

Brian LeNeve, California Native Plant Society:

Asbestos is made airborne by disturbance and OHV is the biggest cause of disturbance. BLM must consider that if OHV activities are prohibited at CCMA the soils will again form a "desert pavement" and overall dust will be less, making it safer for all other forms of activities.

There is one listed species that CCMA and several more that should be listed. OHV activities are detrimental to all of the species. Considering this, should OHV activity be allowed at all?

OHV is a large and growing sport. While it is instructive, some public lands should be set aside for that activity. It may be better to keep OHV activity at Clear Creek then to consider another site where the downside of OHV use is not known.

If OHV use is allowed at Clear Creek, then OHV must pay for the law enforcement, trail maintenance, trail restoration and monitoring as necessary and not charge other users for the destruction of OHV.

If OHV use is allowed at Clear Creek then the state soil loss standards regarding off Route riding must be strictly monitored and enforced. There must be a system of closing routes, then adjoining routes, then watersheds, and if needed the complete area to OHV land of OHV continues to ride illegally as we all know they will.

If OHV use is allowed to continue than what is a route must be defined. Having parallel tracks 50 feet apart is not a single route and should not be allowed. A route must be described as to how wide it is based on the type of OHV use the trail is rated for with single-track routes the narrowest routes and roads the widest.

**F. Individual Comment Letters (22) & Email Comments (779)**

The scoping issues identified in individual comment letters and emails received by the BLM Hollister Field Office resemble the range of comments and issues included in the Sections B, C, D, and E (above). All of these comments have been summarized into major planning issues/key themes and priorities in Section G (below).

## G. Key Themes and Priorities

Based upon the discussions held during three public scoping workshops and responses to the NOI to prepare the CCMA RMP/EIS, the following issues and concerns represent the key themes and priorities that emerged during the public scoping process. These key themes and priorities will be considered for analysis in the CCMA RMP/EIS, in addition to preliminary issues identified by BLM personnel, cooperating agencies, and public user groups.

### CCMA RMP/EIS should address the following issues and concerns:

- Questions with regard to chrysotile asbestos and EPA Risk Assessment
- Questions regarding BLM's land use planning and decision-making process
- Enhancing public involvement opportunities and outreach to surrounding communities (i.e. San Francisco and Monterey Bay areas, and San Benito and Fresno counties).
- CCMA as an important place for families and OHV recreation.
- Social and economic conditions need to be considered.
- Identify suitable areas for motorized and non-mototrized recreation uses.
- Protection of special status species within the Serpentine ACEC and the San Benito Mountain RNA.
- Establish desired outcome for areas with high scenic and/or cultural values.
- Identify potential land tenure adjustments (acquisition & disposal).
- Establish a wildfire management strategy to protect private and public lands and resources.

CCMA RMP/EIS should analyze the following measures to reduce and minimize risk to public health and safety:

- Potential for liability waivers to ride at own risk on public lands.
- Evaluation of alternative riding areas in CCMA.
- Paving and/or hardening main roads and staging areas, and campgrounds
- Dust suppression and soil amendments in concentrated use areas
- Establishing limits on:
  - season of use
  - number of days/years
  - vehicle types
  - riding areas and/or trails types
  - visitor minimum age requirements
  - recreation carrying capacity;

CCMA RMP/EIS should analyze the following environmental consequences:

- Impacts to human health from asbestos exposure.
- Impacts of CCMA closure on other OHV areas rider safety risk.
- Impacts of CCMA closure on long-standing competitive OHV events.
- Loss of access to OHV from the Bay Area and surrounding communities.
- Social and economic impacts to local and regional communities;
- Impacts of alternatives on watershed resources and water quality;
- Impacts of alternative on air quality;

## 4.0 Planning Considerations

### A. Issues Outside the 'Scope' of the CCMA RMP

Some issues raised during scoping will not be addressed in the CCMA RMP/EIS because they are either outside the scope of this planning effort or are outside the authority of the BLM.

#### *Temporary Closure of Clear Creek Management Area*

Several comments received by the Hollister Field Office requested that BLM remove the Temporary Closure order issued on May 1, 2008, which closed 31,000 acres in the Serpentine ACEC to all public use in response to new information provided in the EPA Asbestos Exposure and Health Risk Assessment (2008). The EPA study determined that visitor use on public lands in CCMA can increase the long-term risk of cancer from exposure to asbestos.

The Federal government has concluded that all forms of asbestos are hazardous to humans, and that all can cause cancer; although the chrysotile form may be less potent than the amphibole family in causing mesothelioma (U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, *Toxicological Profile for Asbestos*). While most of the asbestos detected in the EPA CCMA air samples was chrysotile, 8% of the fibers of the size most closely related to health concerns were amphibole asbestos. Despite the public health and safety risk identified in the EPA study, many public comments reflect concerns that the BLM excluded the public from the decision-making process and that the Temporary Closure will affect the current development of the CCMA RMP/EIS.

While the Hollister Field Office remains aware of these concerns and other issues raised during the public scoping process, the closure order will remain in place during the preparation of the CCMA RMP/EIS.

BLM acknowledges that controversy exists regarding the health risks of naturally occurring asbestos; however, EPA and other Federal, State, and local agencies whose missions relate directly to public health support the BLM's decision to avoid further elevated risks to visitors while an environmental impact statement is prepared to analyze a range of alternatives that meet the purpose and need for the CCMA RMP, as outlined in Chapter 1 of this Scoping Report.

### *Establishing New Off-Highway Vehicle Recreation Areas Outside of CCMA*

Many clubs and organizations also requested that BLM consider establishing new areas for off-highway vehicle recreation on BLM public lands in CCMA, and on other public lands in the Hollister Field Office, including BLM-administered lands and California State Parks like Henry Coe.

While the Hollister Field Office will consider establishing new off-highway vehicle recreation areas in CCMA, the scope of the RMP/EIS will be limited to BLM-administered lands in the 75,000 acre CCMA based on the following rationale.

The purpose and need for the CCMA RMP/EIS is based on the EPA Asbestos Exposure and Human Health Risk Assessment. BLM acknowledges there are concerns about the loss of public lands available for OHV use, but the CCMA RMP/EIS will analyze a range of alternatives including the 'no action alternative', which would allow OHV use to continue in CCMA at the same levels prior to the closure order issued on May 1, 2008.

Pursuant to the National Environmental Policy Act, 40 CFR 1506.1(c) says, "while work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

- (1) Is justified independently of the program;
- (2) Is itself accompanied by an adequate environmental impact statement; and
- (3) Will not prejudice the ultimate decision on the program. *Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives*" [emphasis added].

In light of these considerations, BLM has determined that it is appropriate to maintain the scope of the current RMP/EIS within the 75,000 acre CCMA. Furthermore, the section above provides that BLM and the California State Parks Motor Vehicle Recreation Division can work cooperatively outside of the CCMA land use planning process on the potential to establish new off-highway vehicle recreation areas in the Hollister Field Office. However, any proposal developed for this purpose would need to be accompanied by an adequate environmental impact statement, and the existing BLM resources and personnel allocated to the CCMA RMP/EIS are dedicated to addressing the purpose and need outlined in Chapter 1 of this Scoping Report.

### B. Existing Management Decisions to be Evaluated in the RMP/EIS



### *Record of Decision for CCMA RMP Amendment and Route Designation (2006)*

The ROD (2006) designated specific routes (roads, ways, trails) within the Clear Creek Management Area (CCMA) as 'open, limited, or closed' to OHV use, and designated barren areas as 'open or closed' to OHV use. As a result, OHV use in CCMA is limited to trails designated as 'open' or 'limited' and barren areas designated as 'open'. All routes not designated as open or limited are closed, and OHV use is only allowed on trails and areas that are signed for use. The ROD (2006) also identified and prioritized closed routes and barrens for restoration over a period of years, and established the expanded boundaries and interim management of the San Benito Mountain Research Natural Area (SBMRNA).

### *Rangeland Health Standards & Guidelines*

BLM will continue to incorporate land use decisions from the Rangeland Health Standards and Guidelines (1998) for management of livestock grazing resources in the planning area.

### *Hollister Fire Management Plan*

BLM's national fire management strategy requires each field office to develop a Fire Management Plan that defines goals and objectives to reduce fuel loads and the impacts of wildland fires on neighboring communities and the landscape. Each field office has been directed to develop fire planning units based on natural features and defensible boundaries to improve fire management, but still allow fire to play a role in the natural ecosystem.

## 5.0 Planning Criteria

Planning criteria developed during public scoping will help guide the planning effort. The preliminary planning criteria identified in the Notice of Intent published in the Federal Register are identified below:

1. The RMP will be developed in compliance with FLPMA, all other applicable laws, regulations, executive orders, and BLM supplemental program guidance.
2. The planning process will include an EIS that will comply with NEPA standards.
3. Economic and social baselines and consequences will be developed in coordination with local and county governments.
4. Initiate government to government consultation, including Tribal interests.
5. Consider the extent to which the revised plan reduces airborne asbestos emissions, minimizes asbestos exposure, and addresses public health impact of the Hazardous Asbestos Area. (Ref; Environmental Protection Agency (EPA) Atlas Asbestos Mine Superfund Site Record of Decision (ROD), February 1991, Appendix 2, pg. 14)
6. Consider the extent to which the revised plan reduces accelerated erosion and offsite transport of asbestos fibers on vehicles and clothes due to off-highway vehicle use. (Ref; EPA Atlas Superfund Site ROD, Appendix 2, pg. 14)
7. All new data collected will have information about the data (metadata) stored in a data base. All metadata will meet the Federal Geographic Data Committee (FGDC) standards.
8. The RMP/EIS will incorporate by reference the *Standards for Rangeland Health and Guidelines for Livestock Grazing Management (1998)*.
9. The RMP will result in determinations as required by special program and resource specific guidance detailed in Appendix C of the BLM's Planning Handbook (H-1601-1).
10. Decisions in the RMP will strive to be compatible with the existing plans and policies of adjacent local, State, Tribal, and Federal agencies as long as the decisions are in conformance with legal mandates on management of public lands.
11. Resource allocations must be reasonable and achievable within available technological and budgetary constraints.

The following 'planning criteria' were presented in the CCMA Draft RMP Amendment (2004). These criteria were based on input from BLM specialists, other agencies, and the public and will also be considered during this planning process:

12. The CCMA RMP must provide for the needs of the public land user, while protecting sensitive species and habitat, protecting natural and cultural resources, and protecting the unique ecosystem within the SBMRNA.
13. BLM shall comply with the 2007 State Protocol Agreement between the California BLM and the California State Historic Preservation Officer (SHPO).
14. Best Management Practices (BMP) related to watershed improvement projects would continue to be implemented to reduce erosion and off-site sedimentation transport.
15. BLM would obtain California Department of Fish and Game permits and Clean Water Act Section 404 permits from the U.S. Army Corps of Engineers, for stream alteration and BMP watershed management practices as necessary and appropriate.
16. All land use decisions for lands acquired within the CCMA boundaries by BLM would be incorporated into this RMP/EIS.

## 6.0 Future Steps in the Planning Process

The CCMA is presently managed under the Hollister RMP (1984) and the associated CCMA RMP amendments (1986,1995, & 2006). Information and decisions from the existing Hollister RMP and the associated CCMA RMP amendments will be reviewed and incorporated in this plan to the extent possible. Management will continue under the Hollister RMP (1984, as amended) until the CCMA RMP Record of Decision (ROD) is approved.

Although BLM welcomes input at any time during the planning process, the next official public comment period will be open upon publication of the CCMA Draft RMP and Draft EIS, which is anticipated to be in January 2009. The draft document will contain a range of management alternatives for CCMA public lands administered by the Hollister Field Office, including a "No Action" alternative and a "Preferred" alternative.

A Notice of Availability (NOA) will be published in the Federal Register and a ninety (90) day public comment period will follow. Copies of the CCMA Draft RMP and Draft EIS will be distributed to elected officials, regulatory agencies, and interested members of the public. The document will also be available on-line at the Hollister Field Office website: [http://www.blm.gov/ca/st/en/fo/hollister/clear\\_creek\\_management\\_area/CCMA\\_RMP.html](http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area/CCMA_RMP.html)

Public comment meetings will be held during the 90-day period. All activities where the public is invited to attend will be announced at least 15 days prior to the event in local news media.

At the conclusion of the Draft RMP and Draft EIS public comment period, the BLM will respond to comments and prepare a Proposed RMP and Final EIS, which is anticipated to be released in November 2009. The availability of the Proposed RMP and Final EIS will be announced in the Federal Register, and a thirty (30) day public protest period will follow.

At the conclusion of the public protest period, the BLM will resolve valid protests and prepare a Record of Decision (ROD) which is anticipated to be released in January 2010. A NOA for the ROD will be announced in the Federal Register.